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Clerk of the senate/secretary, PSC
Date: 06/12/23

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT (SECOND SESSION)

THE SENATE

PAPERS LAID	
DATE	07.12.2023
TABLED BY	Chairperson
COMMITTEE	Education
CLERK AT THE TABLE	Mery Mwangeli

THE STANDING COMMITTEE ON EDUCATION

REPORT ON THE PETITION CONCERNING THE PAYMENT OF
1996- 2010 ARREARS FOR P1 TEACHERS WITH 'A' LEVEL
ACADEMIC QUALIFICATIONS

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

COS
This is recommended for approval
06/12/2023

December, 2023

Contents

ABBREVIATIONS AND ACRONYMS	3
PRELIMINARIES	4
Membership of the Committee	4
Mandate of the Committee	4
CHAIRPERSON'S FOREWORD	5
1. CHAPTER ONE	9
1.1. INTRODUCTION	9
1.2. Background	11
2. CHAPTER TWO	13
2.1. COMMITTEE INQUIRY INTO THE PETITION	13
3. CHAPTER THREE	15
3.1. ANALYSIS OF THE SUBMISSIONS	15
4. CHAPTER FOUR	17
4.1. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS	17
4.1.1. Committee Observations	17
4.1.2. Committee Recommendations	18
Annexures	19
Annex 1: Copy of the Petition.....	19
Annex 2: Minutes of the Committee Sitings.....	19
Annex 3: Stakeholder Submissions.....	19

ABBREVIATIONS AND ACRONYMS

ATS	-	Approved Teacher Status
BoG	-	Board of Governors
CoR	-	Code of Regulations
P1	-	Primary Teacher 1
S1	-	Secondary Teacher 1
KNUT	-	Kenya National Union of Teachers
KUPPET	-	Kenya Union of Post Primary Education Teachers
MoE	-	Ministry of Education
MoEST	-	Ministry of Education, Science and Technology
TTC	-	Teacher Training College
TSC	-	Teachers Service Commission
UTs	-	Untrained Teachers

PRELIMINARIES

The Standing Committee on Education is established pursuant to standing order 228(3) and the Second Schedule of the Senate Standing Orders. The Committee is mandated to "*Consider all matters related to education and training.*"

Membership of the Committee

1. Sen. Joe Nyutu, MP	Chairperson
2. Sen. Peris Tobiko, CBS, MP	Vice Chairperson
3. Sen. (Prof) Margaret Kamar, EGH, MP	Member
4. Sen. Johnes Mwaruma, MP	Member
5. Sen. John Kinyua Nderitu, MP	Member
6. Sen. Agnes Kavindu Muthama, MP	Member
7. Sen. Joseph Githuku Kamau, MP	Member
8. Sen. James Kamau Murango, MP	Member
9. Sen. Lenku Ole Kanar Seki, MP	Member

Mandate of the Committee

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

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector;
3. Provide oversight for the Education Sector;
4. Facilitate budgetary resources toward the Education Sector; and
5. Any matter that relates to education and training.

CHAIRPERSON'S FOREWORD

Mr. Speaker Sir,

The Petition concerning the payment of the 1996 – 2010 arrears for P1 teachers with 'A' Level academic qualifications was reported to the Senate on 22nd May 2023 by the Speaker of the Senate. Pursuant to Standing Orders 238 (1), the Petition was then committed to the Standing Committee on Education to investigate the matter raised by the petitioners, and respond to the petitioners by way of a report.

Mr. Speaker Sir,

The Petitioners expressed concerns that in May 1996, the Ministry of Education, Science and Technology graded Untrained Teachers after attending a two weeks in-service course at Kagumo and Bondo Teachers Training Colleges and locked out over 6,466 Primary 1 (P1) teachers who were better qualified through training and experience.

The petitioners averred that P1 teachers who were promoted on account of their "A" level academic qualifications were not issued with their attendant salary arrears to date. They further added that the best efforts to have these matters addressed by the relevant authorities had all failed to give a satisfactory response.

Mr. Speaker Sir,

The main contention by the petitioners is that Untrained teachers were promoted to Job Group H after undertaking two weeks in-service course in 1996 while the P1 'A' level Trained teachers were not promoted until 1st July, 2003. Further, the P1 'A' level teachers had to meet a set of stipulated minimum qualifications which resulted in a big disparity between the average salary increase for the cadres in the period between 1996 and 2003 and would affect their attendant pensions.

Petitioners further argued that promotions in 2003 and 2010 overlooked the fact that they had stagnated for inordinate period, earning less salaries and that payment of salary arrears could fairly compensate them for that historical injustice.

Mr. Speaker Sir,

During consideration of this petition, the Committee invited the petitioners to provide clarifications and supplementary information and the Teachers Service Commission (TSC) to deliberate on the issues in the Petition.

The TSC informed the Committee that whereas, the Commission was established in 1967 to place teachers under one employer with uniform terms and conditions of service, promotion of teachers was done by the Ministry of Education, Science and Technology (MOEST). The TSC operated as a Statutory Semi-Autonomous Government Agency (SAGA).

In 1996, the MOEST decided to promote Untrained Teachers (UTs) after undertaking a two weeks in-service course at Kagumo and Bondo TTCs to grade S1, Job Group 'H'. However, the decision to promote UTs was challenged by the Kenya National Union of Teachers (KNUT) who expressed dissatisfaction with the parameters used in the promotion. This led to several consultative meetings between the TSC, the MOEST and the KNUT.

Consequently, the TSC, the MOEST and the KNUT signed several agreements between years 2003 and 2014 ostensibly to promote all P1 'A' level teachers and address the disparity in terms of grade between Untrained and Trained 'A' Level Teachers. In 2003, for instance, **78,204** P1 'A' level teachers were promoted which had a financial implication of Kshs. 332, 194, 522.

Nonetheless following sustained clamor by the KNUT, in July, 2010, TSC signed an agreement with KNUT to promote all P1 'A' level teachers who were in service as at 1st July, 2003 from ATS IV to ATS I with effect from 1st July, 2010. Further, in 2014, another resolution was made to promote the last cohort of P1 'A' level teachers who joined the service after 1st July, 2003.

Mr. Speaker Sir, in all these promotions, teachers' salaries were adjusted accordingly commensurate to their respective new grades.

Mr. Speaker Sir,

Following analysis of the submissions by the petitioners and the TSC, the Committee **observes** that-

- a) Rapid expansion and education reforms in 1970's and 1980's increased the school enrollment and called for high demand for teachers. To mitigate the shortfall, many unemployed 'A' level school leavers, were engaged as teachers establishing two categories of teachers; **Trained teachers** and **Untrained teachers**;
- b) The policies to bridge the teachers' shortfall further required the Untrained teachers to upgrade themselves with skills, knowledge and expertise required to be professional teachers. However, there existed inconsistencies and poor implementation of guidelines for upgrading, promotion and placement of teachers on their right scale which created disparity amongst the average salaries for the Untrained and Trained teachers;
- c) The KNUT agitated against parameters used in promotion of Untrained teachers in 1996 and successfully secured several agreements with the TSC between years 2003 and 2014. The agreements sought to remedy the disparity in terms of grade between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' Level Teachers who were promoted in 2003; and
- d) The Untrained 'A' level teachers who were promoted after undertaking two weeks in-service course in 1996 progressed systematically after three years of service in each job group upon satisfactory individual performance. However, all the P1 who were in service as at 1st July, 2003 were promoted directly from ATS IV to ATS I and were not subjected to performance measurement. Their attendant salaries, which were mutually agreed upon by parties, were adjusted accordingly commensurate to their new grade.

Mr. Speaker Sir, with the foregoing, the Committee makes a **finding** that there was systematic discrimination against the P1 teachers who were subjected to unfair labour practices during the promotions that took place between 1996 and 2003.

The Committee however, **noted** that the agreements between KNUT, the TSC, MOEST and the National Treasury between 2003 and 2014 sought to remedy the disparity in terms of grade between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' Level Teachers who were promoted in 2003. Accordingly, the petitioners salaries were reviewed and adjusted to their respective job groups and as such there are no accrued arrears.

Nonetheless, the Committee **recommends** that the TSC should ensure that all teachers who are due for promotion and go through requisite processes are promoted without unnecessary delays.

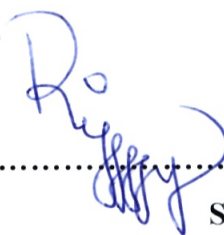

Mr. Speaker Sir,

Lastly, I wish to sincerely thank the Members of the Committee for their insightful contributions during the consideration of this Petition. The Committee appreciates the petitioners, the Teachers Service Commission (TSC) for their contributions and submissions to the issues raised in this petition.

The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

Mr. Speaker, Sir,

I thank you

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

SEN. JOE NYUTU, MP
CHAIRPERSON, STANDING COMMITTEE ON EDUCATION

1. CHAPTER ONE

1.1. INTRODUCTION

1. Article 119 of the Constitution accords every person a right to petition Parliament on any matter within its authority including seeking enacting, amending or even repealing of legislation. Petition to Parliament (Procedure) Act, 2012 provides for the right to petition Parliament, the procedure to exercise that right and the enhancement of public participation in the parliamentary and legislative processes.
2. Every petition presented to the Senate stands committed to the relevant standing committee for consideration. Standing Order 238(2) of the Senate Standing Orders requires a committee to which a Petition is committed, within sixty days (60) of such committal, to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the table of the Senate.
3. The Petition concerning the payment of the 1996 – 2010 arrears for P1 teachers with 'A' Level academic qualifications was reported to the Senate on 22nd May 2023 by the Speaker of the Senate. Pursuant to Standing Orders 238 (1), the Petition was then committed to the Standing Committee on Education to investigate the matter raised by the petitioners.
4. The salient issues raised in the Petition are-
 - a. **THAT** in May, 1996, the Ministry of Education, Science and Technology graded UTS "A" Level to S1 after attending a two weeks course at Kagumo and Bondo Teachers Training Colleges locking out other "A" Level P1 trained teachers from being graded to S1;
 - b. **THAT** in July, 1996, the then Directorate of Personnel Management of the Teachers Service Commission issued a Scheme of Service for non-graduate teachers spelling out requirements for appointment and promotion of nongraduate teachers. The Commission implemented the scheme and the attendant regrading immediately was required;

- c. **THAT**, the P1 “A” Level teachers were required to have the following qualifications for promotion-
1. 1 Principal 2 Subsidiary passes and above (Arts) in teaching subjects excluding General Paper; or
 2. 1 Principal 1 Subsidiary passes and above (Science) in teaching subjects excluding General Paper.
- d. **THAT** sometimes in July, 1996, the Ministry of Education, Science and Technology through the Chief Inspector of Schools requested all district education offices, municipal education officers and city director of education to submit the names of P1 trained teachers with “A” level academic qualifications countrywide to the Ministry of Education;
- e. **THAT** the Ministry of Education, Science and Technology graded untrained teachers with “A” level to S1 after attending a two weeks course at Kagumo and Bondo TTTCs. This locked out 6,466 P1 teachers who were better qualified through training and experience;
- f. **THAT** the anomaly resulted in prolonged complaints from the P1 “A” Level trained teachers;
- g. **THAT** the other group of teachers promoted was the ATS IV consisting of 2,831 P1 teachers promoted sometimes in 1996. The Scheme of service for non-graduate teaches then stipulated that the existing S1 teachers promoted from P1 were to convert to ATS IV while diploma certificates holders would convert to diploma teachers;
- h. **THAT** the teachers who were promoted from P1, ATS IV, ATS III and AT S1(Job Group L) on account of their “A” Level academic qualifications sometimes in 1996, have not been paid their attendant salary arrears to date;
- i. **THAT** the P1 “A” Level teachers were subsequently promoted again sometimes in July, 2010 but were never issued with promotion letters;
- j. **THAT** the P1 “A” Level teachers are yet to be paid their salary arrears since their promotion in 1996;

- k. **THAT** we have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response; and
 - l. **THAT** none of the issues raised in this petition is pending on any court of law, constitutional or other legal body.
5. The Petitioners therefore prayed the Senate-
- a. Request the Ministry of National Treasury and Planning to factor in salary arrears from 1996 to 2010 for P1 “A” Level trained teachers during the 2023/2024 financial year;
 - b. Request Teachers Service Commission to pay salary arrears from 1996 to 2010 for P1 “A” Level trained teachers during the 2023/2024 financial year; and
 - c. Any other recommendation that the Senate considers just.

1.2. Background

6. Rapid expansion and education reforms in post-independence period increased the school enrollment and caused a high teacher: learner ratio which consequently called for high demand for teachers. To mitigate the shortfall, the Ministry of Education decided to recruit more teachers. However, since there were no unemployed trained teachers, many unemployed school leavers, were recruited as teachers. This established two categories of teachers; **Trained teachers** and **Untrained teachers**.
7. Whereas, the TSC was established in 1967 through an Act of Parliament to place teachers under one employer with uniform terms and conditions of service, promotion of teachers was done by the MOEST. The TSC operated as a Statutory Semi-Autonomous Government Agency (SAGA).
8. In 1996, MOEST decided to promote Untrained ‘A’ level teachers after undertaking a two weeks in-service course at Kagumo and Bondo TTCs to grade **S1, Job Group ‘H’**. Subsequently, TSC adjusted their salaries and allowances commensurate to the S1 grade, Job Group ‘H’.

9. Thereafter, in July, 1996 MOEST declared grade S1 obsolete with effect from 1/7/1996 and replaced the grade with **Approved Teacher Status (ATS) IV grade**, Job Group 'H'. Consequently, ATS IV, Job Group 'H' became the entry grade for Untrained Teachers. As a result, all the S1 certificate holders who were in service by 30th June, 1996 were upgraded to ATS III, Job Group 'J' which also became the **common cadre grade** and such teachers were promoted in line with the Scheme of Service for Non-Graduate Teachers.
10. The decision by MOEST to promote untrained 'A' level teachers to S1 grade was challenged by the P1 'A' level teachers who were already in service. The KNUT expressed **dissatisfaction** with the parameters used in the promotion of the Untrained 'A' Level Teachers. This led to several consultative meetings between the TSC, the MOEST and the KNUT.

2. CHAPTER TWO

2.1. COMMITTEE INQUIRY INTO THE PETITION

11. At its meetings held on Thursday, 20th July 2023, the Committee considered the petition and resolved to invite the Chief Executive Officer of the Teachers Service Commission (TSC) to a meeting of the Committee to deliberate on the issues raised in the petition.
12. The Committee further received comprehensive written submission from the petitioners and was informed that the Untrained “A” Level Teachers who had undertaken a two-weeks in-service course, in Kagumo and Bondo TTCs joined the teaching profession on favourable terms than Trained P1 ‘A’ Level teachers who had undertaken a two-years training. They further added that the Untrained ‘A’ Level Teachers were steadily promoted through the ranks despite their better qualifications, training and experience.
13. The Committee held a meeting with the Chief Executive Officer of the TSC on 3rd October, 2023. The TSC informed the Committee that prior to 2003 the Ministry of Education, Science and Technology (MoEST) was the one responsible for promotion of teachers. However, following this decision, teachers through KNUT expressed **dissatisfaction** with the parameters used in the promotion of the Untrained ‘A’ Level Teachers.
14. The Committee considered the submissions by the TSC and resolved to invite the Chief Executive Officer to a meeting held on 30th November, 2023, to provide further clarification and information on the issues raised in the petition. The TSC informed the Committee that the decision to promote Untrained Teachers with ‘A’ level qualifications was driven by the need to address an acute teacher shortage in secondary schools and hence did not cover primary school teachers.

15. In 2003, the TSC signed an agreement with KNUT to promote all P1 'A' level teachers who were in service as at 30th June, 2003 with effect from 1st July, 2003. Consequently, **78,204** P1 'A' level teachers were promoted which had a financial implication of Kshs. **332, 194, 522**.
16. In 2005, the Scheme of Service for Graduate Teachers was reviewed and implemented. It was further agreed that subsequent promotions of the non-graduate teachers would strictly be in accordance with the provisions of the Scheme of Service. Accordingly, 13,428 teachers were promoted between 2005 and 2007, including P1 'A' level teachers.
17. Nonetheless following sustained clamor by the KNUT, in July, 2010, TSC signed an agreement with KNUT to address the disparity in terms of grade between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' level teachers promoted in 2003. The agreement provided that P1 'A' level teachers who were in service as at 1st July, 2003 be promoted from ATS IV to ATS I with effect from 1st July, 2010. This promotion costed Kshs. 1.4 billion annually.
18. Further, in 2014, pursuant to negotiations between KNUT and the TSC, a resolution to promote the last cohort of P1 'A' level teachers who joined the service after 1st July, 2003 was made.
19. The Committee was further informed that pursuant to negotiations between the MOEST, the TSC, the National Treasury and the KNUT between 2003 and 2014, promotions undertaken between 2005 and 2007 and in 2010 under the Scheme of Service for non-graduate teachers had a cost implication of **Kshs. 1.4 billion**. Further, in all these promotions, teachers' salaries were adjusted accordingly commensurate to their respective new grades.

3. CHAPTER THREE

3.1. ANALYSIS OF THE SUBMISSIONS

20. Rapid expansion and education reforms in 1970's and 1980's increased the school enrollment and called for high demand for teachers. To mitigate the shortfall, the Ministry of Education recruited more teachers and consequently, many unemployed 'A' level school leavers, were engaged as teachers. This therefore established two categories of teachers; **Trained teachers** and **Untrained teachers**.
21. The policies to bridge the teachers' shortfall further required the Untrained teachers to upgrade themselves with skills, knowledge and expertise required to be professional teachers. These teachers benefited from educational upgrade programs such as two weeks in-service course undertaken at Kagumo and Bondo Teachers Training Colleges (TTCs) in 1996. As a result, the said teachers were promoted to **S1 Grade, Job Group 'H'**.
22. Whereas, the TSC was established in 1967 through an Act of Parliament to place teachers under one employer with uniform terms and conditions of service, promotion of teachers was done by Ministry of Education Science and Technology (MOEST). MOEST had full mandate to ensure teachers in the country had the required career progression. The TSC operated as a Statutory Semi-Autonomous Government Agency (SAGA) under the MOEST.
23. Thereafter, on 1st July, 1996, MOEST declared Grade S1 obsolete and was replaced with **Approved Teacher Status (ATS) IV**, Job Group 'H', which also became the entry grade for Untrained Teachers. As a result, all the S1 certificate holders who were in service by 30th June, 1996 were upgraded to ATS III, Job Group 'J' which also became the **Common Cadre Grade**.
24. The petitioners contended that the decision to promote Untrained 'A' Level Teachers to S1 Grade in 1996 subjected the P1 'A' Level Teachers who were already in service to discrimination and unfair labour practices. The parameters used during upgrading and promotion were discriminatory and biased.

25. However, the TSC defended the decision and claimed that it was driven by the need to address an acute teacher shortage in secondary schools and hence did not cover Primary School Teachers. Training undertaken by primary school teachers was on their own volition.
26. The Untrained 'A' level teachers who were promoted to Job Group H after undertaking two weeks in-service course in 1996 **progressed systematically** from **SI, ATS III, ATS II** and **ATS I** after three years of service in each job group upon satisfactory individual performance. The teachers were to progress to subsequent grades by undertaking a Teacher Proficiency Course (TPC) or by pursuing a relevant Diploma or Degree Programmes in line with the Scheme of Service for Non-Graduate Teachers.
27. However, P1 'A' level teachers were in service as at 1st July, 2003 were **promoted directly** from **ATS IV** to **ATS I** and were not subjected to performance measurement. TSC reported that in all these promotions, teachers' salaries were adjusted accordingly commensurate to their new grade.
28. Notably, the promotion of trained 'A' level teachers was done pursuant to negotiations and agreements between the TSC, MOEST, the National Treasury and the KNUT. The period and the resultant salaries were mutually agreed upon by parties.
29. The period between 1996 and 2003 was characterized by poor implementation of guidelines for upgrading and promotion of teachers was coupled with delays in placement of teachers on their right scale. The promotion criteria also appear not to have considered the academic and professional qualifications and core competencies required for teaching profession. The impacts of delayed promotions was an affront to teachers' rights such as salary increment and attendant pension.

4. CHAPTER FOUR

4.1. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1.1. Committee Observations

30. The Committee makes the following **observations-**

- a) Rapid expansion and education reforms in 1970's and 1980's increased the school enrollment and called for high demand for teachers. To mitigate the shortfall, many unemployed 'A' level school leavers, were engaged as teachers establishing two categories of teachers; **Trained teachers** and **Untrained Teachers**;
- b) The policies to bridge the teachers shortfall further required the Untrained Teachers to upgrade themselves with skills, knowledge and expertise required to be professional teachers. However, there existed inconsistencies and poor implementation of guidelines for upgrading, promotion and placement of teachers on their right scale which created disparity amongst the average salaries for the Untrained and Trained Teachers;
- c) KNUT agitated against parameters used in promotion of Untrained Teachers in 1996 and successfully secured several agreements with the TSC between years 2003 and 2014. The agreements sought to remedy the disparity in grading between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' Level Teachers who were promoted in 2003;
- d) The Untrained 'A' level teachers who were promoted after undertaking a two-weeks in-service course in 1996 progressed systematically after three years of service in each job group upon satisfactory individual performance. The teachers were to progress to subsequent grades by undertaking a Teacher Proficiency Course or by pursuing a relevant Diploma or Degree Programme in line with the Scheme of Service for Non-Graduate Teachers; and
- e) All the P1 who were in service as at 1st July, 2003 were promoted directly from ATS IV to ATS I and were not subjected to performance measurement. Their attendant salaries, which were mutually agreed upon by parties, were adjusted accordingly commensurate to their new grade.

4.1.2. Committee Recommendations

31. with the foregoing, on the prayer–

- a. *that the Ministry of National Treasury and Planning to factor in salary arrears from 1996 to 2010 for P1 “A” Level trained teachers during the 2023/2024 financial year; and*
- b. *that the Teachers Service Commission to pay salary arrears from 1996 to 2010 for P1 “A” Level trained teachers during the 2023/2024 financial year;*

The Committee notes that negotiations and agreements between KNUT, the TSC, MOEST and the National Treasury between 2003 and 2014 sought to remedy the disparity in terms of grade between Untrained ‘A’ Level Teachers who were promoted in 1996 and P1 ‘A’ Level Teachers who were promoted in 2003. Accordingly, the petitioners’ salaries were reviewed and adjusted to their respective job groups and as such there are no accrued arrears; and

- c. *on the Prayer that the Senate makes any other recommendation that is considered just, the Committee recommends that all teachers having complied with the requisite processes and are due for promotion, be promoted in accordance with the Scheme of Service without unnecessary delay.*

Annexures

Annex 1: Copy of the Petition

Annex 2: Minutes of the Committee Sitings

Annex 3: Stakeholder Submissions

The Clerk of the Senate

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

Email: cSenate@parliament.go.ke

**RE: PETITION TO THE SENATE ON 1996 TO 2010 SALARY ARREARS FOR
P1 TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS**

We, the undersigned, P1 teachers with 'A' Level academic qualifications,

Untrained Teachers

DRAW the attention of the Senate to the following—

1. THAT in May, 1996, the Ministry of Education, Science and Technology graded UTS 'A' Level to SI after attending a two weeks' course at Kagumo and Bondo Teachers Training Colleges locking out other 'A' Level P1 trained teachers from being graded to SI.
2. THAT in July, 1996, the then Directorate of Personnel Management of the Teachers Service Commission issued a Scheme of Service for non-graduate teachers spelling out requirements for appointment and promotion of nongraduate teachers. The Commission implemented the Scheme and the attendant regrading immediately as was required.
3. THAT the P1 'A' Level teachers were required to have the following qualifications for promotion—
 - (a) 1 Principal 2 Subsidiary passes and above (Arts) in teaching subjects excluding General Paper; or
 - (b) 1 Principal 1 Subsidiary passes and above (Science) in teaching subjects excluding General Paper.
4. THAT sometimes in July, 1996, the Ministry of Education, Science and Technology through the Chief Inspector of Schools requested all district education officers, municipal education officers and city director of education to submit the names of P1 trained teachers with 'A' level academic qualifications countrywide to the Ministry of Education.
5. THAT the Ministry of Education, Science and Technology graded untrained teachers with 'A' Level to SI after attending a two weeks' course at Kagumo and Bondo Teachers Training Colleges. This locked out 6, 466 P1 trained teachers with 'A' Level who were better qualified through training and experience.

~~*~~

Petition to the Senate on 1996 to 2010 Salary Arrears for P1 Teachers with 'A' Level Academic Qualifications

6. THAT the anomaly resulted in prolonged complaints from the P1 'A' Level trained teachers.
7. THAT the other group of teachers promoted was the ATS IV consisting of 2, 831 P1 teachers promoted sometimes in 1996. The Scheme of service for non-graduate teachers then stipulated that the existing SI teachers promoted from P1 were to convert to ATS IV while diploma certificates holders would convert to diploma teachers.
8. THAT the teachers who were promoted from P1, ATS IV, ATS III and AT SI (Job Group L) on account of their 'A' Level academic qualifications sometimes in 1996, have not been paid their attendant salary arrears to date. — SALARY ARREAR *today*
9. THAT the P1 'A' Level teachers were subsequently promoted again sometimes in July, 2010 but were never issued with promotion letters. — NO PROMOTION LETTERS
10. THAT the P1 'A' Level teachers are yet to be paid their salary arrears since their promotion in 1996. — NO 8
11. THAT we have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.
12. THAT none of the issues raised in this petition is pending in any court of law, constitutional or other legal body. — Did you engage Teachers Union before going to the court of law

WHEREFORE, your humble petitioners pray that the Senate urgently investigates this matter and makes appropriate recommendations thereon, among them—

1. request the Ministry of National Treasury and Planning to factor in salary arrears from 1996 to 2010 for P1 'A' Level trained teachers during the 2023/2024 financial year;
2. request Teachers Service Commission to pay salary arrears from 1996 to 2010 for P1 'A' Level trained teachers during the 2023/2024 financial year; and
3. any other recommendation that the Senate considers just.

Dated this.....day of..... 2023

Petition to the Senate on 1996 to 2010 Salary Arrears for P1 Teachers with 'A' Level Academic Qualifications

NO.	NAME	I.D. NO	SIGNATURE
1.	RUTH W. KABUI	1831609	<i>Ruth Kabui</i>
2.	SHADRACK K. KASINA	8994725	<i>Shadrack Kasina</i>
3.	JOSEAH MUTAI	9387429	<i>J. Mutai</i>
4.	GICHANA ISAAC MANDUKU	2060679	<i>G. Manduku</i>
5.	SIMON MASILIA	2994060	<i>S. Masilia</i>
6.	KEPHA W. MSHAMBALA	4654117	<i>K. Mshambala</i>
7.	DAVID THAGUAMBI	7011957	<i>D. Thaguambi</i>

The Clerk of the Senate
Parliament Buildings
P.O. Box 41842 – 00100
NAIROBI
Email: cSenate@parliament.go.ke

**RE: PETITION TO THE SENATE ON 1996 TO 2010 SALARY ARREARS FOR
P1 TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS**

We, the undersigned, P1 teachers with 'A' Level academic qualifications,

DRAW the attention of the Senate to the following—

1. **THAT** in May, 1996, the Ministry of Education, Science and Technology graded UTS 'A' Level to S1 after attending a two weeks' course at Kagumo and Bondo Teachers Training Colleges locking out other 'A' Level P1 trained teachers from being graded to S1.
2. **THAT** in July, 1996, the then Directorate of Personnel Management of the Teachers Service Commission issued a Scheme of Service for non-graduate teachers spelling out requirements for appointment and promotion of nongraduate teachers. The Commission implemented the Scheme and the attendant regrading immediately as was required.
3. **THAT** the P1 'A' Level teachers were required to have the following qualifications for promotion—
 - (a) 1 Principal 2 Subsidiary passes and above (Arts) in teaching subjects excluding General Paper; or
 - (b) 1 Principal 1 Subsidiary passes and above (Science) in teaching subjects excluding General Paper.
4. **THAT** sometimes in July, 1996, the Ministry of Education, Science and Technology through the Chief Inspector of Schools requested all district education officers, municipal education officers and city director of education to submit the names of P1 trained teachers with 'A' level academic qualifications countrywide to the Ministry of Education.
5. **THAT** the Ministry of Education, Science and Technology graded untrained teachers with 'A' Level to S1 after attending a two weeks' course at Kagumo and Bondo Teachers Training Colleges. This locked out 6, 466 P1 trained teachers with 'A' Level who were better qualified through training and experience.

Write up towards the petition:

RE: PETITION TO THE SENATE ON 1996 TO 2010 SALARY ARREARS FOR P1 TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS

On the above cited subject I wish to elaborate as follows:-

1. In view of the first fact, see the circular dated 14th February 1995 referenced **GRADING OF LONG SERVING UNTRAINED TEACHERS (UTS) 'A' LEVEL**

It was adhered to all DEOS from the chief inspector of Schools (Inspectorate MOE).

Annex I

14th FEBRUARY 1995

MINISTRY OF EDUCATION

CHIEF INSPECTOR OF SCHOOLS
INSPECTORATE
P.O. Box 30425
NAIROBI



14th February, 1995

Teachers' Service Commission
P.O. Box 1000
Nairobi



TO ALL DEOs

GRADING OF LONG SERVING UNTRAINED TEACHERS -- 'A' LEVEL

was not owned

The Ministry is considering grading to SI status all Untrained Teachers who are holders of 'A' level and who meet all the requirements as listed hereunder:

- The UTs must be employees of the Teachers Service Commission (or teachers registered by TSC but teaching in private schools) who must have been employed as such for at least (5) six years. An applicant may be a teacher either in primary or secondary school.
- The minimum academic qualification must be at least Div. 3 at EACE/KCE plus 1 principal pass and 2 subsidiary passes.
- All the three subjects must be in the school curriculum. Economics and Art can not be accepted.
- A subsidiary pass in the General Paper is not acceptable.
- An applicant for grading must demonstrate competence as a teacher both in the classroom and in co-curricular activities.

All DEOs are requested to inform prospective candidates of this decision, and to ask them to apply initially to the DEO by submitting the following:

- 2 certified copies of Letter of Appointment by Teachers Service Commission.
- 2 certified copies of proof of qualification i.e. both 'O' and 'A' level certificates/result slips.

Once all the initial applications have been received by the DEO, he will compile the list of all qualified UTs and thereafter institute inspections to determine their suitability as qualified teachers. It should be stressed that this is not an inspection for promotion on merit and should therefore avoid the format usually followed for merit promotion purposes. DEOs are asked to remind inspectors to check for what is looked for when a student teacher is assessed at his/her final teaching practice at a college. Consideration must be put on the level (primary/or secondary) where the teacher is, as this has a bearing in the delivery technique.

Subsequently, all DEOs will complete their list, according to merit (based on the appointment), with the candidate awarded A at the top and those given low grade, say D-, at the bottom. A copy each of the academic certificate and letter of appointment must be filed in the same order as with the candidates list, such that first folio would pertain to the first candidate in the list.

The candidates' list will contain the following details (as given in the example below):

2. Second circular dated 18th July 1996 REFERENCED: P1 TRAINED TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS FROM THE MOE (REF: INSP/D/6/8. It was addressed to:

- I. All district education officers
- II. All municipal education officers
- III. City director of education

NOTE: It has clearly spelt out what was required of the P1 'A' level teachers with 'A' level academic qualifications.

The details of the cited cadre of teachers were presented as demanded to the DEO'S only to be shelved and the promotions were never effected and this formed the basis for the agitation from the trained 'A' level teachers.

See Annex 2.

'COPY'

MINISTRY OF EDUCATION

Chief Inspector of Schools
Inspectorate
P.O. BOX 30426

NAIROBI.

13th July, 1996

REF:INS/D/2/6/8

TO:

- i) ALL DISTRICT EDUCATION OFFICERS
- ii) ALL MUNICIPAL EDUCATION OFFICER
- iii) CITY DIRECTOR OF EDUCATION

RE: PI TRAINED TEACHERS WITH 'A' LEVEL
ACADEMIC QUALIFICATIONS.

As a matter of urgency, you are kindly requested to submit the names of PI trained teachers with 'A' level academic qualifications teaching in your District/Municipality/City to the Chief Inspector of schools latest 15th August, 1996

The teachers you submit should have the following qualifications:-

- i) 1) Principal 2 Subsidiary passes and above (Arts) in teaching subjects excluding General Paper.
- ii) I principal, I Subsidiary pass and above (Science) in teaching subjects excluding General paper.

NOTE: Failure to submit the above information as per the instructions, it shall be assumed that there are no such kind of teachers in your District/Municipality/ City.



E. S. MASIGA, SS (MRS)
CHIEF INSPECTOR OF SCHOOLS

Did they respond to your letter?

3. See Annex 3 – from teachers service commission addressed to P.P.O.A, P.P.O.P, C.P.O.P, C.P.O.B, C.P.O./CNN, C.P.O.N, C.P.O.C, C.P.O.W, C.P.O.E, C.P.O.R

From: S.H.R.M (Senior Human Resource Management)

Ref: TSC/SPPO/MEMO/GEN/11/3/49

Dated: 26th September 2000.

TITLE: PROMOTION OF DIPLOMA TEACHERS (JOB GROUP J) TO APPROVED TEACHERS STATUS TWO II (JOB GROUP 'K')

Clause (iii) Teachers with 'A level 1 principle 1 subsidiary in sciences excluding general paper or 1 principle 2 subsidiaries in Arts excluding general paper graded to SI by the director of education.

Note: While TSC thought they were upgrading secondary schools teachers, all those in primary schools 'A Level untrained teachers moved to the training centers and they were promoted for the basis of promotion was recognition of 'A level certificates.

In reference to TSC circular No.7/97 dated 3rd February 1997 you also promoted some trained 'A level teachers to graduate teachers status Job group L.8/2/2011 see case study – letter dated 11th November 2010. There was no need therefore to separate others. Both cases are attached Annex 3 (a) & 3 (b).

In 2003 TSC promoted the 'A level teachers from 1996 and paid commensurate arrears. See, the payment schedule entitled " promotions with effect from 1st July 2003."

Note 1-P1 'A level teacher with more than 15 years service

Note 2-P1 'A level teachers with less than 15 years service

Conclusively according to the code of regulations for teachers (2015) page 36VII- salary and annual increments.

1. The commission shall upon the first appointment of a teacher pay a salary in the scale appropriate to the specific grade of the teacher.
2. The commission shall from time to time determine the scale to which each teacher shall belong.
3. Upon first appointment, the commission shall pay a teacher the lowest salary in the scale.
4. The commission shall pay from time to time in consultation with the salaries and remuneration commission, determine the salary scale appropriate to the grade of the teacher.
5. The commission shall where there is a salary review; accordingly adjust the salary of the teacher.

6. Where the commission erroneously pay salary or allowances or grants an underserved benefit to the teacher, the teacher shall reimburse the commission to the extent of the erroneous payment.
7. Any overpayment or erroneous payment made to a teacher constitutes government liability and the commission shall recover the amount to the extent of the liability.
8. Where the commission erroneously fails to pay salary or allowances or grant any benefit to the teachers, the commission shall pay the teacher to the extent of the amount due.

In view of the above we believe that the said arrears for the cited cadre of teachers is long overdue.

TEACHERS SERVICE

TO: P.P.O.A.
P.P.O.'P'
C.P.O.'P'
C.P.O.S
C.P.O./C.N.N.
C.P.O.N
C.P.O.C.
C.P.O.W.
C.P.O.E.
C.P.O.R.

FROM: S.H.R.M.

REF: TSC/SPPO/MEMO/GEN/11/3/49

DATE: 26th SEPTEMBER, 2000

PROMOTION OF DIPLOMA TEACHERS (JOB GROUP 'J') TO APPROVED TEACHER STATUS TWO (JOB GROUP 'K')

Authority to promote teachers on Diploma in Education Status Job Group 'J' to Approved Teacher Two Status (Job Group 'K') with effect from 1st July, 1999 has been granted. This is in accordance with Scheme of Service for Non-Graduate Teachers.

This Category of teachers include:-

- (i) Diploma Teachers from Kenya Science Teachers College (KSTC), Kitumo Teachers College, Siriba Teachers College or any other approved Diploma Teachers Training College
- (ii) Diploma In Special Education from Kenya Institute of Special Education;
- * (iii) Teachers with 'A' Levels One (1) Principal One (1) Subsidiary In Sciences ~~excluding~~ General Paper or One (1) Principal Two (2) Subsidiaries In Arts ~~exclud-~~ ing General Paper graded to S1 by the Director of Education.
- (iv) S1 teachers Job Group 'J' in Service on or before (prior to 30th June 1996).

~~UTW~~
M. KARIUKI,
SENIOR HUMAN RESOURCE MANAGER.

4. Annex 4- Letter from P1 'A' level teacher representatives dated 6/11/2018 referenced:
circular dated 18th July 1996 – P1 'A' level teachers with 'A' level academic qualifications

Attach P.C.A.S here

Annex 4

**P1 "A" LEVEL TEACHERS
REPRESENTATIVES
P.O BOX 12938-00400
NAIROBI
6/11/2018**

**HIS EXCELLENCY .UHURU KENYATTA CGH
PRESIDENT AND COMMANDER -IN CHIEF OF THE DEFENCE
FORCES OF THE REPUBLIC OF KENYA.**

Dear Sir,

**RE: CIRCULAR DATED 18TH JULY 1996-P1 TRAINED TEACHERS WITH "A"
LEVEL ACADEMIC QUALIFICATIONS.**

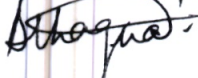
The above mentioned subject refers

We are grateful for the consideration you gave us while you were the Deputy Prime Minister and Minister for finance in the year 2010. This was when you released funds to the Ministry of Education and approved our upgrading and payment. As you directed it was adhered to but arrears weren't paid i.e. July 1996 to 30th July 2010.

Therefore, our claim is the payment of the period stated above (July 1996 to 30th June 2010). Some of our colleagues were paid what we are claiming leaving majority of us unpaid. Refer to the attached copy of PCA (pay change advice) promotions with effect from 1st July 2003. We humbly request your honourable and distinguished office to address our matter. Kindly find attached list of some of us, who are representatives of the rest. Thanking you in anticipation;

Arrears not paid

Yours faithfully,



**INTERIM SECRETARY
DAVID THAGUAMBI
TEL- 0720 900 907.**

5. Annex 5 – Letter P1 'A' level teachers representatives dated 2nd May 2019 **Referenced: claim for salary arrears dated 1996 – 2010 by P1 'A' level certificate teachers.**

It attests

- I. Requirements for promotion
- II. Irregular promotions to some trained 'A' level teachers leaving others outside in **Reference to TSC circular NO. 7/97 dated 3rd February 1997.**

See the letters of promotion letter dated 11th/ November 2010 labeled L8/2/2011

- iii. it quotes the teachers code of regulations for teachers (2015) PP 36 VII – Salary and annual increments 150 82: 1 – 8 (QUOTE)

Special emphasis to No. 6-8

Annex 1

P1'A'LEVEL TEACHERS,
LUUMA PRIMARY SCHOOL
P.O BOX 4-60605
MUTHARA -MERU
2ND MAY 2019

**HIS EXCELLENCY HON. UHURU KENYATTA CGH
PRESIDENT AND COMMANDER-IN CHIEF OF THE DEFENCE
FORCES OF THE REPUBLIC OF KENYA.**

Dear Sir,

**RE: CLAIM FOR SALARY ARREARS DATED 1996-2010 BY P1 'A' LEVEL
CERTIFICATE TEACHERS.**

First and foremost we sincerely thank your Excellency for the quick response to our letter dated 6th/11/2018

We hereby make reference to the letter dated 8th February 2019 Ref: TSC/SDDHRM/28 from the Teachers service Commission signed by Mr. SIMEON OMARE on behalf of secretary/Chief Executive.

As suggested in the letter, the recruitment of 'A' Level teachers to teach in secondary schools and primary schools were basically under the same condition since their salary scale was the same.

The underlying fact was the general qualification i.e. must have obtained in their 'A' levels

- a. 1 principle 2 subsidiary passes for arts excluding general paper or
- b. 1 principle 1 subsidiary passes for science subjects excluding general paper.

See; Circular entitled "Ministry of education dated 18th July 1996, from the chief inspector of schools: Referenced, P1 TRAINED TEACHERS with 'A' LEVEL ACADEMIC QUALIFICATIONS."

Refer to-ANNEX 1 attached.

We kindly urge you to peruse through the teachers service commission circular dated 26/9/2000 from S.H.R.M-REFER TO ANNEX 2 attached.

Reference TSC/SPPO/MEMO/GEN11/3/49, Subject: PROMOTION OF DIPLOMA TEACHERS (JOB GROUP J) TO APPROVED TEACHERS STATUS TWO (JOB GROUP 'K') clause (iii) Teachers with 'A levels

i) principle one (i) subsidiary in sciences excluding general paper or one (1) principle (2) subsidiaries in Arts excluding general paper graded to SI by the director of education.

NOTE; While TSC thought they were upgrading secondary schools teachers, all those in primary schools' A' level untrained teachers moved to the training centers and they too were promoted for the basis of promotion was recognition of 'A' level certificates.

In reference to TSC circular No. 7/97 dated 3rd Feb 1997 you also promoted some trained 'A' level teachers to graduate teacher status Job Group L.8/2/2011 see case study - letter dated 11th Nov 2010. There was no need therefore to separate others. Both cases are attached Annex 3 (a) & 3(b).

In 2003 TSC promoted the 'A' level teachers from 1996 and paid commensurate arrears. See, the payment schedule entitled "promotions with effect from 1st July 2003."

Note 1-P1 'A' level teachers with more than 15 years service

Note 2-P1 'A' level teachers with less than 15 years service

Refer Annex IV attached.

Conclusively according to the code of regulations for teachers (2015) page 36 VII- salary and annual increments.

No. 82:1-8 (QUOTE)

- 1) The commission shall upon the first appointment of a teacher pay a salary in the scale appropriate to the specific grade of the teacher
- 2) The commission shall from time to time determine the scale to which each teacher shall belong
- 3) Upon first appointment, the commission shall pay a teacher the lowest salary in the scale
- 4) The commission shall pay from time to time and in consultation with the salaries and remuneration commission, determine the salary scale appropriate to the grade of the teacher.
- 5) The commission shall where there is a salary review; accordingly adjust the salary of the teacher
- 6) Where the commission erroneously pay salary or allowances or grants an undeserved benefit to the teacher, the teacher shall reimburse the commission to the extent of the erroneous payment

TAC - copy. 3

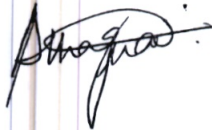
7) Any over payment or erroneous payment made to a teacher constitutes government liability and the commission shall recover the amount to the extent of the liability

8. Where the commission erroneously fails to pay salary or allowances or ~~the~~ grant any benefit to the teachers, the commission shall pay the teacher to the extent of the amount due.

In view of the above we believe that the said arrears for the cited cadre of teachers is long overdue.

We humbly request you to finalize this matter amicably once and for all.
Thank you and God bless you.

Yours faithfully



**DAVID THAGUAMBI
INTERIM SECRETARY,
P1'A' LEVEL TEACHERS REPRESENTATIVE.**

6. Annex 6 - Intervention by the KNUT (Kenya National Union of Teachers)

KNUT/EDU/49/12/2009

Dated – August 8, 2009

Addressed to Hon Amb. Prof, Sam Onger, EGH, MP.

Minister for Education.

MOE

P.O BOX 30040 – 00100

NRB

**REFERENCED: THE UNRESOLVED ISSUE OF THE P1 TEACHERS WITH 'A' LEVEL
ACADEMIC QUALIFICATIONS**

See the conclusion which reads:-

“ The National executive council (NEC) is of the view that, if finances to backdate these arrears are hard to find, we can agree that they (teachers) are upgraded, as you continue with your efforts to pay them the arrears, at a later date.”

Annex B



HEAD OFFICE
KNUT HOUSE
MFANGANO STREET

KENYA NATIONAL UNION OF TEACHERS

Bankers: KENYA COMMERCIAL BANK
STANDARD CHARTERED BANK
NATIONAL BANK OF KENYA
Auditors: OMWENGA ONYANCHA & CO.

Tel: 254(0) 20 2220387, 340301
2223509, 2223849
Mobile: 0710 600981, 0710 600983,
0733 600880
Fax: 254(0)20 2222701
Email: knut@nbnet.co.ke
Website: www.knut.or.ke

Address all Correspondence to:
The Secretary General
P.O. Box 30407, 00100
NAIROBI-KENYA.

KNUT/EDU/49/12/2009

August 8, 2009

Hon. Amb. Prof. Sam K. Onger, EGH, MP.,
Minister for Education,
Ministry of Education,
P.O. Box 30040 – 00100,
NAIROBI.

Dear*Bwana Waziri,

**RE: THE UNRESOLVED ISSUE OF THE P1 TEACHERS WITH "A"
LEVEL ACADEMIC QUALIFICATIONS**

The matter referenced above refers.

For the umpteen times I am addressing you on this matter, we have been optimistic all the time; and you had encouraged us; to hope that, this issue of the P1 teachers with "A" level academic qualifications would be amicably sorted out. We are very sorry to have to say that, todate, there has not been a solution to this group of teachers who were discriminated in 1995 as their colleague UTs with "A" level academic qualifications were graded to S1, and, now they are above Job group L Approved Teacher I (AT I).

It is not true to say that, these teachers went to train as P1 teachers, hiding their "A" level academic qualifications. The reason why they went to train as P1 was that they could not secure places to train as Diploma teachers or be employed as UT "A" level holders as there were no vacancies then. They never kept their "A" level academic qualification secret. The education authorities knew that such a group of teachers existed, but for some reason they were inadvertently left out when the UT "A" level's fate was addressed.

At many of our meetings, we have agreed with you that, these teachers were shortchanged by the Ministry of Education, and this matter needed urgent redress; but so far you have given us promises only, without any tangible results or outcomes.

When we met H.E. the President on 20/1/09, we raised the issue and pleaded with the Head of State to help you get this issue of the P1 teachers with the "A" level academic qualifications put to rest once and for all.

In our last meeting with you, you did indicate that, you have approached the Minister for Finance for some money to pay those teachers.

The purpose of this letter is to request you to convene and chair a meeting between us, your officers and the Teachers Service Commission (TSC), so that you can brief us on the progress of your consultations with the other arms of government on this very volatile issue.

8th August 2009, (July 2010)

The National Executive Council (NEC), is of the view that, if finances to backdate these arrears are hard to find, we can agree that they (teachers) are upgraded, as you continue with your efforts to pay them the arrears, at a later date.

We propose that the meeting be convened on or before Tuesday August 24, 2009.

We appeal to you, to see the need of such a meeting and grant our request, before matters get out of hand.

Thank you.

Yours faithfully,



L. K. MAJALI
SECRETARY GENERAL
K.N.U.T.

Annex 7.

PI A LEVEL TEACHERS
Date: 2/11/2009

Dear Honourable,

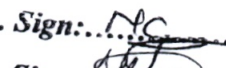


RE: FORM SIX PRE-SERVICE PI 'A' LEVEL TEACHERS

In reference to the above subject we wish to seek assistance from you in solving the discrimination, injustice and segregation in the grading of us: Example.

1. Form six -UT (Untrained Teachers) were taken for two weeks training at Bondo and Kagumo Teachers Training Colleges and were promoted to SI in 1996, we were left out.
2. Form six -in Service Teachers (PI 'A' Level Teachers who were teaching and going for the PI Course) were promoted to SI and paid arrears backdated to 1996 to-date they are at job group M.
3. Form Six Pre-Service (PI 'A' level teachers trained for two years before being employed as teachers) were left out.
4. On 4th August 2004, **Hon. Beth Mugo** Assistant Minister for Education accepted the anomaly and promised to rectify the disparity. (See Hansad paper in parliament 4th August 2004).
5. On 4th December 2007, **The President** gave a decree during the KNUT Annual Delegate Conference at Kasarani to up-grade form six teachers (PI 'A' Level Teachers) and pay the accrued arrears from 1996 see (Daily Nation, December 5 2007 pg2).
6. On 4th August 2008, **The Prime Minister** promised to upgrade and pay the arrears (See standard newspaper, August 4th, 2008 pg4)
7. On 26th August, 2009, Finance Minister, **Hon. Uhuru Kenyatta** and Minister for Education, **Hon. Sam Onger** promised the same (See Kenya Times Newspaper, 26th August 2009).

A-Level Untrained Teacher (Two weeks induction course)		A-Level Trained Teacher (Two years training)	
Salary	Kshs.30,607	Salary	Kshs.18,663
Rental /house allowance	Kshs.12,000	Rental /house allowance	Kshs.3,000
Medical allowance	Kshs.2,656	Medical allowance	Kshs.1,157
Commuter allowance	Kshs.2,258	Commuter allowance	Kshs.1,181
Total earning	Kshs.47,521	Total earnings	Kshs.24,001

The following are the **NATIONAL** form six Pre-service (PI 'A' Level) representatives.

1. Chairman: **J. N. KAMBATI** Sign:  Phone No. **D.7.3 [REDACTED] 53**
2. Secretary: **THAGWABI SAUIS** Sign:  Phone No. **072 [REDACTED] 07**
3. Treasurer: **KEPHE MSHAMBALA** Sign:  Phone No. **072 [REDACTED] 78**

NB: Over 6000 teachers will appreciate your effort

7. Annex 7 - Salary allowances disparities between the untrained teachers (Two weeks induction course) and 'A' level trained teachers.

Kindly see the cited disparities and the who is who in this country we have reached at and what they had to say about this issue. It is dated 2/11/2009 and referenced: FORM SIX PRE SERVICE – P1 'A' LEVEL TEACHERS.

Every officer seemed to understand, sympathized and empathized with us until the then finance Minister Hon. Uhuru Kenyatta and the minister for Education Hon, Prof. Sam Ongeru promised to upgrade and pay the arrears. The upgrading was done WEF 1/7/2010 BUT the arrears haven't been paid up to date.

TEACHERS SERVICE COMMISSION

BUDGET FOR GRADING AND PROMOTION OF TEACHERS

The Ministry of Education, Science and Technology through their letter Ref: INS/D/2/141 dated 22nd May, 1996, graded UTS 'A' Level to SI after attending two weeks course at Kagumio and Bondo Teachers Training Colleges respectively. The letter in effect locked out other 'A' Level PI trained teachers from being graded to SI.

On the other hand, the Directorate of Personnel Management issued a Scheme of Service for non-graduate teachers Ref. DPM/PA/4/4/VOL.II/79 of 5th July, 1996 spelling out requirements for appointment and promotion of non graduate teachers. The Commission implemented the Scheme and the attendant regrading immediately as was required.

In guiding its implementation of the circular, it gave requirements and guidance for each category of teachers. These requirements were as hereunder:-

PI 'A' LEVEL

The Ministry of Education, Science and Technology's letter INS/D/2/8/141 of 22nd May, 1996 graded untrained teachers with 'A' Level to SI after attending a two weeks course at Kagumo and Bondo Teachers Training Colleges. The letter in effect locked out 6466 PI trained teachers with 'A' Level who were better qualified through training and experience. This anomaly has resulted to prolonged complaints from the affected teachers. It is this group of teachers which is recommended that they be graded to SI status and be enabled to progress upwards like their 'A' Level counterparts who had been graded earlier.

ATS IV

The group consists of 2831 PI teachers promoted on and after July, 1996. The scheme of service for non-graduate teachers under regulation 5(2) stipulates that the existing SI teachers promoted from PI will convert to ATS IV while diploma certificates holders will convert to diploma teachers.

Under rule 11 section (i) to (iii) viz:-

- ◆ Must have served in one grade for a minimum of 3 years.
- ◆ Must have passed relevant proficiency examination and
- ◆ Must have demonstrated merit and ability in work performance as a teacher.

Proficiency examinations have never been conducted as per requirements of the circular hence teachers stagnating in their respective grades until retirement.

It was/is the general feeling that:-

- ◆ All teachers who have taught for fifteen years and above be considered for grading to their next grade.
- ◆ Proficiency examination be conducted yearly to facilitate upward mobility.

UNTRAINED TEACHERS

This category comprises of untrained teachers as follows:-

- Without CPE
- With CPE
- With KJSE
- With KCE
- With KACE but without minimum qualification for promotion to SI

Some of these teachers have taught for over fifteen years without training, while others attended college and failed in their examinations. Currently examinations for P4, P3 and P2 are no longer conducted. For these categories the main recommendation is that grading on merit or special in-service training facilities be provided for them.

SUBJECT - PROMOTION OF DIPLOMA TEACHERS (JOB GROUP 'J') TO APPROVAL TEACHER STATUS TWO (JOB GROUP 'K')

See Part (iii) Teachers with 'A' levels one (1) Principal one.

- (i) Subsidiary in sciences excluding general paper or one (1) Principal two (2) subsidiaries in Arts excluding general paper graded to S1 by the director of education.
- (ii) Teachers service commissioner schedule xvii -
Subject: Application for special increments part C (4) Increments credit applied for as a result of passing the higher recognized examination:- E.A.A.C.E or London G.C.E, or A Level. (Incremental credit to be considered only after passing two subsidiaries at principal level or 1 principal and 2 subsidiaries in accepted subjects.

Yours faithfully

A LEVEL P1 TEACHERS LIST ATTACHED.

CC.

➤ **BRANCH EXECUTIVE SECRETARIES**

KENYA

Total arrears payable to the two groups of P1 'A' level, those who have taught for 18 years and above:

	1,070,665,656.00
Those who have taught for 15 years and above	<u>2,262,455,712.00</u>
Total arrears payable for period 1/7/95 to 30/6/03	3,333,121,368.00

Increase in bill per a teacher per month: 10,437.00

Total increase in bill per month $6,466 \times 10,437.00 = 67,485,642.00$

Total increase in bill per year $67,485,642.00 \times 12 = 809,827,704.00$

2. UPGRADING P1 TO ATS IV W.E.F. 1/7/03 WITHOUT ARREARS

Teachers in this category, are the long serving P1 teachers who have taught for fifteen (15) years and above and who deserve some consideration to enable them have an upward mobility. If teachers in these groups have to be considered, the best approach is to upgrade them with effect from 1/7/03 and without arrears. In considering upgrading these groups, the numbers involved and the likely financial effect on the payroll have to be taken into account.

Date of upgrading	1/7/03
Total number of teachers on payroll	123,203
Teachers who have taught for over fifteen (15) years	50,280
Likely increases per teacher	

Salary	285.00 per month
House Allowance	-
Medical	<u>386.00</u>
TOTAL	671.00

Total increase bill for the month of July 2003

$50,280.00 \times 671 = 33,737,880.00$

Total annual increase in bill in subsequent years

$$33,737,880.00 \times 12 = 404,854,560.00$$

3. TRAINED TEACHERS (P1, P2, P3 AND P4)

Upgrade to their respective new grades with effect from July 2003 without arrears

P2 TO P1

Date of upgrading	1/7/03
Number of teachers on payroll	24,596
Teachers who have taught for 15 and above years	18,259
Difference (increase) per month per teacher	945
Total amount payable per month	$18,259 \times 945 = 17,254,755.00$
Bill increase per annum in subsequent years:	$17,254,755 \times 12 = 207,057,060.00$

P3 TO P2

Total number of teacher on payroll	4,035
Teachers who have taught for over (15) years	3,175
Increase in bill per month per a teacher	260.00
Total increase per month for all teacher with effect from 1/7/03	$825,500.00$
Total increase per year in subsequent years	$825,500.00 \times 12 = 9,906,000.00$

P4 TO P3 WITH EFFECT FROM 1/7/03 WITHOUT ARREAS^R

Total number on payroll	28
Teachers who have taught for (15) years and above	22
Increase in bill per month per teacher	130.00
Total Increase for all teachers per month	$130 \times 22 = 2,860.00$
Total increase for all teachers per year	$2,860 \times 12 = 34,320.00$

A. UNTRAINED TEACHERS (WITH/WITHOUT CPE, KJSE, KCE AND KACE BUT WITHOUT MINIMUM QUALIFICATION TO S1)

Upgrade to their respective new grades with effect from July 2003 without arrears

UT/KCE/KACE TO P1

Total number on payroll	1,493
Total number that has taught for 15 years and above	1,019
Difference/increase in bill per teacher per month	960.00
Total increase in bill per month	$1,019 \times 960 = 978,240.00$
Total increase in bill per year for subsequent years:	
	$978,240 \times 12 = 11,738,880.00$

UT - KJSE TO P2 W.E.F. 1/7/03 WITHOUT ARREARS

Reasons for grading are as per the other grades herein above.

Increase in bill per month per teacher	412.00
Total increase in bill per month	$133 \times 412.00 = 54,796.00$
Total increase in bill per year in subsequent years:	
	$54,796 \times 12 = 657,552.00$

UT WITH CPE TO P3 W.E.F. 1/7/03 WITHOUT ARREARS

Total number on payroll	953
Those who have taught for 15 years and above	856
Increase in bill per month per teacher	110.00
Total increase in bill (all teachers) per month	$856 \times 110.00 = 94,160.00$
Total increase in bill per year	$94,160.00 \times 12 = 1,129,920.00$

APPENDIX B

IMPACT ON JULY 2003 PAYROLL

1. Arrears payable to P1 'A' level for Period 1/7/95 to 30/6/03	3,333,121,36
2. Increase in salaries payable to The same teachers (P1 'A' level) In July 2003	67,485,64
3. Monthly (July 2003) increase for Other grades	<u>52,948,191</u>
Total	3,453,555,201

APPENDIX C

SUMMARY OF WAGE INCREASE PER YEAR

1. Wage increase per year P1'A' level	809,827,704.00
2. Wage increase per year P1 to ATS IV	404,854,560.00
3. Wage increase per year P2 to P1	207,057,060.00
4. Wage increase per year UT-KCE/KACE to P1	11,738,880.00
5. Wage increase per year P3 to P2	9,906,000.00
6. Wage increase per year UT-KJSE to P2	657,552.00
7. Wage increase per year P4 to P3	34,320.00
8. Wage increase per year UT/CPE to P3	<u>1,129,920.00</u>
Total yearly wage increase	1,455,206,996.00

Promotions with effect from 1st July 2003

Note 1

P1 "A" Level teachers with more than 15 years service

Salary	Date			Amount		
	from	to		from	to	Kgls
	7/1/95	6/30/96	Promote to S1	£ 3000	£ 3435	£ 3000.00
	7/1/96	6/30/97	Upgrade to Dip T III	£ 3132	£ 4092	15,200.00
	7/1/97	6/30/98		£ 4068	£ 5313	21,500.00
	7/1/98	6/30/99		£ 4212	£ 5484	25,440.00
	7/1/99	6/30/00	Promote to Dip T II	£ 4255	£ 6158	30,100.00
	7/1/00	6/30/01		£ 4397	£ 6299	31,000.00
	7/1/01	6/30/02		£ 4539	£ 6441	31,900.00
	7/1/02	6/30/03	Promote to Dip T I	£ 4681	£ 6583	32,800.00
			Total			240,880.00

House Allowance	Date			Amount		
	from	to		from	to	Kgls
	7/1/97	6/30/99		2,195.00	3,099.00	21,500.00
	7/1/99	6/30/00		2,155.00	3,555.00	15,755.00
	7/1/00	6/30/01		2,300.00	3,300.00	15,400.00
	7/1/01	6/30/02		3,000.00	6,000.00	24,000.00
	7/1/02	6/30/03		6,000.00	12,000.00	22,000.00
			Total			102,900.00

Medical Allowance	Date			Amount		
	from	to		from	to	Kgls
	7/1/97	6/30/99		542.00	1,328.00	6,254.00
	7/1/99	6/30/02		942.00	1,542.00	7,200.00
	7/1/02	6/30/03		542.00	1,519.00	6,250.00
			Total			22,220.00

GRAND TOTAL 427,190.00

Note 2

P1 "A" Level teachers with less than 15 years service

Salary	Date			Amount		
	from	to		from	to	Kgls
	7/1/95	6/30/96	Promote to S1	£ 2505	£ 2799	5,000.00
	7/1/96	6/30/97	Upgrade to Dip T III	£ 2577	£ 4092	20,300.00
	7/1/97	6/30/98		£ 3630	£ 5484	27,500.00
	7/1/98	6/30/99		£ 2771	£ 5655	27,500.00
	7/1/99	6/30/00	Promote to Dip T II	£ 3915	£ 5168	45,000.00
	7/1/00	6/30/01		£ 4055	£ 6299	46,500.00
	7/1/01	6/30/02		£ 4212	£ 5612	48,000.00
	7/1/02	6/30/03	Promote to Dip T I	£ 4355	£ 7275	56,200.00
			Total			305,800.00

House Allowance	Date			Amount		
	from	to		from	to	Kgls
	7/1/95	6/30/96		1,100.00	1,482.00	4,468.00
	7/1/96	6/30/97		1,482.00	2,153.00	5,912.00
	7/1/97	6/30/99		1,811.00	3,099.00	30,912.00
	7/1/99	6/30/00		1,199.00	1,392.00	15,780.00
	7/1/00	6/30/01		2,500.00	3,500.00	15,000.00
	7/1/01	6/30/02		3,000.00	5,000.00	18,000.00
	7/1/02	6/30/03		3,000.00	12,000.00	168,000.00
			Total			328,676.00

Medical Allowance	Date			Amount		
	from	to		from	to	Kgls
	7/1/95	6/30/97		795.00	1,740.00	7,042.00
	7/1/97	6/30/98		776.00	1,325.00	6,524.00
	7/1/98	6/30/01		942.00	1,325.00	6,524.00
	7/1/99	6/30/02		942.00	1,325.00	6,524.00
	7/1/02	6/30/03		942.00	1,319.00	6,524.00
			Total			46,520.00

GRAND TOTAL 527,490.00

8. ANNEX 8 – TEACHER SERVICE COMMISSION

Topic – BUDGET FOR GRADING & PROMOTION OF TEACHERS

This budget is detailing the recommendations of the TSC to the ministry of Education. Kindly peruse because it summarizes all the circulars cited there before.

Pursuant to the TSC commission some teacher have been promoted vide TSC circular No7/97 Dated 3rd February 1997 i.e

- (i) Kagere David Mutegi TSC No. 354163
- (ii) Kirgo Jane Mutwamwari TSC No. 289299 where the 2010/10/28 letter was cancelled.

Date: 1st November 2018

WOES OF TEACHERS WITH "A" LEVEL QUALIFICATIONS

Teachers with "A" level qualifications have been complaining about their salaries for the last twenty-two years since 1996. All this time, their demands have never been fully met, perhaps due to the multi-directions that the "A" level teachers issue has taken over the years.

Given below is a detailed account explaining the woeful conditions of the above category of teachers. It's a nine-step explanation.

1. Last form 6 class.

Under the previous system of education (7:4:2:3) the last form 6 class was done in 1989.

2. Options after completing form 6.

In the previous system of education, form 6 leavers who did not qualify to the university and were interested in teaching had the following two fold options:

- a) One could join diploma teaching college if he/she had the following qualifications;
 - 1 principal and 1 subsidiary in a science combination.
 - 1 principal and 2 subsidiaries in an arts combination.
 - These teachers were to qualify as secondary school teachers.
- b) One could also join P1 College if he/she had lower qualifications than needed to join diploma colleges. These were to qualify as primary school teachers.

3. Ban of diploma colleges in 1989.

The government banned diploma colleges in 1989 blocking out form 6 leavers who had qualified to join teaching profession as diploma holders.

The transition from 7:4:2:3 system to 8:4:4 system of education failed to address the fate of this category of form 6 graduands. This alone was the genesis of the problems facing teachers with "A" level qualifications today.

4. Options taken after ban of diploma colleges

With the ban of diploma colleges in 1989, form 6 graduands who had qualifications for joining diploma colleges took different options and were divided into three categories as follows:

- a) Some opted to join P1 colleges to be trained as primary school teachers a training course below their academic qualifications.
- b) Some got employed by TSC as untrained teachers.
- c) Some continued teaching under Bog's in secondary schools as untrained teachers.

In early 1990s before the universities started producing the first teacher graduands under the 8:4:4 system of education. It was categories "b" and "c" of "A" level teachers that supplemented the inadequate supply of teachers in secondary schools by the TSC.

In actual fact, the first 8:4:4 form 4 candidates were adequately prepared for KCSE by these teachers (categories "b" and "c").

Indeed the TSC registered these teachers as secondary school teachers and not primary school teachers.

5. 2 week in-service course in 1996

On April and August 1996 the government took teachers in categories 4"b" & "c" for a 2 week in-service course after which the graduands were awarded with S1 certificates which were equivalent to diploma certificates.

Teachers in category 4"a" (currently P1 "A" level teachers) were not allowed to join the 2 week in-service course. They were told that their promotion to diploma level/ S1 level was to be automatic. It has never been automatic and for the last 22 years P1 "A" levels have been undergoing a serious professional agony.

6. After the 2 week in-service training

Teachers in category 4(b) who had been employed by the TSC as untrained teachers got promoted to diploma/S1 level and got into the TSC scheme of service which allowed moving to a higher grade after every 3 years.

Teachers in category 4(a) were left out of these promotions despite having the same academic qualifications with teachers in category 4(b) category 4(a) continued serving as P1 grade until later in 1st July 2003 when they were moved to ATS4, a grade still lower than diploma/S1 level they were worth.

Category 4(c) remained unemployed save teachers with science combinations who were employed by the TSC immediately after the 2 week in-service course.

7. Employment of teachers in category 4 "c"

Employment of "A" level teachers with S1 certificates started in 2002 and onwards. Surprisingly the TSC did not absorb these teachers at the diplomas/S1 level as their counter parts in category 4"b".

The category 4"c" teachers were absorbed at ATS4 a grade below the diploma level that which they were trained.

8. Promotion of category 4"a" and 4"c" teachers

Categories 4"a" and 4"c" continued languishing in ATS4 grade unlike their counter parts in 4"b" until later.

Category 4"a" was promoted from ATS4 (Job group H) to job group L in 2010.

Category 4 "c" was promoted from ATS4 (Job group 4) to Job group L IN 2014. Both categories skipped two grades in their promotions – job group "J" and "K"

9. CURRENT COMPLAINTS

- Category 4"a" (P1 "A" level teachers) ought to have been promoted to diploma level in 1996 but their promotions came in 2010, 15 years later.

This category of teachers is asking for backdated promotions from 1996 up to 2010 in order to be at par with their counterparts in 4"b".

Category 4 "c" (S1 "A" Level teachers) ought to have been employed as diploma holders (ATS3) at their respective times of employment. This category of teachers is asking for backdated promotions from their respective times of employment up to 2014 in order for them to be at par with their counterparts in 4"b".

NB: Backdated promotions to include subsequent letters of promotion for the skipped grades, salary, allowances and arrears taking into consideration yearly increments and respective individual incremental dates.

P1/S1 "A" LEVEL TEACHERS
LUUMA PRIMARY SCHOOL
P.O BOX 4-60605
MUTHARA-MERU
12/01/2023

HIS EXCELLENCY HON. Dr. W.S RUTO,
PRESIDENT AND COMMANDER-IN CHIEF OF THE DEFENCE
FORCES OF THE REPUBLIC OF KENYA

Dear Sir,

RE: REQUEST FOR PAYMENT OF ARREARS TO P1/S1 A LEVEL TEACHERS

Sir, we are grateful for the consideration we were given by the late his excellency Mwai Kibaki in the year 2010. This is when he released funds to the ministry of education and recommended our upgrading and payment.

This was done from 1st July 2010 onwards.

However, the outstanding arrears dating from July 1996 to 30th June 2010 were not honoured despite the fact that a few teachers were paid according to the circular and the PCA (Pay Change Advice) attached.

Our humble request Sir is that you re-order the payment of the said arrears from 1996 to June 2010,

We look forward to your positive response

Yours faithfully,



DAVID THAGUAMBI

INTERIM SECRETARY.

P1/S1 "A" LEVEL TEACHERS REPRESENTATIVES.

P1/S1 "A" LEVEL TEACHERS,
LUUMA PRIMARY SCHOOL
P.O BOX 4-60605
MUTHARA-MERU
18TH JAN 2023

HIS EXCELLENCY DR.W.S .RUTO
PRESIDENT AND COMMANDER-IN CHIEF OF THE DEFENCE
FORCES OF THE REPUBLIC OF KENYA.

Dear Sir,

**RE: CLAIM FOR SALARY ARREARS DATED 1996-2010 BY P1/S1"A" LEVEL CERTIFICATE
TEACHERS.**

First and foremost we sincerely thank your Excellency for being a listening and caring president and your readiness to uplift the downtrodden persons.

We hereby make reference to the letter dated 8th February 2019 Ref TSC/SDDHRM/28 from the Teachers service Commission and signed by Mr. SIMEON OMARE on behalf of secretary/Chief Executive.

As suggested in the letter, the recruitment of 'A' Level teachers to teach in secondary schools and primary schools were basically under the same condition since their salary scale was the same

The underlying fact was the general qualification i.e. must have obtained in their 'A' levels.

a.1 principle 2 subsidiary passes for arts excluding general paper or

b.1 principle I subsidiary passes for science subjects excluding general paper

See, Circular entitled "Ministry of education dated 18th July 1996, from the chief inspector of schools: Referenced,P1 TRAINED TEACHERS with 'A'LEVEL ACADEMIC QUALIFICATONS.'

Refer to-ANNEX 1 attached.

We kindly urge you to peruse through the teachers service commission circular dated 26/9/2000 from S.H.R.M-REFER TO ANNEX 2 attached.

Reference TSC/SPPO/MEMO/GEN11/3/49 Subject PROMOTION OF

DIPLOMA TEACHERS (JOB GROUP J) TO APPROVED TEACHERS

STATUS TWO (JOB GROUP 'K') clause(iii) Teachers with 'A levels (1)principle one(1)subsidiary in sciences excluding general paper or one (1)principle (2) subsidiaries in Arts excluding general paper graded to SI by the director of education.

NOTE, While TSC thought they were upgrading secondary schools teachers, all those in primary schools 'A' level untrained teachers moved to the training centers and they too were promoted for the basis of promotion was recognition of 'A' level certificates.

In reference to TSC circular No.7/97 dated 3d Feb 1997you also promoted some trained 'A' level teachers to graduate teacher status Job Group L 8/2/2011see case study-letter dated 11th Nov2010. There was no need therefore to separate others. Both cases are attached Annex3 (a)&3(b).

In 2003 TSC promoted the 'A' level teachers from 1996 and paid commensurate arrears. See, the payment schedule entitled "promotions with effect from 1 July 2003."

Note1-P1'A' level teachers with more than 15 years' service

Note 2-P1'A' level teachers with less than 15 years' service

Refer Annex IV attached.

Conclusively according to the code of regulations for teachers (2015)page 36 VII- salary and annual increments

No.82 1-8(QUOTE)

- 1) The commission shall upon the first appointment of a teacher pay a salary in the scale appropriate to the specific grade of the teacher
- 2) The commission shall from time to time determine the scale to which each teacher shall belong
- 3) Upon first appointment, the commission shall pay a teacher the lowest salary in the scale
- 4) The commission shall pay from time to time and in consultation with the salaries and remuneration commission, determine the salary scale appropriate to the grade of the teacher

- 5) The commission shall where there is a salary review; accordingly
adjust the salary of the teacher
- 6) Where the commission erroneously pays salary or allowances or grants
an undeserved benefit to the teacher, the teacher shall reimburse the commission to
the extent of the erroneous payment
- 7) Any over payment or erroneous payment made to a teacher
Constitutes government liability and the commission shall recover the amount to the
extent of the liability

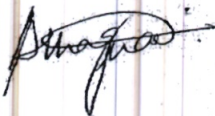
8. Where the commission erroneously fails to pay salary or allowances or grant any benefit to the teachers, the commission shall pay the teacher to the extent of the amount due.

In view of the above we believe that the said arrears for the cited cadre of teachers is long overdue.

We humbly request you to finalize this matter amicably once and for all.

Thank you and God bless you.

Yours faithfully



DAVID THAGUAMBI

INTERIM SECRETARY,

P1/S1 'A' LEVEL TEACHERS REPRESENTATIVE.

9. Annex 9 – WOES OF TEACHERS WITH 'A' LEVEL

Qualifications dated 1st November 2018.

Attached also is the letter addressed to the current Head of state dated 12/1/2023.

Conclusion

In the event that any more information is required, reach out to the petitioner Ruth W.

Kabui Phone: 0722 620 708.



MINUTES OF THE FIFTY-FOURTH (54TH) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON TUESDAY 5TH DECEMBER, 2023 AT 12:00 PM AT COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDING.

PRESENT

- | | |
|---|---------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. John Kinyua Nderitu, MP | - Member |
| 4. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 5. Sen. James Kamau Murango, MP | - Member (Chairing) |
| 6. Sen. Johnes Mwaruma, MP | - Member |
| 7. Sen. Joseph Githuku Kamau, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-----------------------------------|----------|
| 1. Sen. Agnes Kavindu Muthama, MP | - Member |
| 2. Sen. Lenku Ole Kanar Seki, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I |
| 2. Ms. Doris Obure | - Clerk Assistant III |
| 3. Mr. Dennis Amunavi | - Research Officer III |
| 4. Ms. Fatuma Abdi | - Audio Officer |
| 5. Mr. Felix Ogutu | - Audio officer |

MIN/SEN/SCE/260/2023

PRELIMINARIES

The meeting was called to order at fifteen minutes past noon and the proceedings commenced with a word of prayer said by Sen. James Kamau Murango, MP.

MIN/SEN/SCE/261/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Prof.) Margaret Kamar, EGH, MP, and seconded by Sen. Johnes Mwaruma, MP, as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of minutes of the previous meetings-
 - a. Minutes of the 52nd sitting held on 28th November, 2023; and
 - b. Minutes of the 53rd sitting held on 30th November, 2023.
4. Matters arising from the minutes;

5. Considering and adoption of a Committee Report on a petition concerning the 1996 to 2010 salary arrears for teachers with P1 "A" level academic qualifications;
6. Any other business; and
7. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/262/2023

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

1. The Minutes of the 52nd meeting held on 28th November, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. Peris Tobiko, CBS, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP; and
2. The Minutes of the 53rd meeting held on 30th November, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. Peris Tobiko, MP and seconded by Sen. Johnes Mwaruma, MP.

MIN/SEN/SCE/263/2023

MATTERS ARISING FROM THE MINUTES

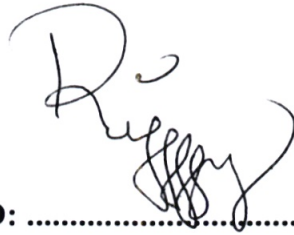
The EX-MIN/SEN/SCE/258/2023; Meeting with the Teachers Service Commission on Statements and Petitions. The Committee resolved to follow-up on the undertaking of the Teachers Service Commission (TSC) in regards to the interdiction of teachers seeking transfers from the North-Eastern region over alleged insecurity.

MIN/SEN/SCE/264/2023

CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON A PETITION CONCERNING THE 1996 TO 2010 SALARY ARREARS FOR TEACHERS WITH P1 "A" LEVEL ACADEMIC QUALIFICATIONS

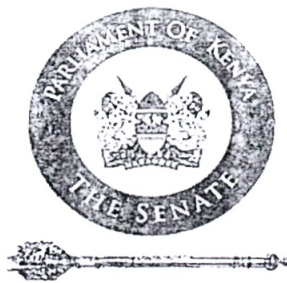
1. The Committee Secretariat presented Committee Paper No. 041 on the consideration and adoption of the Committee Report on a petition regarding the 1996 to 2010 salary arrears for P1 teachers with "A" level academic qualifications;
2. The Committee recommended that all teachers having complied with the requisite processes and are due for promotion, be promoted in accordance with the Scheme of Service without unnecessary delay; and
3. The Committee Report was considered and unanimously adopted having been proposed by Sen. (Prof.) Margaret Kamar, EGH, MP; and seconded by Sen. Johnes Mwaruma, MP.

There being no other business, the meeting was adjourned at twenty-five minutes past one o'clock. The Committee resolved to hold the next meeting on notice.



SIGNED: DATE: 05/12/23

For - (CHAIRPERSON: SEN. JOE NYUTU, M.P.)



MINUTES OF THE FIFTY-THIRD (53RD) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 30TH NOVEMBER, 2023 AT 10.00 AM AT VIP ANNEX II, FIRST FLOOR, KICC BUILDING.

PRESENT

- | | |
|-----------------------------------|--------------------|
| 1. Sen. Peris Tobiko, CBS, MP | - Vice-Chairperson |
| 2. Sen. John Kinyua Nderitu, MP | - Member |
| 3. Sen. Agnes Kavindu Muthama, MP | - Member |
| 4. Sen. Johnes Mwaruma, MP | - Member |
| 5. Sen. Lenku Ole Kanar Seki, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|---------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 3. Sen. James Kamau Murango, MP | - Member |
| 4. Sen. Joseph Githuku Kamau, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I |
| 2. Ms. Doris Obure | - Clerk Assistant III |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Njeri Manga | - Media Relations Officer |
| 5. Ms. Fatuma Abdi | - Audio Officer |
| 6. Mr. Felix Ogutu | - Audio officer |
| 7. Ms. Hawa Abdi | - Sergeant-at-arms |

IN ATTENDANCE

1. Dr. Nancy N. Macharia, CBS
2. Mr. Cavin Anyuor
3. Dr. Julius Olayo
4. Ms. Antonina Lentoijoni

TEACHERS SERVICE COMMISSION

- Chief Executive Officer
- Director, Legal Services
- Director, Human Resource and Management
- Acting Director, Staffing

MIN/SEN/SCE/256/2023

The meeting was called to order at thirty minutes past ten and the proceedings commenced with a word of prayer said by Sen. Peris Tobiko, CBS, MP.

PRELIMINARIES

MIN/SEN/SCE/257/2023

The agenda of the meeting was adopted with amendments having been proposed by Sen. Agnes Kavindu Muthama, MP, and seconded by Sen. Johnes Mwaruma, MP.

ADOPTION OF THE AGENDA

a. **Consideration of Statements** (*Committee Paper No. 039*)-

1. The Committee Secretariat presented Committee Paper No. 39 on Statements sought from the Committee regarding the inordinate delay in the promotion of teachers in Isiolo County and the interdiction of teachers seeking transfers from the North-Eastern region over alleged insecurity.
2. The TSC informed the Committee that-
 - a. The TSC has not been allocated budget for teacher promotion since 2011/2012 Financial Year (FY) and as such teachers were being promoted are to replace those who have exited service through natural attrition. However, in the 2023/2024 Financial Year, the Commission was allocated Kshs 1 billion for teacher promotion;
 - b. A total of one hundred and forty (140) teachers in Isiolo County have been promoted since the year 2020 and promotion is continuous dependent on among other factors, budgetary allocation and availability of vacancies;
 - c. As of 1st July, 2023, a total of **34,970 teachers** are awaiting promotions with 21,051 being senior teachers at grade C3 to grade C4 (deputy head teachers); and 13,919 teachers at grade C4 awaiting promotion to grade C5 (head teachers);
 - d. The TSC stopped the implementation of delocalization policy and is progressively carrying out transfers. As at October, 2023, they have received a total of six hundred and sixty-one (661) transfer applications from teachers in the North Eastern region of which a total of twenty-five (25) transfers have been effected to the counties of choice and the remaining six hundred and thirty-six (636) transfers shall be considered when there are available suitable replacements to ensure seamless learning across the country;
 - e. The TSC held a meeting with the teachers from North Eastern Region and requested them to report to their work stations and make applications as provided in the Code of Regulation for Teachers (CORT). Consequently, ninety-four (94) teachers resumed duties while one hundred and twenty-nine (129) teachers declined to report to work. Eighteen (18) teachers were transferred to safer areas within Mandera County and Seven (7) out of the One hundred and twenty-nine (129) teachers duly reported to work;
 - f. The TSC resolved to commence a disciplinary process against the one hundred and twenty-two (122) teachers who had failed to report for duty. The Committee was further informed that majority of the one hundred and twenty-nine (129) teachers were teaching under the Board of Management previously in the region for several years and only raised the issue of insecurity when they were employed by the TSC on Permanent and Pensionable terms; and
 - g. The 5-year retention policy, which required that a teacher may only request for transfer upon expiry of 5 years after the 1st appointment, has been reduced to (three) 3 years, prompted by the insecurity challenge in the North-Eastern Region.

3. The Committee observed that the Commission considers the shortage of teachers in specific schools/regions as a basis for recruitment and transfers and grant the first priority to areas with acute teacher shortage so as to accord learners their right to basic quality education.
4. The Committee resolved to invite-
 - a. The Cabinet Secretary, Ministry of Education;
 - b. The Cabinet Secretary, Ministry of Interior and National Administration;
 - c. The Inspector General of police; and
 - d. The salaries and Remuneration Commission,

to deliberate on the issues concerning the payment of hardship and enhanced house allowances and the alleged insecurity for the teaching service in the North-Eastern region.

b. **Consideration of Petitions (Committee Paper No. 040) -**

a. **Petition on the 1996 to 2010 salary arrears for P1 teachers with "A" level academic qualification-**

5. The TSC informed the Committee that the decision to promote Untrained Teachers with 'A' level qualifications in 1995/96 was driven by the need to address an acute teacher shortage in secondary schools and hence did not cover primary school teachers. Such teachers should have taught for a minimum of six (6) years and had one principle and two subsidiaries excluding general paper;
6. The Untrained 'A' level teachers who were promoted to Job Group H after undertaking two weeks in-service course in 1996 progressed systematically from SI, ATS III, ATS II and ATS I after three years of service in each job group upon satisfactory individual performance. The teachers were to progress to subsequent grades by undertaking a Teacher Proficiency Course (TPC) or by pursuing a relevant Diploma or Degree Programmes in line with the Scheme of Service for Non-Graduate Teachers;
7. The decision to promote S1 was challenged by P1 teachers through KNUT who expressed dissatisfaction with the parameters used in the promotion of the Untrained 'A' Level Teachers. This led to signing of different agreements in the years between 2000 and 2003 between TSC, the Ministry of Education and Kenya National Union of Teachers (KNUT) and culminated in promotion of 78, 204 primary school teachers which had a financial implication of Kshs. 332,194,522;
8. While the Untrained teachers systematically progressed from S1, ATS III, ATS II and ATS 1 after three years of service in each job group and upon satisfactory performance. On the other hand, KNUT demanded that P1 A-level teachers to be promoted directly to ATS1 without considering any performance or productivity contrary to the requirements of their Scheme of Service;
9. Pursuant to negotiations between the MOEST, the TSC, the National Treasury and the KNUT between 2003 and 2014, promotions undertaken between 2005 and 2007

and in 2010 under the Scheme of Service for non-graduate teachers had a cost implication of Kshs. 1.4 billion. Further, in all these promotions, teachers' salaries were adjusted accordingly commensurate to their respective new grades.

b. Petition on the payment of hardship allowance and enhanced house allowance-

10. The Committee observed that there is need to review the TSC Code of Regulation for Teachers (CORT) to effect the amendments on designation of hardship allowance;
11. The Committee was informed that enhanced house allowances for the teachers in the affected areas was effected after the Salaries and Remuneration Commission (SRC) advisory; and
12. The Committee noted that there is unwarranted delay in payment of allowances even after they are legally issued which is attributed by budgetary constraints.

MIN/SEN/SCE/259/2023

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business, the meeting was adjourned at thirty-five minutes past one o'clock. The Committee resolved to hold the next meeting on notice.

SIGNED: DATE: 5/14/2023
for (CHAIRPERSON: SEN. JOE NYUTU, M.P.)



MINUTES OF THE FOURTY-EIGHTH (48TH) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 12TH OCTOBER, 2023 AT 12:00 PM AT VIP ANNEX I, FIRST FLOOR, KICC BUILDING

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen. Johnes Mwaruma, MP | - Member |
| 5. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 6. Sen. John Kinyua Nderitu, MP | - Member |
| 7. Sen. Joseph Githuku Kamau, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-----------------------------------|----------|
| 1. Sen. Agnes Kavindu Muthama, MP | - Member |
| 2. Sen. James Kamau Murango, MP | - Member |

SENATE SECRETARIAT

- | | |
|-------------------------|------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I |
| 2. Ms. Doris Obure | - Clerk Assistant III |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Mr. Dennis Amunavi | - Research Officer III |
| 5. Ms. Fatuma Abdi | - Audio Officer |
| 6. Ms. Ivy Wachira | - Protocol Officer |
| 7. Ms. Hawa Abdi | - Sergeant-at-Arms |

MIN/SEN/SCE/228/2023

PRELIMINARIES

The meeting was called to order at ten minutes past noon and the proceedings commenced with a word of prayer said by Sen. (Prof.) Margaret Kamar, EGH, MP.

MIN/SEN/SCE/229/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted with amendments having been proposed by Sen. (Prof.) Margaret Kamar, EGH, MP, and seconded by Sen. John Kinyua Nderitu, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the previous meetings;
 - a. *Minutes of the 44th meeting held on 19th September, 2023*
 - b. *Minutes of the 34th meeting held on 20th July, 2023; and*
 - c. *Minutes of the 47th meeting held on 3rd October, 2023*
4. Matters arising from the Minutes of the previous meetings;

5. Meeting with the Cabinet Secretary, Public Service, Performance and Delivery Management to respond to issues raised in the petitions regarding:
 - a. *Discrimination by the Teachers Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to teachers in Kilifi County (Committee paper No. 35B); and*
 - b. *Discrimination in payment of hardship allowance to teachers in Taita Taveta County (Committee Paper No. 36)*
6. Any other Business; and
7. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/230/2023

CONFIRMATION OF MINUTES OF THE PREVIOUS COMMITTEE MEETINGS

1. The Minutes of the 44th meeting held on 19th September, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Peris Tobiko, CBS, MP;
2. The Minutes of the 34th meeting held on 20th July, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP; and
3. The Minutes of the 47th meeting held on 3rd October, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. Johnes Mwaruma and seconded by Sen. Sen. Peris Tobiko, CBS, MP.

MIN/SEN/SCE/231/2023

MATTERS ARISING

1. Ex-MIN/SEN/SCE/210/2023, Meeting with EIDU to deliberate on Digital Learning Programs.

The Committee resolved to conduct county oversight visit to Murang'a County to assess the implementation status of Digital Learning Programme by EIDU.

2. Ex-MIN/SEN/SCE/224/2023, Meeting with the Teachers Service Commission

The Committee resolved to seek supplementary information and clarification from the Teachers Service Commission on the following issues-

- Detailed information about the trained P1 'A' level teachers who were in service between 1996 and 2003 and the reasons why they were not promoted;
- Copies of the agreements signed between the Teachers Service Commission (TSC) and the Kenya National Union of Teachers (KNUT) in 2003, 2010 and 2014; and
- Measures taken by the TSC to address the disparity in terms of grade and scheme of service between Untrained Teachers and Trained Teachers.

MEETING WITH THE CABINET SECRETARY, PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT

1. The Committee was informed that the office of the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management had informed the Secretariat of his unavailability owing to the recent reshuffle and transition at the Ministry.
2. The Committee resolved to invite the Cabinet Secretary to appear before it at the meeting scheduled to take place on Thursday, 19th October, 2023; and
3. The Committee further requested the Secretariat to prepare a briefing paper on issues raised in the two petitions and especially on the criteria and parameters used to classify areas as hardship areas in the country.

ADJOURNMENT /DATE OF THE NEXT MEETING

There being no other business, the meeting adjourned at eight minutes past one o'clock. The Committee resolved to hold the next meeting on notice.



SIGNED: DATE:19th October, 2023.....

(CHAIRPERSON: SEN. JOE NUTU, M.P.)



MINUTES OF THE FOURTY-SEVENTH (47TH) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON TUESDAY, 3RD OCTOBER, 2023 AT 10:00 AM AT COMMITTEE ROOM 23, BUNGE TOWER, PARLIAMENT BUILDINGS

PRESENT

- | | |
|----------------------------------|--------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 4. Sen. Johnes Mwaruma, MP | - Member |
| 5. Sen. James Kamau Murango, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|----------|
| 1. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 2. Sen. John Kinyua Nderitu, MP | - Member |
| 3. Sen. Joseph Githuku Kamau, MP | - Member |
| 4. Sen. Agnes Kavindu Muthama, MP | - Member |

IN ATTENDANCE

- | | |
|-------------------------------|---------------------------|
| 1. Sen. Alexander Mundigi, MP | - Friend of the Committee |
|-------------------------------|---------------------------|

SENATE SECRETARIAT

- | | |
|-------------------------|------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I |
| 2. Ms. Doris Obure | - Clerk Assistant III |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Mr. Dennis Amunavi | - Research Officer III |
| 5. Mr. Kenneth Ndirangu | - Research Officer III |
| 6. Ms. Fatuma Abdi | - Audio Officer |
| 7. Ms. Ivy Wachira | - Protocol Officer |
| 8. Ms. Hawa Abdi | - Sergeant-at-Arms |

IN-ATTENDANCE

- | | |
|-----------------------|---|
| 1. Mr. Cavin Anyuor | - Director, Legal, Labour and Industrial Relations |
| 2. Dr. Julius Olayo | - Director, Human Resource Management & Development |
| 3. Ms. Edwina Musindi | - Legal Officer |

TEACHERS SERVICE COMMISSION

MIN/SEN/SCE/220/2023

PRELIMINARIES

The meeting was called to order at thirty minutes past ten and the proceedings commenced with a word of prayer said by Sen. James Murango, MP.

MIN/SEN/SCE/221/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted with amendments having been proposed by Sen. James Murango, MP, and seconded by Sen. Johnes Mwaruma, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 39th meeting held on 10th August, 2023;
4. Matters arising from the Minutes;
5. Meeting with the CEO of the Teachers Service Commission to deliberate on the issues raised in the petitions regarding:
 - a. *Salary arrears for P1 teachers with `A` level academic qualification from 1996 to 2010 (Committee paper No. 28B); and*
 - b. *Discrimination by the Teachers Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to teachers in Kilifi County (Committee paper No. 35)*
6. Consideration of a response to the Statement sought by Sen. Alexander Mundigi, MP regarding the wellbeing of teachers' post-retirement;
7. Any other Business; and
8. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/222/2023

**CONFIRMATION OF MINUTES OF
THE 39TH MEETING HELD ON 10TH
AUGUST, 2023**

The Minutes of the 39th meeting held on 10th August, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. James Murango, MP.

MIN/SEN/SCE/223/2023

MATTERS ARISING

There were no matters arising from the minutes.

MIN/SEN/SCE/224/2023

**MEETING THE TEACHERS
SERVICE COMMISSION (TSC)**

- 1) The Committee was informed that the Chief Executive Officer of the Teachers Service Commission would be represented in the meeting by two Directors and the same had been communicated vide a letter Ref: CS/TSC/76/VOL.V dated 2nd October, 2023.
 - a) **Petition regarding salary arrears for P1 teachers with `A` level academic qualification from 1996 to 2010**
- 2) The Committee was informed that-
 - a) In 1996 the Untrained Teachers with "A" level academic qualifications undertook a two weeks in-service course training at Kagumo and Bondo Teacher Training Colleges and were subsequently promoted to Grade S1, Job Group 'H' and their salaries and allowances adjusted accordingly; and

- b) The decision by the Ministry of Education Science and Technology (MOEST) to promote Untrained teachers was challenged by the P1 “A” level teachers who were already in service. This prompted the Kenya National Union of Teachers (KNUT) to sign three agreements with TSC in 2003, 2010 and 2014. These agreements provided for promotion of P1 “A” level teachers and sought to address the disparity in terms of grade between Untrained and Trained teachers;
- 3) The Committee **observed** that-
- a) The promotions that took place in 1996 were exclusively for untrained “A” level teachers who undertook an in-service training at Kagumo and Bondo Teachers Training Colleges;
 - b) The P1“A” level teachers were promoted in 2003, 2010 and 2014 upon negotiations between TSC and KNUT. Consequently, their salaries and corresponding allowances were adjusted and paid as per their respective job groups; and
 - c) Whereas there was a career progression for the teachers, trained teachers were disadvantaged during promotions undertaken by the MOEST between 1996 and 2003 partly due poor implementation of the promotion policies.
- b) **Discrimination by the TSC on payment of hardship allowance and enhanced house allowance to teachers in Kilifi County**
- a) The Committee was informed that the designated hardship arrears in Kilifi County are Ganze Division in former Kilifi District Magarini, Marafa and Kakoneni Divisions in the former Malindi District, however, the Teachers Service Commission (TSC) has no legal mandate to gazette any area as hardship area;
 - b) Following deliberations, the Committee **resolved** to invite the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management to a meeting to respond to the issues raised in the petitions pending before the Committee regarding payment of hardship allowances.

MIN/SEN/SCE/225/2023

CONSIDERATION OF A
RESPONSE TO THE STATEMENT
REGARDING THE WELLBEING
OF TEACHERS POST-
RETIREMENT

- a) The Committee was informed that the Teachers Service Commission has put in place initiatives to prepare and build psychological resilience to about 20,000 teachers who retire per annum. These initiatives include sensitization programs, retirement awareness and notice of retirement;
- b) In expediting the payment of retirement benefits to teachers upon retirement, the Teachers Service Commission:
 - a. notifies the teachers of the documents required to process their pension through the retirement notice;

- b. encourages teachers to submit the required documents to its County/or subcounty offices for verification prior to forwarding to the headquarters;
 - c. commenced the automation of aspects pension process to ensure that the tedious manual process is hastened with view to improve the turnaround time; and
 - d. established a systematic processing of claims through the first in first out principle with their employees in the pension department set a daily target to ensure timely processing of claims.
- c) The Committee was further informed that in collaboration with National Treasury, the TSC has established an office operated by officers from the Pension Department in fast tracking and processing of pension claims for onward transmission to the National Treasury

MIN/SEN/SCE/226/2023

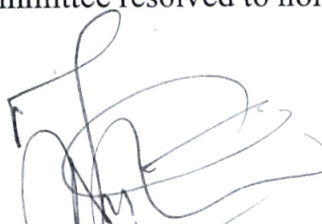
ANY OTHER BUSINESS

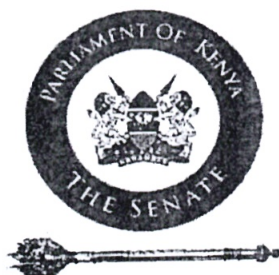
- a) The Committee was informed that a petition by the Kenya National Union of Teachers (KNUT), Taita-Taveta Branch, regarding the discrimination in payment of hardship allowances had been reported in the Senate;
- b) The Committee was informed that the World Teachers Day was scheduled to be marked on Thursday, 5th October. Consequently, a Committee Statement pursuant to Standing Order 52 (1) would be prepared;
- c) The Committee sought to undertake a county visit to Taita Taveta in relation to the petition before the Committee on assessment and classification of hardship zones

MIN/SEN/SCE/227/2023

ADJOURNMENT /DATE OF THE NEXT MEETING

There being no other business, the meeting adjourned at fifty-five minutes past twelve o'clock. The Committee resolved to hold the next meeting on notice.

SIGNED:  DATE: 12/10/2023
(CHAIRPERSON: SEN. JOE NUTU, M.P.)



MINUTES OF THE THIRTY-FOURTH MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 20TH JULY, 2023 AT 12:00 NOON AT VIP ANNEX II, KICC BUILDING.

PRESENT

- | | |
|---|------------------------------|
| 1. Sen. John Kinyua Nderitu, MP | - Member (Chairing) |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 3. Sen. Agnes Kavindu Muthama, MP | - Member |
| 4. Sen. Lenku Ole Kanar Seki, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|----------------------------------|---------------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. Johnes Mwaruma, MP | - Member |
| 4. Sen. James Kamau Murango, MP | - Member |
| 5. Sen. Joseph Githuku Kamau, MP | - Member |

SENATE SECRETARIAT

- | | |
|------------------------|------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Ms. Ivy Nyambura | - Clerk Assistant III |
| 3. Ms. Carol Cheruiyot | - Senior Legal Counsel |
| 4. Mr. Dennis Amunavi | - Research Officer III |
| 5. Ms. Rose Omerete | - Audio Officer |
| 6. Ms. Hawa Abdi | - Sergeant-at-Arms |

MIN/SEN/SCE/162/2023

PRELIMINARIES

The meeting was called to order at twenty-seven minutes past noon and the proceedings commenced with a word of prayer said by Sen. John Kinyua Nderitu, MP.

MIN/SEN/SCE/163/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Lenku Ole Kanar Seki, MP, and seconded by Sen. Agnes Kavindu Muthama, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Petitioners to deliberate on issues raised in a petition regarding the salary arrears for P1 teachers with 'A' Level academic qualifications from 1996-2010 (*Committee paper no.28*)
4. Any Other Business; and
5. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/164/2023

MEETING WITH THE
PETITIONERS IN A PETITION
REGARDING THE SALARY
ARREARS FOR P1 TEACHERS
WITH 'A' LEVEL ACADEMIC
QUALIFICATIONS

1. The Committee was taken through Committee Paper No.28 which highlighted the salient issues raised in the Petition regarding the salary arrears for P1 Teachers with 'A' Level Academic Qualifications and the prayers thereto;
2. The Committee thereafter invited the petitioners to provide clarification and supplementary information on the issues raised in the petition. The petitioners were further advised to provide comprehensive written submissions for Committee analysis; and
3. The Committee resolved to invite the Chief Executive Officer (CEO) of the Teachers Service Commission (TSC) to appear before the Committee to give clarification on the issues raised in the Petition.

MIN/SEN/SCE/165/2023

ANY OTHER BUSINESS

The Committee was informed that a letter inviting the Cabinet Secretary the National Treasury had been delivered successfully and the CS was scheduled to appear before the Committee on Thursday 27th July, 2023.

MIN/SEN/SCE/166/2023

ADJOURNMENT AND DATE OF
THE NEXT MEETING

The meeting was adjourned twenty-four minutes past two. The Committee resolved to hold the next meeting on notice.

SIGNED: DATE: 12/10/2023
(CHAIRPERSON: SEN. JOE NYUTU, M.P.)

TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000
Email: info@tsc.go.ke
Web: www.tsc.go.ke

When replying please quote

Ref. N^o:
TSC/LLIR/SEN/86/VOL.II/138



TSC HOUSE
KILIMANJARO ROAD
UPPER HILL
PRIVATE BAG- 00100
NAIROBI, KENYA

Date: 17th November 2023

Clerk of the Senate
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

**RE: PETITION CONCERNING THE 1996 TO 2003 SALARY ARREARS
FOR P1 TEACHERS WITH "A" LEVEL QUALIFICATIONS**

The above captioned matter and your letter ref. SEN/SCE/CORR/2023/031 (b) dated 12th October 2023 refer.

Attached hereto, please find a detailed response to the questions for further action.

C.O. ANYUOR
FOR: SECRETARY/CHIEF EXECUTIVE

TEACHERS SERVICE COMMISSION



RESPONSE TO PETITION CONCERNING THE 1996 TO 2003 SALARY
ARREARS FOR P1 TEACHERS WITH 'A' LEVEL ACADEMIC
QUALIFICATIONS

17th NOVEMBER 2023

1. **BACKGROUND INFORMATION**

- 1.1. The Teachers Service Commission is established under Article 237 (1) of the Constitution with both regulatory and human resource functions in the public teaching service.
- 1.2. Prior to 2010, the Commission operated as a Statutory Semi -Autonomous Government Agency (SAGA) under the parent ministry, Ministry of Education, Science and Technology (MOEST).
- 1.3. Accordingly, during this period, human resource functions in the public teaching sector were done by the Commission in consultation with MOEST.
- 1.4. During the period 1996 to 2010, the Commission had in its establishment two categories of teachers i.e., trained P1 "A" Level teachers and Untrained "A" Level teachers.

2. **SPECIFIC RESPONSE TO THE PETITION CONCERNING SALARY ARREARS FOR P1 TEACHERS FROM 1996 TO 2010.**

2.1 **Detailed information about the trained P1 "A" level teachers who were in service between 1996 and 2003 and the reasons why they were not promoted.**

- 2.1.1 In 1995 public Secondary Schools reported an acute shortage of teachers in the schools. At the material time, the Commission had in its workforce Untrained Graduate Teachers who had also A-level qualifications.
- 2.1.2 To address the acute shortage of teachers in Secondary schools, in July 1995 MOEST developed a two-week condensed course and subjected the A-Level graduate teachers to undertake the training.
- 2.1.3 As a result, the said teachers were promoted to **S1 grade** after attending a **two-week** course at Kagumo and Bondo Teachers Training Colleges.
- 2.1.4 The teachers covered under this exercise were Secondary School Teachers who had taught for a minimum of **six years** and had one principle and two subsidiaries excluding general paper.

- 2.1.5 The decision to promote Untrained Teachers with 'A' level qualifications was driven by the need to address an acute teacher shortage in secondary schools and hence did not cover Primary School Teachers.
- 2.1.6 Thereafter, in July 1996, the government implemented a Scheme of Service for non-graduate teachers. The Scheme had the following salient features: -
- a. Non-graduate teachers of P3, P2, P1, ATS IV grades were to be promoted to higher grades after successful completion of Teachers Promotion Course (T.P.C) coordinated by the Ministry of Education.
 - b. Abolition of the SI grade and introduction of the ATS IV grade.
- 2.1.7 Notably, serving SI teachers were allowed to gradually progress to ATS III, ATS II, and ATS I upon three-year satisfactory performance on one grade.
- 2.1.8 Pursuant to the promotion of untrained 'A' level teachers to S1 grade, KNUT begun agitation for the promotion of the PI Teachers with 'A' level qualifications.
- 2.1.9 This led to several consultative meetings between 2000 and 2003 between TSC, the Ministry of Education and KNUT.
- 2.1.10 These consultative meetings culminated in the promotion of **78,204** Primary School Teachers as shown in Table 1 below. Relevant copies of minutes are annexed as **Appendix 1**
- 2.1.11 Notably the promotions had a financial implication of **Kshs. 332,194,522** in salary arrears.

Table 1: category of teachers promoted in 2003

No	Old Grade	New after promotion	Grade	Number promoted
1.	P1 'A' Level	ATS IV		6,466
2.	P1 Long Service	ATS IV		47,896
3.	P1 (TPC) - 1998	ATS IV		2,384
4.	P2 (TPC) - 1998	P1		614
5.	P2 Long Service	P1		17,645
6.	P3 Long Service	P2		3,021
7.	P4	P3		24

- 2.1.12 In July 2005, after deliberations between the Ministry of Education, the Ministry of Finance, TSC and KNUT, the Scheme of Service for Non-Graduate Teachers was reviewed and implemented.
- 2.1.13 It was further agreed between the parties that any further promotions of the non-graduate teachers would strictly be in accordance with the provisions of the Scheme of Service.
- 2.1.14 This information is captured in the detailed brief to the then Prime Minister attached as **Appendix 2**.
- 2.1.15 To this end, a total of **13,428** teachers were promoted between **2005 and 2007**, including P1 'A' level teachers as shown in Table 2 below.

Table 2: Number of non-graduate teachers promoted between the year 2005 and 2007

No.	Year	No. of non-graduate teachers promoted
1.	2005	4,300
2.	2006	4,400
3.	2007	4,728
TOTAL		13,428

- 2.1.16 Despite the above interventions by Government, KNUT leadership sustained the clamour for the P1-A level teachers to be promoted directly to **ATS I** without following the provisions of the Non Graduate teaches Scheme of Service.
- 2.1.17 Members may note that the Untrained A-level Graduate teachers did not jump Jo groups. The progressed systematically from **SI, ATS III, ATS II** and **ATS I** after three years of service in each job group and upon satisfactory performance.
- 2.1.18 On the other hand, KNUT demanded that P1-A-level teachers to be promoted directly to ATS I statues without considering any performance or productivity contrary to the requirements of their Scheme of Service.
- 2.1.19 After years of consultations, the Government finally gave in. On 22nd July 2010, Ministry of Education, the Ministry of Finance, TSC and KNUT reached an agreement.
- 2.1.20 The parties signed an agreement providing that P1 'A' Level teachers who were in service as at 1/7/2003 to be promoted from **ATS IV, to ATS I**, with effect from **1/7/2010**. **Appendix 3 is a copy of Agreement signed between Government and KNUT.**



MOVING NOTES

PETITION CONCERNING THE 1996-2010 SALARY ARREARS FOR P1 TEACHERS WITH “A” LEVEL ACADEMIC QUALIFICATIONS

Mr. Speaker Sir,

The petitioners in this Petition expressed concerns that in May 1996, the Ministry of Education, Science and Technology graded Untrained Teachers after attending a two-weeks in-service course at Kagumo and Bondo Teachers Training Colleges and locked out over 6,466 Primary 1 (P1) teachers who were better qualified through training and experience. These P1 ‘A’ level Trained teachers were not promoted until 1st July, 2003.

This resulted in a big disparity between the average salary increase for the cadres in the period between 1996 and 2003. They further added that the best efforts to have these matters addressed by the relevant authorities had all failed to give a satisfactory response.

Petitioners further argued that promotions in 2003 and 2010 overlooked the fact that they had stagnated for an inordinate period, earning less salaries and that payment of salary arrears could fairly compensate them for that historical injustice.

Mr. Speaker Sir,

During consideration of this petition, the Committee invited the petitioners to provide clarifications and supplementary information and the Teachers Service Commission (TSC) to deliberate on the issues in the Petition.

Mr. Speaker Sir,

The TSC informed the Committee that whereas the Commission was established in 1967 to place teachers under one employer with uniform terms and conditions of service, promotion of teachers was done by the Ministry of Education. Further, that the TSC operated as a Statutory Semi-Autonomous Government Agency (SAGA).

The Committee was further informed that in 1996, the Ministry of Education promoted Untrained Teachers (UTs) to grade S1, Job Group 'H', after undertaking a two-week in-service course at Kagumo and Bondo TTCs. However, the decision to promote UTs was challenged by the Kenya National Union of Teachers (KNUT) who expressed dissatisfaction with the parameters used in the promotion. This led to several consultative meetings between the TSC, the MOEST and the KNUT.

Consequently, the TSC, the MOEST and the KNUT signed several agreements between years 2003 and 2014 ostensibly to promote all P1 'A' level teachers and address the disparity in terms of grade between Untrained and Trained 'A' Level Teachers. In 2003, for instance, **78,204** P1 'A' level teachers were promoted which had a financial implication of Kshs. 332, 194, 522.

Nonetheless **Hon. Speaker**, following sustained clamor by the KNUT, in July, 2010, TSC signed an agreement with KNUT to promote all P1 'A' level teachers who were in service as at 1st July, 2003 from ATS IV to ATS I with effect from 1st July, 2010. Further, in 2014, another resolution was made to promote the last cohort of P1 'A' level teachers who joined the service after 1st July, 2003. In all these promotions, teachers' salaries were adjusted accordingly commensurate to their respective new grades.

Mr. Speaker Sir,

Following analysis of the submissions by the petitioners and the TSC, the Committee **observes that-**

- a) Rapid expansion and education reforms in 1970's and 1980's increased the school enrollment and called for high demand for teachers. To mitigate the shortfall, many unemployed 'A' level school leavers, were engaged as teachers establishing two categories of teachers; **Trained teachers** and **Untrained Teachers**;
- b) The policies to bridge the teachers shortfall further required the Untrained Teachers to upgrade themselves with skills, knowledge and expertise required to be professional teachers. However, there existed inconsistencies and poor implementation of guidelines for upgrading, promotion and placement of teachers on their right scale which created disparity amongst the average salaries for the Untrained and Trained Teachers;
- c) KNUT agitated against parameters used in promotion of Untrained Teachers in 1996 and successfully secured several agreements with the TSC between years 2003 and 2014. The agreements sought to remedy the disparity in grading between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' Level Teachers who were promoted in 2003;

- d) The Untrained 'A' level teachers who were promoted after undertaking a two-weeks in-service course in 1996 progressed systematically after three years of service in each job group upon satisfactory individual performance. The teachers were to progress to subsequent grades by undertaking a Teacher Proficiency Course or by pursuing a relevant Diploma or Degree Programme in line with the Scheme of Service for Non-Graduate Teachers; and
- e) All the P1 who were in service as at 1st July, 2003 were promoted directly from ATS IV to ATS I and were not subjected to performance measurement. Their attendant salaries, which were mutually agreed upon by parties, were adjusted accordingly commensurate to their new grade.

Mr. Speaker Sir, with the foregoing, the Committee makes a **finding** that there was systematic discrimination against the P1 teachers who were subjected to unfair labour practices during the promotions that took place between 1996 and 2003.

The Committee however, **noted** that the agreements between KNUT, the TSC, MOEST and the National Treasury between 2003 and 2014 sought to remedy the disparity in grading between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' Level Teachers who were promoted in 2003. Accordingly, the petitioners' salaries were reviewed and adjusted to their respective job groups and as such there are no accrued arrears.

Nonetheless, the Committee **recommends** that all teachers having complied with the requisite processes and are due for promotion, be promoted in accordance with the Scheme of Service without unnecessary delay.

Mr. Speaker, Sir

I thank you

2.1.21 Resultantly, P1 'A' Level teachers were upgraded from **ATS IV**, to **ATS I**, with effect from 1/7/2010 as highlighted in **circular ref.: SDSHR/SDS(S)/4A/VOL.II/2 dated 4th October 2010** attached as **Appendix 4**.

2.1.22 Notably, this promotion costed the government **Kshs. 1.4 billion** annually as shown in **Appendix 5**.

2.1.23 In 2014, the Commission pursuant to negotiations with KNUT resolved to promote the last cohort of P1 'A' Level Teachers who joined the service after **1/7/2003**. To this end, all P1 'A' Level Teachers were promoted with effect from **1/10/2014** in the following manner:-

a) *Those who had served for three (3) years as at 1st October 2014 were promoted to ATS III Grade, Job Group 'J'*

b) *Those who had served for six (6) years as at 1st October 2014 were promoted to ATS II Grade, Job Group 'K'*

c) *Those who had served for nine (9) years as at 1st October 2014 were promoted to ATS I Grade, Job Group 'L'.*

2.2 **Copies of the agreements signed between the Commission and the Kenya National Union of Teachers (KNUT) in 2003, 2010 and 2014**

2.2.1 Refer to Appendices 1-5.

2.3 **Measures taken by the Commission to address the disparity in terms of grade and scheme of service between Untrained Teachers and Trained Teachers and discrimination.**

2.3.1 Honorable Members, you will note that the promotion of trained A-Level teachers was done pursuant to negotiations and agreements between the Commission, MOEST, Treasury, and KNUT. The period of promotion and the resultant salaries were mutually agreed upon by the parties.

2.3.2 As explained above, the promotion of Untrained Graduate teachers in 1995 was an effort by the government to address the acute teacher shortage of teachers in secondary schools. Training undertaken by primary school teachers was on their own volition.

2.3.3 To this end, the issue of discrimination does not arise for the following reasons:

- i. For discrimination to arise, there must be differential treatment of persons in the same category. In this case, the teachers were not in the same category i.e. Primary School A-level Teachers who are trained Primary Schools and A-Level untrained Graduate Teachers.
- ii. Not all Untrained Graduate Teachers were eligible for promotions but only those who had taught for a minimum of **6 years** having one principle and two subsidiaries excluding general paper. This was to ensure that their promotion achieved the need to address teacher shortage in secondary school.
- iii. Untrained Graduate Teachers progressed systematically through the grades from **SI, ATS III, ATS II** and finally **ATS I P1** Trained A-Level Teachers moved directly from **ATS IV to ATS I** and were not subjected to performance measurement hence benefited more.
- iv. The non-graduate teachers had a Scheme of Service in place that allowed them to systematically progress to ATS I while the Untrained Teachers did not have a corresponding scheme of service.
- v. The teachers including non-graduate teachers negotiated for their terms of service, in this case promotions, through their union KNUT.
- vi. The matter was discussed, negotiated, settled by the legal representatives of the teachers being their Union.

2.4 **RESPONSE TO PRAYERS BY THE PETITIONERS REGARDING PAYMENT OF SALARY ARREARS FROM 1996 TO 2010 FOR P1 'A' LEVEL TRAINED TEACHERS**

2.4.1 Honorable Members, from the sequence of events and circumstances surrounding the promotion of both untrained graduate teachers and P1 'A' Level trained teachers as discussed under paragraph above, we are convinced that the prayer for payment of salary arrears from 1996 to 2010 for P1 'A' Level Trained Teachers is untenable for the following reasons:

*i. **No salary arrears accrued***

2.4.2 Pursuant to negotiations between the Commission, Ministry of Education, Treasury and KNUT, P1'A' Level teachers were promoted in **2003** with a cost implication of **Kshs. 332,194,522**, between 2005 and 2007 under the Scheme of Service for non-graduate teachers, in 2010 with a cost implication of **Kshs. 1.4 billion** and finally in 2014.

2.4.3 In all these promotions, teachers' salaries were adjusted accordingly commensurate to their new grade. No Petitioner has presented evidence to show that even though they were promoted, their remuneration was not adjusted accordingly to warrant the prayer for salary arrears.

*ii. **Deliberations by Parliament***

2.4.4 Honorable Members, the issue of promotions of P1 'A' Level teachers was tabled and discussed by the Departmental Committee on Education, Research and Technology as evidenced in our letter to the committee dated **19th April 2010** attached as **Appendix 6**.

2.4.5 The matter having been conclusively discussed and dispensed with by the Committee we are of the view that the same cannot be re-opened 13 years later.

*iii. **Promotion as a contractual term of service***

2.4.6 It is trite that promotion is a term of service that like all the other terms of employment is negotiated and agreed upon by the employer and the employee.

- 2.4.7 In this case, Honorable Members, promotion of P1 'A' Level teachers was canvassed for by their representative KNUT as shown in their various letters to the Ministry of Education and the Commission at **Appendix 7**.
- 2.4.8 Following the demands by the union, the Commission, Ministry of Education, Treasury, and KNUT held several meetings where the promotion terms were negotiated and agreed upon. The negotiated term formed part of the contractual term of service for the teachers.
- 2.4.9 As clearly illustrated, throughout the negotiations, the teachers were presented by their affiliated union, KNUT. Filing a new claim for salary arrears at this juncture is not only legally unsound but also defeats the principle of collective bargaining that requires the employer and employee to conclusively negotiate the terms of employment.
- iv. **The prayer negates public policy and interest***
- 2.4.10 Honorable Members, we submit that public policy in Kenya leans towards finality of matters/end in proceedings. This issue of promotion of P1 'A' Level teachers has been discussed on various fora including: negotiations between KNUT and the Ministry of Education; escalated to the Ministry of Finance and education that resolved to payout of Kshs. 1.4 billion and before parliament.
- 2.4.11 The matter was finally solved by the then Prime Minister and the Deputy Prime Minister who was also the Minister for Finance and payments amounting to **1.4 Billion** made.
- 2.4.12 It is unfair on the part of the Petitioners to re-open this matter 20 years later after the first mass promotion of P1'A' Level teachers.
- 2.4.13 Petitioners have not justified why, if they felt aggrieved or dissatisfied with the promotion terms, they did not raise the same during the various negotiations that led to their promotions in 2003, 2010 and 2014.
- 2.4.14 Clearly this Petition is an afterthought that is inimical to the national interest.

v. **Unreasonable and inexcusable delay by the Petitioners**

- 2.4.15 Honorable Members, this matter first arose in 1995 after the government promoted untrained teachers to S1 grade. Thereafter, several meetings between all the relevant parties have been convened resulting to recommendations that have since been implemented. All these were within the public knowledge and more specifically, the Petitioners benefited from the said recommendations.
- 2.4.16 It is illogical for the Petitioners to sit back and wait for twenty-one good years before approaching this Committee. Pursuant to the spirit of **Article 259(8)** of the Constitution it is good practice that matters are raised as soon as they occur.
- 2.4.17 The delay has made it impossible for the Commission to acquire all the relevant documents/ information noting that at the time of the promotions the Commission was a SAGA under MOEST.
- 2.4.18 The inordinate delay by the Petitioners is a clear indication that the Petitioners have filed this Petition as an afterthought. If anything, after Job Evaluation by Salaries and Remuneration Commission the ATS grades are obsolete and all teachers were moved to the new grades in 2017 with commensurate remuneration.
- 2.4.19 Accordingly, we submit that the Government as a whole will suffer irreparable loss if the Committee were to allow the instant Petition. Equity aids the vigilant not the indolent. We are convinced that the Petitioners were not only indolent but also are not considering the best interest of the public.

vi. **Financial Liability**

- 2.4.20 Honorable Members, in the event the Committee allows the prayers sought in the Petition, the same will create financial liability of monumental proportions on the part of the Government noting that: -

a) Majority of the teachers have since retired from government and any attempt to recommend payment will affect pension emoluments.

b) Some of the teachers have since passed on and any recommendation to pay will lead to further gratuity claims.

2.4.21 Needless to say, if the prayer is awarded, it will create a bad precedent where internal policies, negotiated terms of service and contractual agreements shall be interfered with through Petitions in Parliament.

2.5 **Conclusion**

2.5.1 Honorable Members, note that the promotion of untrained teachers was not done arbitrarily but rather considerably to address the shortage of secondary school teachers at the time.

2.5.2 Meanwhile promotion of trained teachers was done pursuant to their Scheme of Service at the time. Through the Scheme of Service, they were allowed gradually progress up to ATS I. Accordingly, their promotions were not curtailed.

2.5.3 The above notwithstanding, through the various negotiations initiated by their union, KNUT the trained teachers were promoted in 2003, 2010 and 2014. Throughout the promotions, they were remunerated accordingly.

2.5.4 The last meeting on P1'A' Level teachers in 2014 completely resolved this issue by promoting all the P1'A' Level teachers in service at the time.

2.5.5 It is therefore our humble prayer Honorable Members that you note our submissions in totality and decline the prayers in the Petition.

.....**THE END**.....

7
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4

MOEST/KNUT/TSC MEETING HELD AT THE KENYA SCIENCE
TEACHERS COLLEGE BOARD ROOM ON TUESDAY NOVEMBER 7,
2000:

PRESENT FROM MOEST:

1. Prof J. C. Kiptoon EBS - PS, MOEST
2. Mr. Sammy P. M. Kyungu - Director of Education
3. Mr. D. Rono - Chief Inspector of Schools
4. Mr. P. Ogaka - D. Technical
5. Mr. L. Lodiaga - Director of KESI
6. Mr. Enos O. Oyaya - Deputy Chief Inspector of Schools
7. M. G. Kibunja - S.P.P.O
8. F. T. Kimemia - DCI, MOEST (Taking Minutes)
9. J. M. Wekesa - CFO

PRESENT FROM TSC:

1. Mr. B. K. Sogomo - Secretary, TSC
2. Mrs. S. N. Kinyua -
3. N. K. Kangichu - Ag. Deputy Commission Secretary, Finance
4. C. W. Kariuki - TSC
5. C. Ayabei - TSC (Taking Minutes)

PRESENT FROM KNUT:

1. John Katumanga - National Chairman
2. Ambrose A. Adongo - Secretary General
3. Peter M. Mutulu - National Treasurer
4. Joseph Chirchir - 1st Vice National Chairman
5. Francis M. Ng'ang'a - Deputy Secretary General
6. Lawrence K. Majali - Assistant Secretary General - (Joint Secretary)
7. Fred Ontere - Vice National Treasurer
8. Amos N. Ngoco - 2nd Vice National Chairman

IN ATTENDANCE:

1. Mr. Kibue - Principal, KSTC
2. Erick Keter - Senior Executive Officer, KNUT - (Minutes Asst)

3. Paul M. Nyambala

- Senior Executive Officer, KNUT
- (Minutes Assistant)

COMMENCEMENT:

The meeting was called to order at 10.00 a.m. by the Permanent Secretary (PS) MOEST,
Prof. Japhet Kiptoon.

Mr. Kangichu said a word of prayer.

The meeting adopted the following agenda:

1. Communication from the Chair
2. Promotion of Teachers in the following categories:-
 - i. PI teachers with 'A' level qualification;
 - ii. Long serving P4, P3 and P2 with minimum 10 years of service;
 - iii. Uts with CPE, KJSE and 'O' level qualifications;
3. Delays in the processing of teachers' salaries
4. Transfer of teachers scheduled for January 2001
5. The teachers' salary award as contained in Legal Notice No. 534 of November, 1997.

MIN./1/2000 - PRELIMINARIES:

- A. The KSTC Principal welcomed the members to his college and wished them success in their deliberations.
- B. All members' present made self-introductions.
- C. The PS thanked the Principal for the warm welcome. He thanked KNUT for initiating the holding of the meeting. He called upon members to handle the issues to be discussed with a lot of understanding. He observed that KCPE had started that morning and KCSE was half way done. He thanked KNUT and their members for the good work they had put in to prepare the candidates.

- D. On behalf of KNUT the National Chairman and Secretary General thanked the PS for convening the meeting, which would streamline issues of great concern to the teaching fraternity. They observed that the KNUT leadership had behaved very responsibly; but the MOEST at times had made provocative statements concerning teachers. Leaders come and go but Kenya and the Kenyan children will remain. The PS has shown that he is approachable and therefore MOEST/TSC co-operation with KNUT will depend on how the Ministry and TSC respond to the teachers' problems.
- E. The National Executive Council (NEC) of KNUT had directed the Secretary General to write letters and demand for this meeting, whose deadline was 15/11/2000. The TSC/KNUT Recognition Agreement paragraph 18 gives the union the mandate to meet with the MOEST direct.
- F. The KNUT affirmed its stand that it will not offer any protection to teachers who mess with their girl pupils/students.
- G. KNUT thanked Mr. Sogomo and his wife for visiting Mr. Adongo at Nairobi Hospital when he was hospitalized.
- H. The Director of Education observed that this was a very important meeting. He informed the meeting that SPREAD 3 had started unfortunately without KNUT being consulted. He appealed to the union to understand the programme, as teachers will be required to pay a little money.
- I. The union assured the Director that it was vital for participants to pay a little to facilitate their being trained to make them better workers.
- J. The TSC Secretary apologized for coming late to the meeting, but his lateness was with the awareness of the PS. He informed the meeting that he has had several meetings with the KNUT top leaders both in his office and at the KNUT H/Qs. He is always on telephone consultations with the Secretary General. He said that issues that will not be tackled at this particular meeting would be discussed in other forums.

MIN./2/2000 - PROMOTION OF TEACHERS:

- a) The meeting was informed that Uts with 'A' level qualifications were put through a three weeks crash programme, and at the end of it, were graded S1/Diploma; while P1 teachers who also were holders of 'A' level qualifications were not considered for any promotion.

It was observed that, those who were graded S1/Diploma are now two grades higher; while the P1 with 'A' level qualifications have remained stagnant on the same grade. This was most unfair to this group of teachers, the meeting observed.

- b) The meeting resolved that the P1 with 'A' level qualifications, as a matter of urgency be graded immediately. The PS was in full agreement with this and asked for a little time to go and study the financial implications of the exercise. The Director will have the answer before he comes to address the KNUT Annual Delegates Conference (ADC) on December 6, 2000.

- c) The other two categories of teachers for promotion i.e.

- i. Long serving P4, P3, P2 with a minimum of 10 years of service
- ii. Uts with CPE, KJSE and 'O' level qualifications

Were pended to get more statistical information about them.

- d) It was further agreed that those Uts with 'A' level who were inadvertently left out during the crash programme and who number about 466 will this time be included.

MIN./3/2000: - TEACHERS SALARY DELAYS

- a) The meeting was in full agreement that it was wrong to delay teachers salaries. Infact such an act is in direct conflict with the Employment Act. The meeting unanimously resolved that to eliminate this problem the PS and the TSC Secretary should do the following:-

- 1) Make sure that the exchequer releases the money for the teachers' salaries early.

- 2) Make sure that teachers salary payrolls are completed and handed over to TSC in good time by the Government Computer Services.
- 3) Make sure that, banks get the salary cheques early enough for them to process and pay teachers in good time.
- 4) Make sure that action is taken on DEOs who deliberately delay cashing teachers salary cheques.
- 5) Make sure that Technical Teachers who are still in the Ministry of Labour are brought into the MOEST fold; so that all teachers are under one ministry.
- 6) On the 2% service charge, levied by KCB in remote districts such as Lamu, Wajir, etc, the meeting asked the Secretary TSC to talk to KCB Management to drop this charge, as there were no other banks operating in these areas. The meeting observed that it was not fair to subject the teachers salaries to further taxation after the TSC has already deducted the government tax.

Action – TSC Secretary

MIN./4/2000 - TRANSFER OF TEACHERS IN JANUARY 2001

- a) The KNUT is strongly apposed to these mass transfers of teachers. KNUT is of the view that government should employ those trained and qualified teachers who are looking for jobs. These should be employed to fill in the vacancies that exist in our schools, instead of disturbing those teachers already settled and are unwilling to move.
- b) The TSC Statistics showed that by January 1, 2001 49 districts will be understaffed by 11,872 teachers, while 23 districts/municipalities will be overstaffed by 5,445 teachers. The National Net understaffing will be 6427 teachers. The Ministry is appealing to the government to authorize employment of the 6427 teachers before considering the transfer of the 5,447 in the overstaffed districts/municipalities to the understaffed districts.
- c) The meeting resolved that the TSC Circular letter Ref: No.CS/TSC/6B/VOL.IV/91 of October 5, 2000 addressed to all District

Education Officers and the Director of City Education, copied to Secretary General KNUT among others be withdrawn for the time being, to clear the way for another MOEST/TSC/KNUT meeting to be held sometime before the end of December 2000, to discuss the issue of transfers. Meanwhile teachers from the overstaffed districts who are willing to be moved to the understaffed districts be asked to volunteer to go. The number of those who will have volunteered be provided at the December 2000 meeting.

MIN./5/2000 - SALARY AWARD TO TEACHERS AS CONTAINED IN LEGAL NOTICE NO. 534 OF NOVEMBER, 1997

- a) From the on set of the discussion it was discovered that, the new PS, was not properly briefed on this issue of Legal Notice No. 534.

After some discussion it was agreed that the PS be given time so that he can be properly briefed by the relevant officers and also get time to look at the relevant documents and minutes of the previous meetings chaired by his predecessor.

- b) The KNUT team expressed surprise and disappointment at the failure of the Ministry Officials to properly brief the new PS on that very important issue concerning teachers! The KNUT demanded that another meeting be convened without delay before the end of the coming week; it won't matter even if it is held over the weekend.
- c) As the PS did not have his diary, the meeting agreed that the date be agreed upon between the Secretary General KNUT and the PS on telephone after the PS has consulted his diary.

MIN./6/2000 - ADJOURNMENT:

There being no other business the chairman closed the meeting at 2.20 p.m., with a word of prayer from Mr. N. K. Kangichu and an invitation to lunch by the college Principal.

MINUTES RECORDED BY:

**LAWRENCE K. MAJALI
K.N.U.T.**

AND

C. AYABEI - TSC

APPROVED FOR CIRCULATION BY:

Prof. Japhet Kiptoon - MOEST

AND

AMBROSE A. ADONGO – KNUT

CONFIRMED BY:

**Prof. J. KIPTOON
MOEST/TSC/KNUT JOINT MEETING CHAIRMAN**

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25

MINUTES OF THE MOEST/TSC/KNUT MEETING HELD AT JOGOO "B" CONFERENCE ROOM, ON TUESDAY 28TH NOVEMBER, 2000:

A. PRESENT FROM MOEST

1. Prof. Japheth C. Kiptoon - PS, MOEST (Chairing)
2. Mr. Sammy P. Kyungu - Director of Education
3. Mr. Daniel K. Rono - Chief Inspector of Schools
4. Ayub Mathanjuki - DS/L
5. F. T. Kimemia - Ag. DSA
6. J. M. Wekesa - C.P.O.
7. Alice W. Gishu - S.P.O.

B. PRESENT FROM TSC

1. Mrs. L. N. Nzomo - Ag. Secretary, TSC
2. Mrs. S. N. Kinyua - Chief Principal Personnel Officer
3. Mr. N. K. Kangichu - Ag. Deputy Commission Secretary (Finance)
4. C. Ayabei - F.O.
5. C. W. Kariuki - F.O.

C. PRESENT FROM KNUT

1. Mr. John M. Katumanga - National Chairman
2. Mr. Ambrose A. Adongo - Secretary General
3. Mr. Peter M. Mutulu - National Treasurer

4. Mr. Joseph Chirchir -1st Vice National Chairman
5. Mr. Francis Ng'ang'a -Deputy secretary General
6. Mr. Lawrence K. Majali -Assistant Secretary General
7. Mr. Fred Ontere -Vice National Treasurer
8. Mr. Amos D. N. Ngocho -2nd Vice National Chairman

D. IN ATTENDANCE

1. Mr. Eric Keter -Senior Executive Officer II - K.N.U.T.
2. Mr. Alexander Kariavu -Senior Executive Officer II - K.N.U.T.
3. Mr. Paul Nyambala -Senior Executive Officer I - K.N.U.T.

E. APOLOGIES

1. Mr. Benjamin Sogomo - TSC Secretary – In Halifax with Minister, at the Commonwealth Conference of Education Ministers.
2. Mr. G. Kibunja - S.P.P.O. – MOEST
3. Mr. Kessa - Chief Economist – MOEST
4. Mr. Peter O. Okaka - Director, Technical Training – MOEST
5. Mr. Peter L. Lubulela - KNUT – In a workshop in Kirinyaga
6. Mr. E. Lorot - KNUT – in a workshop in Kirinyaga

I. COMMENCEMENT

- a) The Permanent Secretary Prof. J. Kiptoon called the meeting to order at 11.15 a.m. with a word of prayer from Mr. Kangichu.

b) In his opening remarks the P.S. made the following points:-

- i. That the Ministry was grateful to the teachers and wish to thank them, through the Union, for working hard and ending the year successfully.
- ii. That there were some, but relatively fewer, irregularities in the public examinations that had just ended. He urged teachers to help wipe out the irregularities completely.
- iii. That he wished to reiterate the policy of "not making children repeat classes" for the sake of securing higher rating for their schools, and called on teachers to end the practice.
- iv. That recent media reports were full of cases of sexual offences by teachers against pupils, and urged teachers to end the malpractices.

He urged the KNUT to help fight other social crimes in the teaching profession.

- v. He welcomed the KNUT team to Jogoo House for the meeting.

c) In his preliminary remarks – the KNUT National Chairman, Mr. John M. Katumanga, made the following points:-

- i. That KNUT reaffirms its policy of not supporting criminal and unprofessional behaviour amongst teachers;
- ii. That the KNUT offers olive branch to the Ministry and expects the Ministry to give teachers support and a feeling of pride;
- iii. That teachers feel cheated and angry over the Ministry's inability to accede to their legitimate demands;
- iv. That various committees of the KNUT National Executive Council (NEC) are to start meeting on 29 November, in

preparation for the Annual Delegates Conference of 6th December, 2000 and they all expect some positive communications on the issue to be discussed.

- v. That no circular had been written to withdraw that of 5th October, and some DEOs had started implementing that circular (No. CS/TSC/6B/VOL.IV/91 of 5/10/2000), throwing the system into a vicious cycle;
 - vi. That teachers are aware of massive salary, increases to other parties like members of parliament and legal officers and wondered why this cannot be implemented.
 - vii. That the Ministry had the legal and moral responsibility to do what is right.
 - viii. That he hoped the discussions would yield concrete and positive results to be reported to the KNUT Annual Delegates Conference (ADC).
- d) In his opening remarks, the KNUT Secretary General, Mr. Ambrose A. Adongo, made the following points:
- i. That specific issues to be discussed are recorded in the minutes of the meeting of the November, 2000.
 - ii. That he wished to reiterate that the KNUT condemns all forms of misbehaviour by teachers, and the stand is clearly stated in the NEC Report for the 43rd ADC to be held on 6th December, 2000.
 - iii. That the KNUT is totally against malpractices in the examinations, but wishes to have those who plan them punished, and not the child.
 - iv. That the upcoming ADC will condemn the malpractices.

2. MIN. 7/11/2000: PROMOTIONS OF TEACHERS

a) **Promotion of P1 with A levels to S1/Diploma**

- i. The PS reiterated that there was total agreement that the promotions be effected, and indeed, the TSC Secretary had written to the Treasury for funds to implement the regarding.
- ii. The KNUT Secretary General wanted a deadline to be fixed for effecting the promotions.
- iii. The PS/TSC officials hoped the response from the Treasury would be soon, and hopefully before the end of November, but considered it unreasonable to fix a deadline on a matter that depends on the decision of an authority out of their control.
- iv. The KNUT Secretary General declared his intension to ring the PS by 5th December, 2000 to get a message for the ADC scheduled on 6th December.
- v. The KNUT National Chairman, demanded that the regarding be effected immediately, but the payments be made when funds were available.
- vi. The Director of Education insisted that regarding without payment would be improper, and funds must be available before it is effected.
- vii. The PS promised to pursue the matter vigorously so that he can provide some concrete response by 4th December, 2000, so that the anomaly is corrected.

b) **The Case of Untrained Teachers with CPE/KCPE, KJSE, and O-Level:**

It was agreed that the TSC should work out the statistics on these cases and prepare financial projections on the funds needed to effect the grading of these teachers by 1st December, 2000.

3. **MIN.8/11/2000: DELAYS IN TEACHERS SALARIES**

- a) Mrs. Nzomo reported that the TSC had met with the officials of the Treasury and Government Computer Centre, secured their commitment to process and finalize teachers' payrolls early.
- b) The Secretary General raised the delays caused by some DEOs as discussed in the previous meeting, and wanted the problem to be sorted out.
- c) Mrs. Nzomo also reported that the Commission Secretary, Mr. Sogomo, held a meeting with the National Bank of Kenya management, who promised to ensure speedy processing of teachers salaries each month.
- d) Mrs. Nzomo reported that the only problem remained over the 2% surcharge by the Kenya Commercial Bank (KCB) for airlifting cash to remote branches. The KCB responded that:-
 - The airlifting was not just for cheques but cash;
 - The surcharge affected all their customers in the remote branches and not just teachers ;
 - The Bank wanted the government to cost-share the expenses, or else the surcharge is to continue. Otherwise the branches have to be closed down.
- e) The PS ruled that the matter should be followed again by the TSC as it was unfair to surcharge 2%.

4. MIN. 9/11/2000: TRANSFERS OF TEACHERS

- a) The Secretary General raised a preliminary point that the PS had promised during the KTTC graduation that he would employ 10,000 teachers. He wanted the PS to effect his promise.
- b) The PS clarified that he said he was short of 10,000 teachers, but did not say that he would employ them.
- c) The Secretary General said that:-
 - i. The record in the minutes does not reflect what was agreed on about the TSC circular of 5th October, 2000. It was agreed that the circular be withdrawn, but the record is only talking of DEOs not misusing the circular. This was unacceptable.
 - ii. There were over 35,000 trained teachers roaming the streets, and they should be employed before any transfers are considered.
- d) The PS agreed that the TSC circular be withdrawn, and if the request is granted, the TSC would employ some teachers.
- e) The KNUT National Chairman said that:-
 - i. There can be no quality education without proper staffing.
 - ii. The KNUT will be forced to talk tough and exert political pressure if the teachers are to be employed. There appeared to be no other body that can stand against the forces that are forcing the government not to approve employment of teachers.
- f) The P.S. concluded the discussion on the matter by:-
 - i. Calling for team work of all concerned to resolve the matter
 - ii. Confirming that he would like to have 10,400 teachers employed, and authority to do so had been sought. If the government approves then the teachers would be employed.
 - iii. that no teachers should be forced to go on transfer. Those who have been transferred and are happy in their new stations should stay

5. MIN 10/11/2000: IMPLEMENTATION OF THE REMAINING PHASES OF TEACHERS SALARY AWARDS OF 1997

- a) The KNUT Secretary General opened the discussion by demanding to know the outcome of the review of the PS of previous records and when the awards are to be implemented.
- b) The P.S. responded that in his inquiries, he was referred to the Kipkulei Committee, but he was not satisfied. He considered the issue to be outstanding.
- c) The Secretary General reacted that:-
- i. The legal notice No.534 of 1997 came before the Kipkulei Committee and the two are totally unrelated.
 - ii. What the KNUT and teachers want is that the government implements the provisions of the legal notice. Even if funds were not adequate, at least some aspects of the awards must be implemented. The components and aspects that could be implemented immediately could be negotiated and agreed on.
- d) The P.S. declared that:-
- i. The Ministry has not been given funds to implement the awards particularly.
 - ii. Worse still, he had not secured authority to even negotiate partial implementation, the way the Secretary General wanted it. He needed more time to secure authority to negotiate.
- e) The KNUT National Chairman reminded the meeting that:
- i. The issue had even gone up to the level of Head of State in 1997, who ordered for a solution within 48 hours. The solution was endorsed by the Head of State himself, and his own credibility with teachers is at stake. The perception of teachers of their Presidents stand on this matter is worrying the KNUT.
 - ii. The KNUT had requested the former P.S. to transmit these sentiments to the Head of State, but it appears he had not. Could the new P.S. visit the

ii. The KNUT had requested the former P.S. to transmit these sentiments to the Head of State, but it appears he had not. Could the new P.S. visit the President and seek something for teachers which can change their perception of their leader?

If NOT the government should come out open and declare that the awards will never be paid so that the KNUT and teachers can declare what to do about the matter!

f) The P.S. only reiterated that he was yet to be authorized to negotiate with KNUT over the matter, and that only Kipkulei Committee report was referred to him.

g) The Secretary General reported that the Kipkulei Report is not a legal document and KNUT does not recognize it. The KNUT did not even contribute to it.

h) The National Chairman and Secretary General advised the P.S. to now refer the matter to the President and explain to His Excellency the legal implications of not honouring the provisions of the Legal Notice.

i. The Deputy Secretary General re-emphasized that since the agreement contained in the Legal Notice was endorsed by His Excellency The President:-

- Teachers are bitter and feel cheated;
- The KNUT is under a lot of pressure from teachers;
- There is a big credibility problem;
- Even partial implementation would help ease the situation;
- The government should come out clearly to declare (as was stated earlier by a Minister) that teachers were deliberately cheated or it is still a question of looking for money.

i) The Secretary General, once again re-emphasized that the KNUT does not want to hear about the Kipkulei Committee.

j) The P.S. requested that he be allowed to pursue the matter until the second week of December, when he will react fully to the issues raised.

6. MIN 11/11/2000 ADJOURNMENT

- a) In his closing remarks, the KNUT National chairman:-
- i. Thanked the P.S. for his attitude and noted he understood teachers concerns, and hoped he would help secure some concrete results on matters discussed.
 - ii. Urged the P.S. to have a meeting with the President alone on the issue of awards so that he secures something however small, for teachers.
- b) In his remarks, the 1st Vice National Chairman, raised the issue of various promotional courses conducted in 1998, but on which the Ministry had not acted to effect the promotions. He wanted to know why.
- c) The Director of Education reacted by saying that no promotions had taken place since 1997. The promoted centered on lack funds to support the promotions.
- d) The Secretary General declared that he was generally pleased with the progress made In the meeting and hoped for concrete results. He urged that what is agreed on should not be twisted.
- e) The P.S. closed the meeting by thanking the Union Officials for their understanding and agreed with their concerns and sentiments.
- f) It was agreed that another meeting be held in the second week of December, 2000 Through telephone consultations between the P.S. and KNUT secretary General.
- g) There being no other business, the meeting was adjourned at 12.45 p.m. with a word of Prayer from Mr. Kangichu

MINUTES RECORDED BY:

LAWRENCE K. MAJALI
K.N.U.T.

MOEST

TSC

Approved for restricted circulation by:

Prof. Japheth Kiptoon, PS, MOEST

And

Ambrose A. Adongo
Secretary General
K.N.U.T.

Confirmed by:

Prof. J. Kiptoon
Chairman
MOEST/TSC/KNUT Meeting



KNUT File

76

REPUBLIC OF KENYA
MINISTRY OF EDUCATION

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Telephone: Nairobi 318581
Fax No.: 254-2-2214287
Web: www.education.go.ke
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Office of the Permanent Secretary
Jogoo House "B"
Harambee Avenue
P.O. Box 30040
NAIROBI
16th November, 2009

Our ref.

Dr. Mohamed Isahakia, CBS
Permanent Secretary
Office of the Prime Minister
Treasury Building
NAIROBI

Dear

Daktari,

BRIEFING ON EMERGING ISSUES IN PREPARATION OF
KNUT MEETING

I refer to your communication Ref. PMO/GEN.APP/VOL.V of 12th November, 2009 requesting for a brief on issues that KNUT has raised for discussions with the Rt. Hon. Prime Minister on 17th November, 2009.

The Brief is hereby attached for your forwarding to the Rt. Hon. Prime Minister.

Yours

Sincerely,

PROF. KAREGA MUTAHI, CBS
PERMANENT SECRETARY

BRIEF ON EMERGING ISSUES IN PREPARATION OF KNUT MEETING

1.0 RECRUITMENT OF INTERN TEACHERS

The commitment of the Ministry of Education to provide quality education to all Kenyans has faced a number of challenges. One of the critical challenges identified has been a serious shortage of teachers at both the Primary and Secondary School levels. Current statistics reveal that there is a shortfall of 23,000 in Secondary Schools and 40,000 teachers in Primary schools.

To address the shortfall, the Ministry approached the Treasury to be allocated more funds to recruit more teachers. The initial agreement with the Treasury was that the Ministry would recruit 6000 teachers annually towards alleviating the shortfall.

However, following the introduction of Free Primary School Education in 2003 and the Free Day Secondary School in 2008, the enrollment rose tremendously. For instance, enrolment in Primary Schools rose from 5.9 million in 2002 to the current enrolment of 8.5 million in 2009. In the secondary school category the figure rose from approximately 800,000 students in 2002 to 1.47 million in 2009. The annual recruitment of 6,000 teachers was therefore not meeting the needs due to this fast rate of expansion in the sector. Teacher shortage continues to increase instead of decreasing.

Faced with the rising shortages, Board of Governors in Secondary Schools and School Management Committees were forced to recruit teachers who were to be paid by the parents. The effect of this was to increase the cost burden on the parents and this threatened to reverse the gains envisaged by the Government by introducing FPE and FSE.

Quality of delivery of the curriculum was further threatened because the teacher recruited by BOGs and SMCs were seriously underpaid and therefore the teachers were not motivated in delivering the curriculum.

For instance salaries paid by SMC's range between Kshs.1,000 to Kshs. 4,000 and those teachers recruited by the BOGs are paid between kshs.3,000 – Kshs.13,000. Such teachers never settle in the schools and some are quick to seize any opportunities to earn extra money eg. work as research assistants and return to the schools at the end of the research activity. This has the effect of compromising on the quality of education.

To address the growing challenge the Ministry approached the Treasury to be allowed to continue recruiting the 6,000 teachers annually as earlier agreed and to hire an additional 16,000 teachers as interns. It is important to appreciate that the intern teachers were those already on post in various Primary and Secondary Schools. The Ministry hoped to reduce the cost burden from the parents by taking over the payment of intern teachers and paying them better. The spin off from this it was expected would be improved quality of Curriculum delivery from motivated teachers and sustainable teacher establishment in the schools. These were the teachers who would have the first opportunity for recruitment by the TSC.

However, following the international economic melt down, the global financial crisis and, the drought prevailing in the country and the post-election violence, Treasury was not able to provide funds for the recruitment 6,000 in the current budget. The Ministry however, was funded to support the hiring of 12,600 intern teachers and distribute them as follows – 10,500 for Primary and 2,100 for Secondary Schools.

The Ministry in its guidelines on the hiring of the intern teachers called for quality control through DEBs. Therefore the BOG and DEBs will be given the responsibility of hiring the intern teachers. It should be noted that the hiring of intern teachers is not new. In the past the Ministry has provided grants directly to schools with serious teacher shortfalls to pay teachers hired by BOGs and SMCs. The internship system is also not unique to Kenya but is an internationally accepted practice in professions such as Doctors, Nurses and Lawyers. In Kenya, the hiring of interns will also enable the Ministry to recruit professionals with a calling for teaching. Our stakeholders are therefore requested to understand that the hiring of intern teachers has no sinister motive.

Nevertheless the recruitment has been put on hold following a court injunctions filed by the Kenya National Union of Teachers. Any discussions of the matter of intern teachers may be considered as contempt of court.

2. STATUS REPORT ON ACTIVITIES OF TEACHERS SERVICE REMUNERATION COMMITTEE

The TSRC appointed by the Minister in early 2008 reached a stalemate on 29th December 2008 as the KNUT rejected the Government side's proposal to pay the salary in five phases.

Following the stalemate, the stalemate was reported to the Minister for Education as per the provisions of the Law. The Minister for Education processed the matter as required by the relevant Labour Laws.

Subsequently on 29th January, 2009, the Government and the Union signed a memorandum of Agreement on the implementation of a three phases salary award. (**Memorandum of Agreement attached as Appendix 1**).

The TSRC reconvened in April 2009 at the request of KNUT.

However no business was transacted due to:

- 1) The Agreement signed between the union and Government which stipulated that allowances would remain as they were as at 30th June, 2009.

The Chairman of the TSRC was therefore requested to clarify with the Minister for Education on the following:-

- 1) The status of the Remuneration Committee following the signing of the Agreement.
- 2) What issues were to be re-negotiated, given the scope of the Agreement?

Since then Teachers Service Remuneration Committee has not reconvened.

3. FAILURE TO DEDUCT JANUARY 2009 UNION DUES

The Commission's decision of not deducting Union dues for the month of January 2009 was guided by the Law which stipulates that once the strike is declared illegal, by the Industrial Court, dues are not deductible during the period of the strike. The same dues cannot be effected without the consent of the teachers individually.

The matter was deliberated upon under the guidance of a Conciliator, Dr. S. T. Nyambari from the Ministry of Labour and the involved parties (TSC/KNUT) could not agree. **(A photocopy of the certificate attached as Appendix 2)**

The matter has since been referred to the Industrial Court and is due for mention on 25th November 2009. In view of the pending Industrial case No.601N of 2009, the same cannot be deliberated upon before hearing and determination in the Industrial Court.

4. DELAYS IN PAYMENT OF RETIREMENT BENEFITS

Following enactment of the Pensions (Amendment) Act, 2003, the Commission put in place mechanisms to submit pension claims 9 months before the teacher retires. However, late submission of documents by retiring teachers e.g letters of clearance from their Heads, KRA tax liability etc as required has caused delays by the Director of Pensions to process and pay claims immediately they are received by the Director of Pensions. There has also been delays by the Director of Pensions to process and pay claims immediately they are received in the Directorate of Pensions.

Initially the Commission complied with the provisions of the Pensions (Amendment) Act 2003 and paid salary for the affected teachers for January 2004.

However, the Commission could not continue making payments because it does not have resources to cover this extra cost occasioned by the above delays.

In addition, continued payment encouraged retiring teachers not to submit documents on time since the Pensions (Amendment) Act, 2003 had assured them a salary.

5. PROMOTION OF P1 A LEVEL TEACHERS

The Government froze promotion and employment of Public Servants in 1997 in order to contain the rising wage bill. Teachers being part of the wider public service were therefore affected including those that had passed the Teacher Proficiency Course (TPC) in 1998.

In July 1996 the Government released a Scheme of Service for Non-Graduate teachers, which was partially implemented.

The Ministry of Education held consultative meetings with Teachers Service Commission and the KNUT between 2000 and 2003, which culminated in an agreement that resulted in the promotion of 78,204 primary school teachers. The Government spent Kshs. 332,194,522 in salary arrears for the exercise. The P1 – A level promotion was backdated to 1st July 2003 to give them advantage over their non 'A' level colleagues. The table below illustrates promotions of different cadres of the teachers.

		Number	New Grade	Effective Date
a)	P1 'A' Level	6,466	AT IV	1/7/03
b)	P1 Long Service	47,896	AT IV	1/1/04
c)	P1 (TPC)	2,384	AT IV	1/1/04
d)	P2 (TPC)	614	P1	1/1/04
e)	P2 Long Service	17,645	P1	1/1/04
f)	P3 Long Service	3,021	P2	1/1/04
g)	P4	24	P3	1/1/04
TOTAL		78,204		

The Teachers Service Commission in collaboration with the Ministry of Education, DPM and Treasury revised the Scheme of Service for Non-Graduate teachers, which became effective on 1/7/05. KNUT

participated in the deliberation and concurred with the decisions made. Henceforth the scheme has been fully operational to date.

The Ministry of Education started conducting the Teacher Proficiency Courses with effect from August 2005 and thereafter in April of each subsequent year. So far, **21,873** teachers have been promoted. Among the beneficiaries of this scheme are P1 – A level teachers.

Findings

- P1 – 'A' level teachers have been adequately promoted as per the agreed scheme of service for Non-graduate teachers.
- Promotion for this cadre of teachers was backdated to 1st July, 2003.
- **6,466** P1 'A' Level teachers who met the requirements were promoted.

Conclusion

The Teachers Service Commission finds no merit in KNUT pursuing further promotions for these teachers since the current scheme of service for non-graduate teachers has addressed all these concerns.

These teachers should therefore pursue their career progression by sitting the Teacher Proficiency Course coordinated by the Ministry of Education.

KNUT.

11/1/10

**STATEMENT ON THE RECRUITMENT OF TEACHERS, 22ND
JULY 2010 HELD AT TREASURY BUILDING**

A meeting held at the Treasury between the Ministry of Education, Ministry of Finance, TSC and KNUT to resolve the stalemate on the recruitment of teachers on contract terms and other related issues affecting teachers as resolved as follows:

Taking cognizance of the acute shortage of teachers countrywide and acknowledging the slow recovery of the economy, and further taking into account the increased enrolment in both primary and secondary schools, the following resolutions were reached:

1. The Government shall undertake to recruit teachers on a contract term basis.
2. The TSC shall be mandated to carry out the recruitment as per the provisions of Section 4 (1) of the TSC Act, CAP 212 Laws of Kenya.
3. In the event that the TSC is to recruit more teachers on permanent and pensionable basis, the teachers serving under contract shall be given first priority.
4. The teachers so recruited under contract shall be at liberty to exercise their constitutional right to freely associate and join any existing Union/Welfare Association.
5. TSC is hereby mandated to work out the modalities to facilitate the immediate implementation of the resolutions set out herein.

OTHER RELATED PROFESSIONAL MATTERS

PIA Level teachers

This matter has been resolved and to that end, the Government has factored the same in the 2010/2011 budget and TSC has been mandated to work out the modalities of payment w.e.f 1st July, 2010.

Union Dues

The TSC in consultation with the Union shall work out the modalities to fast track payment of the unremitted union dues for January, 2009.

In light of the foregoing, the KNUT shall take the necessary legal steps to withdraw the cases pending in both the High Court and the Industrial Court regarding the recruitment of teachers and the Union dues.

As regards implementation of the M.O.U entered into in 29th January, 2009, the remaining 20% shall be reviewed over time within this fiscal year.

The meeting took cognizance of the need to have open channels of communication and the need to constantly engage in meaningful dialogue and to that end, it was proposed that the next meeting to be held by October, 2010 to enhance relations between the Union and the Government.



HON. UHURU KENYATTA, EGH, MP
DEPUTY PRIME MINISTER AND MINISTER FOR FINANCE



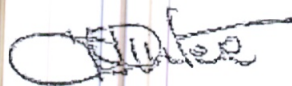
HON. PROF. SAM ONGERI, EGH, MP
MINISTER FOR EDUCATION



LAWRENCE K. MAJALI
SECRETARY GENERAL, KNUT



GEORGE WESONGA
NATIONAL CHAIRMAN, KNUT



FRED ONTERE
NATIONAL TREASURER, KNUT

APPENDIX A

11 2.10

ATK 4

TEACHERS SERVICE COMMISSION

Telephone: Nairobi &
31 2067/68/78/89/91
31 21 23

www.tsc.go.ke
When replying please quote

Ref.tsc/No

SDSHR/SDS(S)/4A/VOL II/2



TSC HOUSE
KILIMANJARO ROAD
UPPER HILL
PRIVATE BAG, 00100
NAIROBI, KENYA

Date: 4th October, 2010

To: All Provincial Directors of Education
All District Education Officers
All Municipal Education Officers
Director of city Education

UPGRADING OF PI A LEVEL TEACHERS

Following the signing of memorandum of understanding between the Teachers Unions and the Government, PI A level teachers who were in service as at 1st July, 2003 will be upgraded to Approved Teachers I with effect from 1st July, 2010.

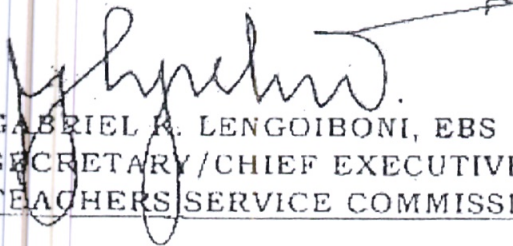
Those to be promoted will have to meet the following criteria:-

1. Must be serving under the Commission as at 1st July, 2010.
2. Must have a PI certificate.
3. Must have obtained the following in their A Level.
 - (a) 1 Principle 2 Subsidiary passes for Arts excluding General Paper or
 - (b) 1 Principle 1 Subsidiary passes for Science subjects excluding General Paper.

Teachers with similar PI A Level qualifications employed after 1st July, 2003 will enter the service as Approved Teacher IV and progress as per the Schemes of Service.

Those who have left the employment of the Commission before 1st July, 2010 will not benefit from the promotion.

Pl A level teacher who had been promoted on submission of other certificates including the TPC will be moved from their current grade to AT I with effect from 1st July, 2010. Those who had already progressed to AT I and beyond from 1st July, 2010 will not be affected.


GABRIEL R. LENGOBONI, EBS
SECRETARY/CHIEF EXECUTIVE
TEACHERS SERVICE COMMISSION

Copy to

The Permanent Secretary/ Secretary to the Cabinet
and Head of Public Service,
Office of the President
P.O. Box 30510,
NAIROBI.

The Permanent Secretary,
Ministry of Finance,
The Treasury,
P.O. Box 30007,
NAIROBI.

The Permanent Secretary,
Ministry of Education
P.O. Box 30040,
NAIROBI.

The Permanent Secretary,
Ministry of High Education, Science and Technology
P.O. Box 60209
NAIROBI

The Secretary General,
Kenya National Union of Teachers,
P. O. Box 30407,
NAIROBI.

The Secretary General
KUPPET
P.O. Box 30412 - 00100
NAIROBI

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93

TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000
Website: <http://www.tsc.go.ke>
Email: info@tsc.go.ke
When replying please quote
Ref. N°: CS/TSC/47/Vol.XII/78
and date



TSC HOUSE
KILIMANJARO ROAD
UPPER HILL
PRIVATE BAG
NAIROBI, KENYA

9th August, 2010

KNUT File

Prof. James Ole Kiyiapi, CBS
The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

Dear *Prof Ole Kiyiapi.*

P1 TEACHERS WITH A LEVEL QUALIFICATION

Following a meeting held between Ministry of Education, Treasury, Teachers Service Commission and Kenya National Union of Teachers, on 22nd July, 2010, it was resolved that P1 teachers with A Level qualification be promoted with effect from 1st July, 2010.

The total cost of implementing the promotion of the teachers from ATS IV to ATS I is approximately Kshs.1.4billion.

The purpose of this letter is to request the Ministry to factor these new additions in the grant releases to TSC to cater for July arrears and the new salary figures.

— Attached please find a breakdown of the cost implication of the Promotions.

Yours *Sincerely.*

Gabriel K. Lengobone
GABRIEL K. LENGOBONE, FBS
SECRETARY/CHIEF EXECUTIVE

P1 "A" LEVEL TEACHER

Below find the detailed analysis of the estimated cost of promoting P1 "A" Level teachers from ATS IV to ATS I for the 2010/2011 financial year.

	No. of Teacher	ATS IV	ATS I	Difference	Annual estimates 2010/2011
Basic Salary	4000	18,000	31,088	13,088	628,224,000.00
House allowance	4000	4,000	16,000	12,000	576,000,000.00
Medical	4000	1,157	2,246	1,089	52,272,000.00
Commuter	4000	1,181	2,258	1,077	51,696,000.00
Hardship Allowance	4000	3,741	6,118	2,377	85,572,000.00
				29,631	1,393,764,000.00

APP 6
/

TEACHERS SERVICE COMMISSION

Telephone: Nairobi
Telegrams: "MWALIMU",
Nairobi
Email: info@tsc.go.ke
Website: <http://www.tsc.go>
Ref: TSC/ C/73/VOL.III/30
And date



TSC House,
Kilimanjaro Road,
Upperhill,
Private Bag
Nairobi, Kenya

19th April, 2010

The Permanent Secretary,
Ministry of Education,
P. O. Box 30040,
Nairobi.

Attention: Amb. Magdalene J. W. Wambua, MBS

**MEETING WITH THE DEPARTMENTAL COMMITTEE ON
EDUCATION, RESEARCH AND TECHNOLOGY**

Your letter ref: MOE/CONF/G6/19/VOL.II of 16th April, 2010
is hereby acknowledged.

Attached, please find the current staffing position and a report
on P1 'A' level teachers.


GABRIEL K. LENGOBONI, EBS
SECRETARY/CHIEF EXECUTIVE

Encl.

BRIEF ON THE ISSUE OF PROMOTION OF P1 TEACHERS WITH 'A' LEVEL QUALIFICATIONS

A. CONTENTIOUS ISSUE

The demand by KNUT that P1 teachers with 'A' level qualifications be up graded to AT 1 status, Job Group 'L'.

B. BACKGROUND INFORMATION

1. In July 1995, The Ministry of Education, Science and Technology graded serving Untrained Teachers with 'A' level qualifications to S1 grade, after attending a two weeks course at Kagumo and Bondo Teachers Training Colleges.
2. The teachers covered under this exercise were secondary school teachers who had taught for a minimum of six years, and had the following qualifications:
 - Sciences - 1 Principal and 2 subsidiaries excluding General paper.
 - Humanities - 2 Principals and 1 Subsidiary excluding General paper.
3. The decision to promote the Untrained Teachers with 'A' level qualifications was driven by the need to address an acute teacher shortage in Secondary Schools, and hence did not cover primary school teachers.
4. In July 1996, the Government implemented a scheme of Service for Non - Graduate teachers.

The following are some of the key features of this Scheme: -

- Non – Graduate teachers of P3, P2, P1, AT IV grades were to be promoted to higher grades after successful completion of a Teachers Promotion Course (T.P.C.) co-ordinated by the Ministry of Education.
 - Abolition of the S1 grade and introduction of the AT IV grade.
5. Despite the implementation of the scheme of service for Non – Graduate teachers, serving S1 teachers were allowed progression to AT III, AT II and are currently at AT 1 status. The requirements for appointment was 3 years satisfactory performance on one grade.
6. In 1998 the Ministry of Education conducted the first Teacher Promotion Course (T.P.C.) for Non – Graduate teachers. The Government however froze the promotion of teachers on merit the same year and the scheme of service was put on hold.

C. PROMOTIONS EFFECTED

1. KNUT begun agitation for the promotion of P1 teachers with 'A' level qualifications to the same level as untrained teachers upgraded to S1 since the late 90's.
2. Several consultative meetings held between 2000 – 2003 culminated in an agreement that resulted in the promotion of 78,204 primary school teachers, after vetting and verification of the records. This was a special exercise that costed the Government Kshs.332, 194,522 in salary arrears.
3. The category of teachers were as follows:

		Number	New Grade	Effective Date
a.	P1 'A' Level	6,466	AT IV	1/7/03
b.	P1 Long service	47,896	AT IV	1/1/04
c.	P1 (TPC)	2,384	AT IV	1/1/04
d.	P2 (TPC)	614	P1	1/1/04
E.	P2 Long Service	17,645	P1	1/1/04
f.	P3 Long Service	3,021	P2	1/1/04
g.	P4	24	P3	1/1/04
	Total	78,204		

4. The P1 'A' levels had the following qualifications: -

- Sciences – 1 Principal and 1 subsidiary excluding General paper.
- Humanities – 1 Principal and 2 subsidiaries excluding General paper.

D. REVIEW OF SCHEME OF SERVICE FOR NON – GRADUATE TEACHERS.

1. The scheme of service for Non – Graduate teachers was reviewed and implemented in July 2005. KNUT participated in the deliberations and concurred that any further promotions of non-graduate teachers would strictly be in accordance with the provisions of the scheme.

2. Following this review a Teacher Promotion Course was conducted in August 2005 and thereafter in April of each subsequent year.

The following are the numbers of teachers, so far promoted under the scheme.

	Year	Number
a.	2005	4,300
b.	2006	4,400
c.	2007	4,728
d.	2008	4,295
e.	2009	4,520
	Total	22,243

Amongst the beneficiaries under this course are P1 teachers with 'A' level qualifications.

E. POSITION OF THE MINISTRY

1. The promotion of untrained teachers to S1 in July 1995 was a special exercise with focus on secondary school teachers.
2. P1 Teachers with 'A' levels trained on their own volition as primary school teachers.
3. The P1 teachers with 'A' levels were promoted under a special exercise to AT IV with effect from 1st July 2003 and they were accorded 6 months advantage over the rest. KNUT was involved and supported the exercise.
4. Promoting the P1 teachers with 'A' levels to AT 1 would contravene the scheme of service for Non – Graduate teachers which is in-force.
5. The P1 'A' level teachers should pursue their future promotions in accordance with the provisions of the

scheme. So far a number have benefited and been upgraded.

6. The scheme of service for Non – Graduate teachers was discussed with KNUT and agreed upon.
7. The demand by KNUT to promote the teachers to AT 1 does not have merit.

NB: The Scheme of service for Non – Graduate teachers Provides the following grades.

- | | |
|--------------------------------------|-----------------|
| (a) Principal Approved Teacher (PAT) | – Job Group 'N' |
| (b) Senior Approved Teacher (SAT) | - Job Group 'M' |
| (c) Approved Teacher 1 (AT 1) | - Job Group 'L' |
| (d) Approved Teacher II (AT II) | - Job Group 'K' |
| (e) Approved Teacher III (AT III) | - Job Group 'J' |
| (f) Approved Teacher IV (AT IV) | - Job Group 'H' |
| (g) P1 | - Job Group 'G' |
| (h) P2 | - Job Group 'F' |

NATIONAL TEACHER SHORTAGE

The teacher shortage as at 31st March 2010 was as tabulated below:

Primary	43,012
Post-Primary	<u>23,291</u>
TOTAL	<u>66,303</u>

Attached is the break down of the shortages by province and districts.

STAFFING POST-PRIMARY
NATIONAL STAFFING POSITION - PROVINCIAL SUMMARY AS AT 31ST MARCH 2010

PROVINCE	NO. OF SCHOOLS	SIZE	NO OF CLASSES	ENROLMENT	C.B.E.	TOD	TOTAL SHORTAGE	MATHS	ENGLISH	KISW	BIOLOGY	CHEMISTRY	PHYSICS	AGRICULTURE	BUSINESS STUDIES	GEOGRAPHY	HISTORY	CRE	FRENCH	GERMAN	MUSIC	HOME SCIENCE	ART	FINE ART	AVIATION	DRAWING & DESIGN	WOODWORK	METAL WORK	BUILDING CONSTRUCTION
1 CENTRAL	825	1534	5879	252706	13281	10812	2469	345	224	261	303	290	273	194	202	260	292	278	9	1	3	9	0	0	0	0	0	0	0
2 COAST	203	365	1439	63145	3422	2479	1063	105	96	101	100	115	95	73	83	94	94	89	7	1	1	13	37	0	0	0	0	0	0
3 EASTERN	1170	1780	6714	273590	15159	10504	4255	378	202	295	360	340	324	306	295	287	323	289	5	0	4	5	5	0	0	0	0	0	0
4 NAIROBI	59	179	596	30595	1715	1514	101	101	9	9	9	19	17	9	11	12	9	14	3	0	1	0	0	0	0	0	0	0	0
NORTH EASTERN	54	93	295	13153	832	501	331	29	20	20	24	19	27	20	22	22	33	0	0	0	0	3	22	23	0	0	0	0	0
6 NINYANZA	1038	1705	6661	292470	15492	9246	6242	553	376	511	509	420	427	376	361	421	440	416	20	2	11	30	2	0	2	0	0	0	0
7 RIFT VALLEY	1189	1896	7254	295912	16619	11740	4909	622	517	415	532	526	457	347	345	447	516	532	11	0	3	7	1	1	0	0	1	2	0
9 WESTERN	610	1131	4440	138630	10280	7028	3255	229	171	187	250	255	183	154	163	229	213	259	49	36	54	36	2	2	0	0	0	0	0
9 TECHNICAL	50			38743	4126	3513	603																						
DIPLOMA COLLEGE	4			6783	338	277	52																						
TOTAL	5203	6683	33381	1456736	61358	35054	23291	2379	1615	1798	2090	1991	1613	1479	1522	1754	1926	1886	106	40	77	104	77	27	27	2	0	0	1

NB: Individual subject shortages adds up to the Total Shortage

SUMMARY OF THE STAFFING SITUATION OF PRIMARY SCHOOLS AS AT 31ST MARCH 2010

S/N	DISTRICT	SCHOOLS	ENROLMENT	TOD	CLASSES	ESTABLISHMENT	Overstaffed	Understaffed
1	GATUNDU	105	43,800	1,012	1,196	1,226		214
2	KIAMBU EAST	116	61,381	1,407	1,605	1,645		198
3	KIAMBU WEST	128	69,338	1,542	1,783	1,828		286
4	KIRINYAGA	183	92,985	2,225	2,122	2,175	50	
5	MURANGA NORTH	209	77,056	2,101	2,337	2,305		294
6	MURANGA SOUTH	186	109,380	2,379	2,639	2,705		326
7	NYANDARUA NORTH	176	73,277	1,715	1,959	2,008		293
8	NYANDARUA SOUTH	120	61,597	1,259	1,503	1,582		323
9	NYERI NORTH	164	59,032	1,674	1,706	1,740		78
10	NYERI SOUTH	209	66,175	1,812	2,071	2,121		311
11	THIKA	141	71,275	1,725	1,875	1,922		177
12	THIKA MUNICIPALITY	22	13,799	356	336	344	12	
13	KALOLENI	93	58,622	1,015	1,418	1,453		438
14	KILIFI	157	108,652	1,914	2,379	2,438		504
15	KINANGO	108	59,651	1,040	1,138	1,260		229
16	KWALE	80	55,355	786	1,003	1,028		242

35	KITUI	453	135,722	3,534	4,198	4,303	769
36	KYUSO	133	44,620	1,022	1,379	1,413	331
37	LAISAMIS	25	6,061	118	172	176	58
38	MAARA	98	23,292	843	899	921	78
39	MACHAKOS	197	73,827	1,859	2,085	2,137	278
40	MAKIJANI	243	77,620	2,163	2,321	2,379	276
41	MARSABIT	26	11,406	215	306	314	69
42	MBEERE	210	56,923	1,747	1,914	1,962	215
43	MBOONI	186	58,017	1,503	1,744	1,788	287
44	MERU SOUTH	127	28,342	988	1,101	1,120	111
45	MOYALE	35	15,669	238	336	344	106
46	MUTOMO	213	55,295	1,131	1,779	1,825	692
47	MWALA	168	47,772	1,291	1,561	1,600	309
48	MWINGI	224	75,091	1,957	2,188	2,245	286
49	NZAUJI	191	58,423	1,518	1,792	1,837	319
50	THARAKA	146	36,937	1,091	1,361	1,395	304
51	TIGANIA	163	79,242	1,731	2,145	2,199	468
52	YATTA	248	82,669	2,127	2,564	2,628	801

									1,607			
72	KISUMU SOUTH	49	23,748	531				683	700			169
73	KISUMU EAST	38	16,104	354				460	472			118
74	MUNICIPALITY	113	74,540	343				1,610	1,650			407
75	KISUMU WEST	178	44,750	1,022				1,377	1,411			384
76	KURIA EAST	33	15,883	291				381	391			100
77	KURIA WEST	91	27,682	737				1,032	1,058			321
78	MANGA	61	22,111	577				724	742			165
79	MASAIBA	147	52,139	1,598				1,734	1,777			179
80	MIGORI	211	92,350	1,710				2,447	2,508			780
81	NYAMIRA	200	72,741	2,035				2,375	2,434			399
82	NYANDO	271	93,790	2,131				2,553	2,617			484
83	RACHUONYO	322	112,041	2,389				3,279	3,361			972
84	RARIEDA	113	40,432	802				1,175	1,209			302
85	RONGO	195	89,816	1,691				2,346	2,403			714
86	SIAYA	324	117,841	2,863				3,585	3,675			810
87	SOUTH GUCHA	93	36,672	829				1,088	1,115			286
88	SUBA	163	50,906	1,023				1,358	1,392			369
89	BARINGO	195	47,102	1,882				1,791	1,836			46

									3,793	
109	NAIVASHA	119	72,995	1,324	1,353	1,776				152
110	NAKURU	81	38,982	944	1,041	1,067				121
	NAKURU MUNICIPALITY	54	46,929	1,043	943	967			76	
112	NAKURU NORTH	63	45,152	1,112	1,136	1,163				82
113	NANDI CENTRAL	156	56,608	1,497	1,775	1,819				322
114	NANDI EAST	83	26,828	797	821	842				45
115	NANDI NORTH	133	37,620	1,077	1,318	1,351				274
116	NANDI SOUTH	123	41,740	992	1,292	1,324				332
117	NAROK NORTH	134	46,969	1,023	1,423	1,459				416
118	NAROK SOUTH	123	51,874	961	1,484	1,521				560
119	NORTH POKOT	66	15,514	199	366	375				176
120	SAMBURU CENTRAL	71	21,528	496	576	590				94
121	SAMBURU EAST	28	6,977	153	221	227				74
122	SAMBURU NORTH	23	6,510	150	187	192				12
123	SOTIK	151	48,709	1,047	1,412	1,447				400
124	TINDERET	90	24,001	619	758	777				158
125	TRANS-NZOIA EAST	90	51,840	1,237	1,434	1,470				233
126	TRANS-MARA	120	58,122	1,001	1,123	1,459				368

145	KAKAMEGA EAST (SHINYALU)	73	42,640	818	1,120	1,148		330
146	KAKAMEGA NORTH (MALAVA)	98	55,041	1,114	1,164	1,501		387
147	KAKAMEGA SOUTH (IKOLOMANI)	65	31,213	654	864	886		232
148	LUGARI	96	65,804	1,223	1,749	1,793		570
149	MT ELGON	93	48,846	923	1,215	1,245		322
150	MUMIAS	129	102,486	1,727	2,467	2,529		802
151	SAMIA	62	29,517	569	771	790		221
152	TESO	132	68,207	1,157	1,543	1,582		125
153	VIIHIGA	154	64,995	1,522	2,211	2,266		341
	TOTAL	17,948	7,674,773	170,840	209,024	214,250	388	43,410

NB: Net understaffing (43,410-388) 43,012



KENYA NATIONAL UNION OF TEACHERS

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NATIONAL BANK OF KENYA

Auditors: OMMWENGA ONYANCHA & CO.

Tel: 254(0) 20 2220387, 340301
2223509, 2223549
Mobile: 0710 600981, 0710 600983,
0723 600880
Fax: 254(0)20 2222701
Email: knut@nbnf.co.ke
Website: www.knut.or.ke

Address all Correspondence to:
The Secretary General
P.O. Box 30407, 00100,
NAIROBI-KENYA.

KNUT/PM/895/14/2010

September 12, 2010.

Hon. Uhuru Kenyatta,
Deputy Prime Minister and Minister for Finance,
Ministry of Finance,
P.O. Box 30007,
NAIROBI.



Dear Bwana Waziri,

THE JOINT MEETING OF JULY 22, 2010 HELD AT THE TREASURY BUILDING:

You chaired the above referenced joint meeting between KNUT/MOE/TSC and Ministry of Finance.

The following issues were discussed and agreed as given in the press communiqué you released on the very day:-

1) Contract teachers:

- a) Each constituency to employ 80 primary school teachers.
Making a total of **16,800** teachers.
- b) Each constituency to employ 15 secondary school teachers.
Making a total of **3,150** teachers.
- c) For both primary and secondary, the economic stimulus budget of 2.01 billion was to employ **19,950** teachers in total.

File
G
CS-110/10

It was agreed that the TSC employs these 19,950 teachers. But the TSC employed only 18,060 teachers for both primary and secondary schools, thereby leaving out 1,890 teachers. The question that we ask is why did the TSC not follow the agreement of July 22, 2010 that 19,950 teachers be employed?

We need an explanation from you and the TSC.

2) **P1 teachers with 'A' level academic qualifications:**

As agreed, you have released the 1.4 billion to address the problem of these teachers. For that we say thank you very much.

What is left now is for the TSC to act and implement faithfully what was agreed.

3) **The remaining 20% of the teachers salary increase:**

It was agreed that there be a follow-up meeting in October 2010 for a meaningful dialogue on the remaining 20% of teachers salary increase to be solved within this calendar year (2010).

We are for this reason proposing **Wednesday October 6, 2010** for the follow up meeting. We will be most grateful if you agree to convene this meeting.

4) **The undeducted union dues of January 2009:**

On this issue, it was agreed that the Treasury gives the TSC **Kshs. 59,000,000/-** to pay to the KNUT and modalities of recovery be worked out between the TSC and KNUT.

The union agreed to withdraw the court case at the Industrial Court.

We would like to know whether the money has already gone to the TSC from the Treasury or not. Time is running out and our members expect this money to be recovered from them.

Urgently, please address these issues.

The concerns raised in this letter need to be addressed urgently so that we can move forward to tackle other issues affecting teachers.

Thank you for your kind attention.

Yours sincerely,



(L. K. MAJALI)
SECRETARY GENERAL
K.N.U.T.

The Minister for Education,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

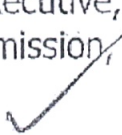
The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

The Permanent Secretary,
Ministry of education,
P.O. Box 30040,
NAIROBI.

The Permanent Secretary,
Ministry of Finance,
P.O. Box 30007,
NAIROBI.

The Secretary/Chief Executive,
Teachers Service Commission,
Private Bag,
NAIROBI.





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2223509, 2223849

Mobile: 0710 600981, 0710 600983,
0733 600880

Fax: 254(0)20 2222701

Email: knut@nbnet.co.ke

Website: www.knut.or.ke

Address all Correspondence to:
The Secretary General
P.O. Box 30407, 00100
NAIROBI-KENYA.



KNUT/TSC/60/40/2010.

October 14, 2010.

The Secretary/Chief Executive,
Teachers Service Commission,
Private Bag,
NAIROBI.

Dear Gabriel,

UPGRADING OF P1 TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS:

This is to acknowledge receipt of your circular letter ref. No. SDSHR/SDS(S)/4A/VOL.II/2 dated October 4, 2010 addressed to all Provincial Directors of Education, all District Education Officers, all Municipal Education Officers, Director of City Education and copied to us among others.

The memorandum of understanding signed between the Kenya National Union of Teachers (KNUT) and both Ministries of Finance and Education clearly states that and I quote: **"This matter (P1 'A' Level teachers) has been resolved and to that end, the Government has factored the same in the 2010/2011 budget and the TSC has been mandated to work out the modalities of payment with effect from July 1, 2010"**.....end of quote.

The import of the above quoted paragraph is that all P1 'A' level teachers who are in the TSC payroll as at July 1, 2010 will be the ones to benefit from this agreement so that this issue is sorted out once and for all.

Handwritten notes:
SDS(HR)/S
Draft a response
for my sign.
CS
16/10/10

Your decision to only consider P1 'A' level teachers who were in service as at July 1, 2003 is not acceptable, as you never shared or discussed it with us at any time; and such a move is likely to leave out some of the P1 'A' level teachers who qualify to be enjoined in the deal reached on July 22, 2010.


The problem therefore will not have been sorted out as those left out will continue agitating for inclusion as those of 1996.

Our wish is, this group be sorted out now with effect from **July 1, 2010**, and then, those who come in the service after July 1, 2010 will be viewed as having missed the boat. This is the logical way of dealing with this problem which has been with us for the last 15 years.

Please, kindly review your cut off date of **July 1, 2003 to July 1, 2010** to avoid future agitation over the same matter, by those who will be left out at this juncture.

Thank you for your kind attention.

Yours sincerely,


(L. K. MAJALI)
SECRETARY GENERAL
K.N.U.T.

The Permanent Secretary to the Cabinet and Head
of Public Service, Office of the President,
P.O. Box 30510-00100,
NAIROBI.

The Permanent Secretary,
Ministry of Finance,
P.O. Box 30007,
NAIROBI.

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

The Permanent Secretary,
Ministry of Higher Education,
P.O. Box 9583-00200,
NAIROBI.

The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

All NEC Members,
All Executive Secretaries.



HEAD OFFICE
KNUT HOUSE
MFANGANO STREET

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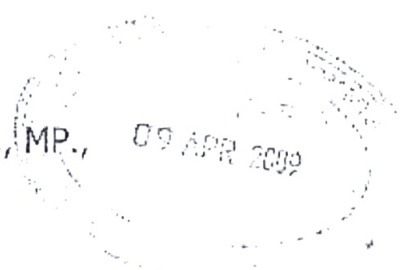
Tel: 254 (0) 20 2220387, 340301
2223509, 2223849
Fax: 254 (0) 20 2222701
Email: knut@nbnet.co.ke
Website: www.knut.or.ke

Address all Correspondence to:
The Secretary General
P.O. Box 30407, 00100
NAIROBI - KENYA.

KNUT/EDU/49/1/2009.

February 16, 2009.

Hon. Amb. Prof. Sam K. Onger, EGH., MP.,
Minister for Education,
Ministry of Education,
P.O. Box 30040, 00100,
NAIROBI.



Dear *Prof.*

THE P1 TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS:

Our letter of November 13, 2008 reference No. KNUT/EDU/49/46/2008 addressed to you and whose response is still awaited refers (photo copy is attached for ease of reference).

As the matter of P1 teachers with 'A' level academic qualifications has been outstanding for long (since 1996), we are appealing to you to convene a meeting to be chaired by you, between the Kenya National Union of Teachers (KNUT), the Teachers Service Commission (TSC) and the Ministry of Education to discuss the way forward for this group of teachers whose patience, as I told you in my letter of November 13, 2008 has completely ran out.

They feel left out, neglected and ignored. I know we feel for them and we all would like to have their problem sorted out; only that the time taken has been un-necessarily too long. Their colleagues who were untrained, and were only given two weeks training in 1995, and graded to S1 are now above AT1.

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It is for this reason that we are appealing to you to convene an **urgent** meeting as suggested, so that you brief us of the steps you have so far taken and the way forward.

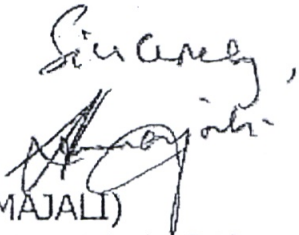
We are proposing the meeting be held at the end of **February 2009 or early March 2009**. Accommodate this meeting in your congested diary.

Please kindly grant our request; if your consultation with other government arms have been rewarded, you can inform us of the new developments, at the above proposed meeting.

It is important that we meet to discuss this matter urgently, so that we resolve the issue once and for all.

Thank you for your kind attention.

Yours



(L. K. MAJALI)
SECRETARY GENERAL
K.N.U.T.

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,00100,
NAIROBI.

The Secretary,
Teachers Service Commission,
Private Bag,
NAIROBI.

The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

ALL NEC Members,
ALL Branch Executive Secretaries



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KNUT HOUSE
MFANGANO STREET

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Address all Correspondence to:
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P.O. Box 30407, 00100
NAIROBI - KENYA.

KNUT/EDU/49/46/2008

November 13, 2008

The Minister for Education,
Ministry of Education,
P.O. Box 30040, 00100,
NAIROBI.

Dear Bwana Minister,

**RE: THE P1 TEACHERS WITH 'A' LEVEL ACADEMIC
QUALIFICATIONS:**

At our joint meeting KNUT/TSC/MOE on **Wednesday August 27, 2008**, which you chaired, it was agreed that you **needed time (six weeks); which ended on 10/10/2008** to consult with other arms of government, to enable you get a lasting solution to this problem of the P1 teachers with 'A' level academic qualification, who were left out when their colleagues who were untrained, but had 'A' level certificates were graded to S1 status and are presently at AT1 and above.

Our letter ref: No. KNUT/EDU/49/42/2008 dated 25/9/2008 reminded you of your promise to us. In reply to us by your Permanent Secretary **Ref: No. MEO/GEN/G10/2/(15) dated 2/10/2008, pleaded for more time as you were still consulting.**

We would like to inform you that the affected teachers' patience has ran out completely. **We would like to have an answer to them at our Annual Delegates' Conference (ADC) which will be held on 3/12/2008. We are therefore appealing to you to speed up your consultations and give us the answer before 3/12/2008.**

We know you are a busy man, but the issue of these teachers should be given priority as it has dragged on from 1996. It is now 14 years old.

We kindly ask you to address this problem now.

Thank you.

Yours faithfully,



L. K. MAJALI
ACTING SECRETARY GENERAL
K.N.U.T.

C.C: The Permanent Secretary,
Ministry of Education,
P.O. Box 30040, 00100,
NAIROBI.

The Secretary,
Teachers Service Commission,
Private Bag,
NAIROBI.

The Chairman,
Teachers Service Commission,
Private Bag,
NAIROBI.

The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

ALL National Executive Council (NEC) Members.

ALL Branch Executive Secretaries.



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MFANGANO STREET

750/2007/R2 (4)
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TEL: 254 (0) 20 2220387, 340301
2223509, 2223849
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Address all correspondence to:
The secretary General
P.O. Box 30407, 00100
NAIROBI - KENYA.

KNUT/EDU/49/22/2008.

May 21, 2008.

Hon. Prof. Sam K. Onger, EGH., EBS., MP.,
Minister for Education,
Ministry of Education,
P.O. Box 30040, 00100,
NAIROBI.

Dear Hon. Onger,

**PROMOTION OF P1 TEACHERS 'A' LEVEL HOLDERS TO THE
APPROPRIATE GRADE:**

We are writing to let you know that the Teachers Service Commission (TSC) has completed the verification exercise of P1 teachers 'A' level holders who have not been appropriately promoted since 1996. This case is very well known to the Ministry of Education, Mr. Minister and all the relevant documents to prove that this case has been consistently under discussion between the TSC, the Ministry of Education and the KNUT are in your office.

Indeed, this case should have been cleared by the end of 2000 but at that time the Government was saying that there was no money to effect the appropriate promotions of these teachers which should have put them at par with their counterparts who were untrained 'A' level holders and were promoted in 1996.

Now that the verification exercise has been completed by the TSC as was agreed, we would now like to have a meeting between the Ministry of Education, the TSC and the KNUT to discuss this issue with a view to getting a lasting solution to it. The concerned teachers have put a lot of

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Noted
CS
27/5/08

pressure on the union to seek a lasting solution on their behalf once and for all. They feel so concerned that their counterparts who were untrained 'A' level holders were given the right promotion in 1996 and today they are at the level of ATS 1 while they are at the level of ATS 1V.

We would like to have a meeting to sort out this issue any time between Thursday May 22 and Tuesday June 17, 2008. Mr. Minister, this matter is of great concern to the affected teachers and the union and we would therefore appreciate your immediate response to indicate the date for the requested meeting.

Yours sincerely,



(F. M. NGIANG'A)
SECRETARY GENERAL
K.N.U.T.

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

The Secretary,
Teachers Service Commission,
Private Bag,
NAIROBI.

The Chairman,
Teachers Service Commission,
Private Bag,
NAIROBI.

The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

All Steering Committee Members,
KNUT Head Office.



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Address all correspondence to:
The secretary General
P.O. Box 30407, 00100
NAIROBI - KENYA.

KNUT/TSC/60/4/2008

April 7, 2008.

Mr. Gabriel K. Lengoiboni, EBS., ✓
Secretary/Chief Executive,
Teachers Service Commission,
Private Bag,
NAIROBI.



Dear Gabriel,

P1 TEACHERS 'A' LEVEL HOLDERS WHO HAVE NOT YET BEEN APPROPRIATELY GRADED:

Please, refer to our letter ref. No. KNUT/TSC/60/33/2007 of November 26, 2007 in which we forwarded to you cases of over 4,500 teachers who appealed to you through us for proper grading in line with their counterparts the untrained 'A' Level teachers who were properly grade in 1996 after a short crash programme.

Since the Ministry of Education (MEO), the Teachers Service Commission (TSC) and the Kenya National Union of Teachers (KNUT) have agreed in principle that these teachers should be given their proper grading, we do feel that the exercise to clear these cases is taking rather too long.

Bwana Secretary, also remember that during our courtesy call on the Minister for Education. Hon. S. Ongeru on February 7, 2008, you told us that a serious work was being done on these cases and that already you had evaluated the cases of over 2,300 teachers. We are happy to note that cases of those teachers who have also been forwarded to you through us lately have also been warmly received by your officers for attention and action.

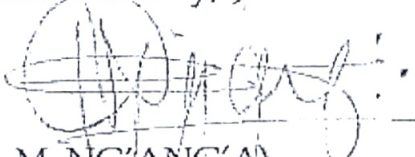
D.SSP:
Please update C.S.
on the progress of this exercise.
Bill
PACC
2/1/08

We are writing now to let you know that these teachers are getting very anxious and would like to know their fate as soon as possible.

It is in this regard that we are writing to ask you to work on these cases with a view to completing the whole exercise by the end of April 2008 and release the grading outcome of these teachers so that they can work with stability of mind and satisfaction.

Please, also remember that these cases of P1 'A' Level holders has taken a lot of our time and we would like to see them cleared once and for all as we move on to look at other issues affecting all the teachers.

Yours sincerely,



(F. M. NG'ANG'A)
SECRETARY GENERAL
K.N.U.T.

The Minister for Education,
Ministry of Education,
P.O. Box 30040,00100,
NAIROBI.

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,00100,
NAIROBI.

The Chairman,
Teachers Service Commission,
Private Bag,
NAIROBI.

The National Chairman,
KNUT Head Office.

The National Treasurer,
KNUT Head Office.

All NEC Members,
All Executive Secretaries.

THE PRESS.



HEAD OFFICE
KNUT HOUSE
MFANGANO STREET

KENYA NATIONAL UNION OF TEACHERS

Bankers: KENYA COMMERCIAL BANK
STANDARD CHARTERED BANK
NATIONAL BANK OF KENYA
Auditors: OMWENGA ONYANCHA & CO.

Tel: 254 (0) 20 220387, 340301
223509, 223849
Fax: 254 (0)20 222701
Email: knut@nbnet.co.ke

Address all Correspondence to:
The Secretary General
P.O. Box 30407, 00100
NAIROBI - KENYA.

BRIEF PRESENTATION BY THE KNUT TEAM DURING A COURTESY CALL ON THE NE MINISTER FOR EDUCATION, HON. PROF. SAM ONGERI ON THURSDAY FEBRUARY 7, 2008:

Introductory Remarks:

Mr. Minister, the Kenya National Union of Teachers (KNUT) team composed of the top elected national leaders and Executive Officers working at the national secretariat is most grateful to you, Sir, for accommodating this courtesy call knowing very well that you have a very tight schedule for having been appointed as one of the top negotiators helping the government side during the on-going discussions to try and get a solution to the current political conflict the country is facing as a result of the national elections in which the presidential results have been disputed.

It is very clear that you have a lot of regard to the teachers of our nation as you have agreed to meet them through their KNUT leaders at this crucial moment in our country's political life and we also want to thank you sincerely for that accommodation.

Mr. Minister, on behalf of the union top leadership, the National Executive Council (NEC) of the Kenya National Union of Teachers (KNUT) and the entire membership of over 230,000, I wish to congratulate you firstly, for winning your parliamentary seat and secondly for being appointed the Minister for Education by His Excellency the President, Hon. Mwai Kibaki.

We note Mr. Minister that you have taken over the running of the Ministry of Education at a very difficult time when the education sector is so badly affected by the current political crisis we are experiencing in this country. However, we have no doubt that with your officers, the Teachers Service Commission (TSC) and the many other groups that are interested in development and improvement of education in our country

REG

For Secretary

and with the support of the teachers through the KNUT, you will succeed. We would like therefore to assure you of the necessary support and co-operation of the union as we team up together as partners in the development and promotion of our education system for the good of our learners and the good of our country at large.

Mr. Minister, since this is just a courtesy call as we mentioned in our letter ref. No. KNUT/EDU/45/6/2008 of January 29, 2008, we have come to express our willingness to work together with you and your team in order to provide a good forum for sorting out peacefully, any problems that may affect the teachers negatively and cause them not to deliver the required services efficiently.

In that regard, we hope that we shall continue to enjoy the good working relationship that we have enjoyed in this Ministry in the past and that is the assurance Mr. Minister that the KNUT would like to get from you, an assurance of even improved working relationship. We however wish to mention a few issues we would like to receive immediate attention by you, your Ministry and the TSC so together we can move forward without any problems at all:-

1. Establishment of the Teachers Service Remuneration Committee (TSRC):

We note with a lot of satisfaction, Mr. Minister that after our very strong petition to the former Minister for Education, Hon. Prof. George Saitoti to establish the Teachers Service Remuneration Committee (TSRC) in accordance with the TSC Act, Section 13, it was well done.

We are happy to make reference to the letter ref. No. MOE.CONF.GII/1/13 of December 21, 2007 signed by the Permanent Secretary, Prof. Karega Mutahi and copied to the Chairman of the TSC in which the Permanent Secretary forwarded the names of the members of the TSRC contained in an enclosed document for gazettelement dated December 18, 2007 and duly signed by the former Minister for Education.

Mr. Minister, we would like to know from you whether the gazettelement has been made so that arrangements for the inauguration meeting of the committee can be held and subsequent meetings called as required. If the gazettelement has not been made, Mr. Minister, we would like to demand that it be made without any delay to facilitate the work of the committee to commence.

2. Proper grading of P1 A Level holders:

The issue of P1 A Level holders has been discussed and finally it was agreed that the TSC handle the issue conclusively and grade the teachers appropriately to the grade of Approved Teacher I in line with their colleagues who were properly graded back in 1996 and yet they were untrained A Level teachers. We are happy to note that the TSC who are here today with us can gladly let us know if they have concluded working on the cases as earlier agreed upon or not.

Mr. Minister, please note that this is a case that has taken so long and has caused a lot of agony to the P1 A Level holders and the union would like to see it come to an end very quickly. We are however thankful to the Ministry of Education and the TSC for agreeing that the P1 A Level teachers case should be sorted out and the teachers appropriately graded. This is why we want to see the outcome so that the affected teachers can be informed accordingly.

3. Political situation in the country:

Due to the political situation in the country, a number of teachers have been killed, others have been displaced and so many pupils and students have not been to school due to the same. The KNUT has joined the other voices of reason in calling upon the government and other political leaders in the country to hold serious discussions with a view to getting a lasting solution to this conflict so that the education sector does not continue to suffer and that learners can continue getting the needed education and our members can work in their stations without any fear.

The KNUT top leadership with you here today MR. minister, has visited some of the places where the displaced people including teachers and learners have been camping and with our eyes, we saw how horrible the situation is. Never the less, we are happy with the Ministry of Education and the TSC in the manner in which they have treated our members in re-affirming that no teacher would be made to suffer in any way as a result of the current political conflict.

We would like to reiterate that as we look forward to the answer to this crisis, we hope the teachers will continue to be treated fairly as normalcy returns to the country.

4. **Free secondary education:**

Mr. Minister, the union would like to know how this programme is being offered since we have had many complaints that money for the same has not reached the institutions.

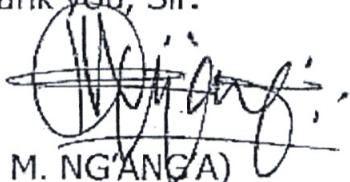
5. **Concluding remarks:**

Mr. Minister, since this was a courtesy call only, we have all the faith and hope that we will be able to meet with you, your officers and the TSC as often as is required to look into any issues that we feel are necessary and vital for the welfare of the teachers and the success of education in this country.

We further Mr. Minister, note that last year, we held four regional conferences involving the TSC, the Ministry of Education and the KNUT and the **agenda** of the conferences was the **need to work together**. We hope that even in this year, we would be able to have serious meetings even at the regional level so that together we can strengthen the working relationship particularly between our branch secretaries, the District Education Officers and the Provincial Directors of Education. We note that in some districts, some of the District Education Officers have no respect for teachers and the KNUT leaders and this has impacted very negatively on the education of our children in such districts.

Mr. Minister, as we said earlier on, co-operation is the only way forward and on our part we want once again to re-assure you of our necessary support and co-operation in order for us to move forward together to make our education system an effective tool for the economic development and hence poverty eradication in our country.

Thank you, Sir.

A handwritten signature in black ink, appearing to read 'F. M. Ng'anga', written over a circular stamp or mark.

(F. M. NG'ANGA)
SECRETARY GENERAL
K.N.U.T.



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Tel: 254(0) 20 2220387, 340301
2223509, 2223549
Mobile: 0710 600981, 0710 600983,
0733 600880
Fax: 254(0)20 2222701
Email: knut@nbnet.co.ke
Website: www.knut.or.ke

Address all Correspondence to:
The Secretary General
P.O. Box 30407, 00100
NAIROBI-KENYA.

KNUT/TSC/60/9/2011

March 3, 2011.

Seen:

Mr. Gabriel K. Lengoboini, EBS,
Secretary/Chief Executive Officer,
Teachers Service Commission,
Private Bag,
NAIROBI.

Dear Gabriel,

REQUEST FOR KNUT/TSC POLICY MEETING.

During our last visit to your office on **February 14, 2011**, we agreed to have a policy meeting to discuss issues that had been pending for a long time. As per our record, we had tentatively agreed that the meeting should be held on **Monday March 7, 2011**.

However, as we are currently conducting our branch general elections, events have transpired that we may not have returned from our week-end engagements on March 7, 2011.

The purpose of this letter is therefore to bring to your attention that due to this uncertainty, we would like to request you to re-schedule the meeting to be held either on **Tuesday March 8, or Wednesday March 9, 2011 or soonest date available in your calendar.**

In the mean while, we wish to take this opportunity to acquaint you with the following issues which the union would like placed in the agenda:-

a) Promotion of:-

1. P1 A level employed after 2003.
2. S1 teachers employed as ATS IV from 2003
3. Branch Executive Secretaries (on sabbatical leave).

b) Retired teachers' (1997) union dues arrears.

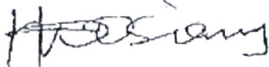
- c) Accreditation of External degrees in teaching *vis a vis* grading.
- d) The Payment solutions Kenya;-Payment Deduction Management Solutions.
- e) Shortage of teaching force.
- f) The TSC Bill.
- g) Reflection of cumulated union contribution on the teachers' pay slips.
- h) a courtesy call with the Permanent Secretary Ministry of Education

You are also aware that the last time the **TSC/KNUT Consultative committee** met was way back in the early 1990s; consequently, there is a huge back log of discipline cases. The union proposes that during this meeting, modalities can be agreed as to when this consultative committee (Policy) can meet to discuss the cases that had been referred to this next level.

We also wish to appreciate the way you have handled the issues we have brought to your attention and promise that we shall remain supportive to your good office.

Thank you and, we wish you all the best in your endeavors.

Yours sincerely,



(D. O. OSIANY)
AG. SECRETARY GENERAL
K.N.U.T.

The Minister for Education,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

The Ag. National Chairman,
KNUT Head Office.

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,
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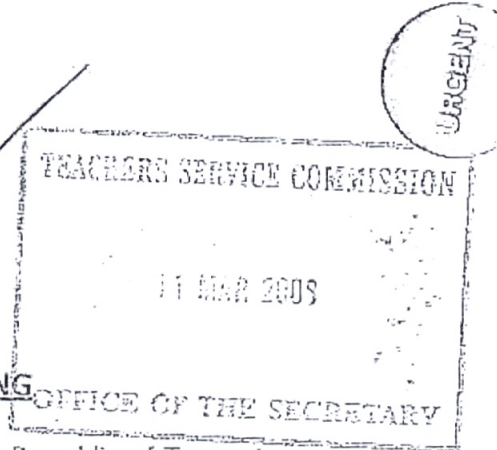
KNUT/TSC/60/6/2009

March 10, 2009

The Secretary/Chief Executive,
Teachers Service Commission,
Private Bag,
NAIROBI.

Dear Sir,

RE: **KNUT/TSC JOINT MEETING**



*Received 19/3/09
at 9:30 am
cc.*

Welcome back from your trip to the Republic of Tanzania.

This letter has reference to the informal joint meeting TSC/MOE/KNUT chaired by the Minister for Education, Hon Amb. Prof. Sam K. Ongeru, held in his Jogoo House Boardroom on Thursday February 26, 2009.

During the meeting, the KNUT raised the following issues for discussion:-

1. Return to Work Formula signed between the TSC and KNUT on February 3, 2009; as regards:-
 - (i) KNUT January 2009 Union Dues not deducted from teachers salaries;
 - (ii) Removal from Union Membership of H/T, D/HT, HOD and Senior Teachers. Your circular letter Ref: No. TSC/ADM/192A/VII/127 of 4/2/09.
 - (iii) Withdrawal of strike related court cases.
2. P1 teachers with "A" level academic qualifications.

After a length discussion on these issues, the Minister directed that TSC and KNUT should meet to discuss these issues, and, he did not see why we cannot get solutions to them. He was optimistic that we will settle them amicably.

*Florence
Interim then the
meeting will be on
19th March 2009 at 10.00AM
in Board Room 1A
TSC
CS
13/3/09*

On the issue of the strike related court cases, the Union was directed to forward the list of cases to the TSC Legal Officer for her to follow them up with the relevant arm of government for termination.

As regards the P1 teachers with "A" level academic qualifications, he assured us that his counterpart in the Finance Ministry was aware and something is being done.

We left the meeting with the understanding that we would meet the soonest possible. In the afternoon of the same day, I made contact with you to agree on the date for the meeting. You informed me that both you and the Chairman were leaving the country on official business to Tanzania. Therefore, I should get in touch with you on Monday March 9, 2009.

I tried to contact you yesterday (9/3/09) without success as you were in meetings.

The purpose of this letter is to remind you of the urgency of the meeting and that we should arrange to meet the soonest possible, to sort out the pending issues.

We in the Union believe in dialogue. Around the table discussion can sort out even the most difficult problem.

We are suggesting we hold the meeting on Thursday March 12, 2009 at 2.30 p.m. at the TSC Headquarters. Please confirm your acceptance of this proposal.

Thank you for your anticipated co-operation.

Yours faithfully,



L. K. MAJALI
SECRETARY GENERAL
K.N.U.T.

C.C: The National Chairman, KNUT Head Office.

The National Treasurer, KNUT Head Office.

ALL National Steering Committee Members.

(12)

TEACHERS SERVICE COMMISSION

INTERNAL MEMO

TO: TSC POLICY MEETING

FROM: SENIOR DEPUTY SECRETARY (A)

REF: TSC/SDS(A)/MEMO/VOL.VI/121

DATE: 28TH SEPTEMBER 2007

RE: NOTICE FOR COMMISSIONERS MEETING IN PREPARATION FOR KNUT/TSC CONSULTATIVE MEETING


The TSC/KNUT Consultative meeting is scheduled to take place on Monday 8th October 2007.

The Agenda will be as follows:

A G E N D A

- ✓(i) Promotion of PI A level holders
- ✓(ii) Teacher proficiency course
- (iii) Payment of the retired benefits for teachers
- (iv) Grading of Untrained Teachers (UTs) and upgrading of P3s.

The write-ups on each agenda have been prepared and are being submitted to this meeting for further deliberations in preparation for the meeting.



S. M. KAVEL, CGW.

1.0 ITEMS OF AGENDA FOR COMMISSIONERS MEETING OF 1ST OCTOBER, 2007

1.11 PROMOTION OF P1 'A' LEVELS.

The Ministry of Education, Science and Technology graded Untrained Teachers with 'A' levels to SI in July 1995 after attending a two weeks course at Kagumo and Bondo Teachers Training Colleges.

|| P1 Teachers with 'A' levels, who were better qualified, through training and experience were however locked out.

Following several complaints from the P1 'A' level teachers, and after several consultative meetings involving MOEST, TSC and KNUT it was agreed that these cadre of teachers be promoted to ^{AT} AT IV with effect from 1/7/03. The exercise, which was carried out in 2004, covered 6,466 teachers and costed the exchequer kshs.45, 081,240 in salary arrears. It was further agreed that after this promotion, the P1 'A' level teachers would benefit in accordance with provisions of the Scheme of Service for Non-Graduate teachers.

The P1 'A' Level teachers are still dissatisfied because they are still at AT IV while the UT 'A' levels have progressed with time to AT I and above. This is a contentious issue, which needs to be resolved.

The Commission may consider and adopt one of the following Scenarios:

(i) Scenario I

The P1 'A' level teachers to benefit in accordance with the existing scheme of

service for Non-Graduate teachers. In this case there will be no cost implications apart from what is provided in the budget.

(ii) **Scenario II**

The Commission to waive the conditions as provided under the Scheme of Service and promote the teachers in-question from AT IV to AT ~~III~~ with effect from 1/1/2008. This will cost approximately

Kshs. 495,580,104. Thereafter the teachers can move to AT II and AT I subject to a suitability test.

(iii) **Scenario III.**

The Commission to promote all the P1 'A' level teachers to AT I and backdate the effective date to 1/7/95. It will cost the Government an additional Kshs.11 billion to cover the exercise.

Promote of

2.0 TEACHER PROFICIENCY COURSE.

The Scheme of Service for Non-Graduate teachers requires that teachers who are ^{between} on P2 to at iii grade undergo a one week Teacher's Proficiency Course administered by the Ministry of Education. These teachers secure promotion after passing an examination at the end of the course. The courses have so far been conducted in April 1998, August 2005 and April 2006 and 2007, and the following number of teachers promoted: -

Year	Number
(a) 1998	3,000 ✓
(b) 2005	4,300 ✓
(c) 2006	<u>4,400</u> ✓
Total	11,700

Each financial year there is provision for promotion of 2½% of the teacher in service. The results for the 2007 Teachers Proficiency Course are to be released in October, 2007.

NB: Between 1999 - 2004 there were no courses conducted by the Ministry of Education due to a freeze in promotions.


L. J. SPIRA
DEPUTY SECRETARY STAFFING (P)

3.0. PAYMENT OF THE RETIRMENT BENEFITS FOR TEACHERS

3.1 INTRODUCTION

The retirement/death gratuity claims have increased over time due to increase in attrition rates. The following table indicates increase in attrition rates since 1996 to date.

PENSIONS ATTRITION RATES

YEAR	DEATH	RETIREMENT/ RESIGNATIONS	TOTALS
1996	636	1741	2377
1997	1062	2787	3849
1998	2233	2826	5059
1999	1706	4373	6079
2000	1305	3764	5069
2001	1468	3069	4537
2002	1715	3212	4927
2003	1834	5657	7491
2004	951	5240	6191
2005	1145	7401	8546
2006	1030	5211	6241
2007		6798	6798
TOTALS	13,075	52,079	67,164

4.0 CHALLENGES FACED IN PROCESSING PENSION CLAIMS

There has been a lot of commitment on the part of TSC staff in processing Pension Claims. There have been however challenges which have hampered the smooth processing of the claims. Some of the challenges are as follows:-

(i) SUBMISSION OF REQUIRED DOCUMENTS

Some retirees/next of kin delay in submitting required documents, for example, commutation forms, bank forms, earliest payslips

reflecting ~~W.C.P.S~~, death certificates, academic professional certificates.

(ii) MULTIPLE NEXT OF KIN

Some cases of death gratuity cannot be processed on time due to tussles in multiple next of kins. In some instances next of kin seek legal intervention in courts of law where the matter take too long to be settled.

(iii) TAX CLEARANCE CERTIFICATES ??

The pension claims are processed in time abut some claims pend for a long time due to a delay in Kenya Revenue Authority (KRA) issuing tax clearance certificate. in instances where a retiree or deceased teacher has tax liability, KRA does not disclose the amount to enable the concerned to settle the liability.

(iv) MANNUAL PROCESSES

The manual processes in Pension claims has adversely affected fast tracking the process of claims.

5.0 INTERVENTION MEASURES

The commission has instituted the following intervention measures to address the aforesaid challenges.

- Automation of GP 178 to speed up the processing of pension claims.
- Holding meeting with KRA to speed up processing Tax clearance certificates.
- Training of pension staff in processing automated pension claims.
- Establishment of internal monitoring and evaluation team to assist in fast tracking the process of pension claims.

- The introduction of IPPD system will address the problem of documentation a great deal.
- There have been inter-divisional meetings to sensitize staff on the urgency of pension matters. This will help in speeding up issuance of salary overpayment notification, salary adjustment and sending files on retirement/death gratuity to pensions section.
- Working extra time. This has enabled the pension officers work on big number of pension claims.
- Obtaining payroll extracts from Microfilming Section (MFU) in instances where payslips are not availed by retirees/next of kin.
- Secondment of two officers from TSC to pension department in Treasury to assist in speeding up the process of payment of final dues.
- A team has been established to facilitate processing of pension claims for submission to Treasury nine months before the effective date of retirement to address the problems of delay.

6.0 GRADING OF UTS AND UPGRADING OF P3S

6.11 UPGRADING OF P3

From 1st July 2005, a decision to phase out P3 teachers from the payroll was taken and a circular to upgrade the P3 teachers to 2 status issued.

Government information technology services were requested to upgrade the teachers automatically but only moved all the P3 teachers to the maximum of the P3 scale, and then adjusted the allowances. It was then decided to repeat the exercise manually when the anomaly was noted early this year.

2005	P3 total	1987
2007	P3 Bal. in Payroll	560

The exercise is still on going as we cleanse the data. the affected teachers are being up-graded and salaries adjusted from 1st July, 2005.

6.12 GRADING OF UTS


After the review of scheme of service for non-graduate teachers, a decision to phase out untrained teachers in primary school was reached, with the only option to grade long serving teachers based on academic qualifications.

The number of untrained teachers on primary payroll was 2624. since then, upgrading has been as follows:-

Total upgraded	2427
Balance as at Aug. 07	197

(The MOE was to issue upgrading letters)

Thus the remaining 197 untrained teachers are being upgraded to finalise all cases.



J. MAUNDU
SENIOR DEPUTY SECRETARY (HR)

TEACHERS SERVICE COMMISSION



**RESPONSE TO PETITIONS ON 1996 TO 2010 SALARY ARREARS FOR P1
TEACHERS WITH 'A' LEVEL ACADEMIC QUALIFICATIONS AND PAYMENT
OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO
TEACHERS IN KILIFI COUNTY**

Presented by

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

1. **BACKGROUND INFORMATION**

- 1.1. The Teachers Service Commission (hereinafter, "the Commission") is established under **Article 237 (1)** of the Constitution as a Constitutional Commission with primary functions being to: -
- a) Register trained teachers;
 - b) **Recruit and employ registered teachers;**
 - c) Assign teachers for service in any public school or institution;
 - d) Promote and transfer teachers;
 - e) **Exercise disciplinary control over teachers;**
 - f) Terminate the employment of teachers engaged in public service.
- 1.2. The Commission is further mandated Under **Article 237 (3)** of the Constitution to: -
- a) Review the standards of education and training of persons entering the teaching service;
 - b) Review the national demand for, and the supply of teachers; and
 - c) Advise the National Government on matters relating to the teaching profession.
- 1.3. On the other hand, section **11** of the Teachers Service Commission Act (hereinafter, "The Act") requires the Commission to: -
- a) Formulate policies to achieve its mandate,
 - b) Provide strategic leadership and direction,
 - c) Prescribe teaching standards and ensure compliance,
 - d) Manage the Teachers payroll,
 - e) Facilitate career progression & professional development,
 - f) Monitor the Conduct and Performance of teachers, and
 - g) Do all such other things as may be necessary for the effective discharge of its functions and the exercise of its powers.
- 1.4. In carrying out its discipline function, the Commission is bound by the principles of **fair administrative action** set out under **Article 47** of the Constitution which include an administrative action that is expeditious, efficient, lawful, reasonable, and procedurally fair.

2. **RESPONSE TO THE PETITION CONCERNING SALARY ARREARS FOR P1 TEACHERS WITH "A" LEVEL ACADEMIC QUALIFICATIONS FROM 1996 TO 2010.**

BRIEF HISTORY

a) Promotion of Untrained "A" Level Teachers

- 2.1 The Teachers Service Commission (TSC) was established in July 1967 through an Act of Parliament to place teachers under one employer with uniform terms and conditions of service. During this era, prior to 2003, promotions of teachers were done by the Ministry of Education, Science and Technology (MOEST).
- 2.2 During this period, TSC had in its establishment two categories of teachers i.e., trained P1 "A" Level teachers and Untrained "A" Level teachers.
- 2.3 In May 1996 MOEST decided to promote Untrained "A" Level teachers after undertaking a two weeks in-service course at Kagumo and Bondo Teacher Training Colleges. Following the training, these teachers were promoted to the grade **S1**, Job **group 'H'** with effect from **January 1996**.
- 2.4 Subsequently, TSC adjusted their salaries and allowances commensurate to the S1 grade, Job Group 'H'.
- 2.5 Thereafter, in July 1996 MOEST declared grade S1 obsolete with effect from 1/7/1996 and replaced the grade with **Approved Teacher Status (ATS) IV grade**, Job Group 'H'.
- 2.6 Consequently, ATS IV, Job Group "H" became the entry grade for Untrained Teachers. As a result, all the SI certificate holders who were in service by 30/6/1996 were upgraded to **Approved Teacher (ATS) III, Job Group 'J'**. *Appendix 1 is a copy of circular No. 5/97 and 7/97 on upgrading of graduate teachers.*
- 2.7 **ATS III** grade became a common cadre grade and such teachers were promoted in line with the Scheme of Service for Non-Graduate Teachers. This gave such teachers an opportunity to progress to ATS II, Job Group 'K' and later to ATS I, Job Group 'L' within a span of six years.

b) Promotion of P1 "A" Level Teachers

- 2.8 The decision by MOEST to promote untrained 'A' level teachers to S1 grade with effect from **1/1/1996** was challenged by the P1 'A' level teachers who were already in service. Through their union, Kenya National Union of Teachers (KNUT), the teachers expressed dissatisfaction with the parameters that MOEST had used in the promotion of the Untrained 'A' Level Teachers.
- 2.9 Consequently, in 2003 TSC signed an agreement with KNUT to promote all **P1 'A' level** teachers who were in service as at 30/06/2003 and had the following minimum qualifications to the grade of **ATS IV Grade, Job Group 'H'**:
- a) One (1) Principle and two (2) Subsidiaries excluding General Paper for the Arts Combination;
 - b) One (1) Principle and one (1) Subsidiary excluding General Paper for Science Combination.
- 2.10 These teachers were promoted with effect from **1/7/2003** and they were to progress to the subsequent grades by undertaking a Teacher Proficiency Course (TPC) or by pursuing a relevant Diploma or Degree Programmes in line with the Scheme of Service for Non-Graduate Teachers.
- 2.11 In August 2010, TSC signed the second agreement with KNUT to address the disparity in terms of grade between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' level teachers promoted in 2003.
- 2.12 As a result, the P1 'A' level teachers were upgraded from **ATS IV, Job Group 'H'** to **ATS I, Job Group 'I.'** with effect from **1/7/2010**. *Appendix 2 is a copy of circular dated 4th October 2010 on upgrading of P1 A level teachers.*
- 2.13 Notably, trained **P1 'A' level** teachers and **Untrained 'A' Level** teachers who joined service after **30/6/2003** were not upgraded under this agreement.

2.14 In 2014, the Commission signed the third agreement with KNUT for P1 A-Level Teachers who joined the service after **1/7/2003**. To this end, all P1 'A' Level Teachers were promoted with effect from **1/10/2014** in the following manner:-

a) Those who had served for three (3) years as at 1st October 2014 were promoted to ATS III Grade, Job Group 'J'

b) Those who had served for six (6) years as at 1st October 2014 were promoted to ATS II Grade, Job Group 'K'

c) Those who had served for nine (9) years as at 1st October 2014 were promoted to ATS I Grade, Job Group 'L'.

2.15 Notably, throughout the promotions, teachers' salaries were adjusted to their respective Job Groups.

3. PETITIONER -MS. KABUI W. RUTH TSC.NO. 234756

3.1 The Petitioner, **Ms. Kabui W. Ruth** was employed by the Commission on **1st May 1986** as a P1 teacher.

3.2 Following the Agreement between the Commission and KNUT in **2003** to promote all P1 teachers who had 'A' Level certificates and who were in service as at 30/6/2003, the Commission vide a letter dated **19/02/2004** promoted the Petitioner to the grade of **Approved Teacher IV (ATS IV)** with effect from 1st July 2003. **Appendix 3** is a copy of the promotion letter dated 19/02/2004.

3.3 Resultantly, the salary of the Petitioner was adjusted and paid in accordance with the promotion. **Appendix 4** is a copy of pay change advice prepared on 17/03/2004.

3.4 Further, following the Agreement signed in 2010 by the Commission and KNUT to address the disparity in terms of grade between Untrained 'A' Level Teachers who were promoted in 1996 and P1 'A' level teachers promoted in

2003, the Petitioner was upgraded on **14/03/2011** to **Graduate Teacher/ATS I Job Group L** with effect from **1/7/2010**. **Appendix 5** is a copy of upgrading letter dated 14/03/2011.

- 3.5 To this end, the Petitioner's salary was adjusted with effect from **1/7/2010** in tandem with the upgrading and paid accordingly. **Appendix 6** is a copy of **Authorized Data Sheet showing the salary change**.
- 3.6 Honorable Members, as illustrated above, the Petitioner benefited from the promotions done in 2003 and 2010 and her salaries and corresponding allowances were adjusted and paid accordingly.

4. **RESPONSE TO THE PETITION**

- 3.1 To this end, Honorable Members, it is **not** true that P1 'A' level teachers were promoted in **1996**. The promotions in 1996 were exclusively for untrained 'A' Level Teachers who undertook an in-service training at Kagumo and Bondo Teachers Training Colleges.
- 3.2 P1 'A' level teachers were promoted in **2003, 2010** and **2014** upon negotiations between TSC and KNUT. Their salaries and corresponding allowances were adjusted and paid as per their respective Job Groups.
- 3.3 The Commission wishes to reiterate that P1 'A' Level Teachers were promoted with effect from **1/7/2003** and not **1996** hence no arrears accrued or is due to them.
- 3.4 The purported claims for arrears from **1996 to 2010** are therefore unjustified as P1 'A' level teachers were not promoted in 1996.

5. **RESPONSE TO THE PETITION REGARDING GAZETTEMET OF CHONYI SUBCOUNTY RABAI SUBCOUNTY KALOLENI SUBCOUNTY UYOMBO AREA AND MARAFIKI ISLAND IN KILIFI COUNTY AS HARDSHIP AREAS.**

- 4.1 Under the Constitution of Kenya, the Teachers Service Commission has no legal mandate to gazette any area as hardship. The mandate to designate an area as a hardship area vests with the Ministry of Public Service, Gender, and Affirmative Action.

TEACHERS SERVICE COMMISSION

CIRCULAR NO. 5/97
of 3rd Feb. 1997.

Telephone: Nairobi 3311455/456/457 and 331150
When replying please quote,
Ref. No. TSC/ADM/192A/VOL.VI/81,
and date



CO-OPERATIVE HOUSE
HAILE SELASSIE AVENUE
PRIVATE BAG
NAIROBI, KENYA

3rd February 1997

CIRCULAR NO. 5/97

TO: All Provincial Directors of Education (with enough copies for H/M - Secondary school)
All District Education Officers
The Director of City Education
All Municipal Education Officers
All Principals, Primary Teachers College/Technical Inst.
The Principal Kenya Science Teachers College

UPGRADING OF GRADUATE TEACHERS

The Scheme of Service for Graduate/Approved Teachers provides that a professionally qualified Graduate Teacher will enter the services of the Teachers Service Commission as a Graduate Teacher III, Job Group "J". In recognition/appreciation of the changes that have taken place since the implementation of the Scheme of Service for Graduate/Approved Teachers with effect from 1st July, 1988 it has become necessary to revise the Scheme in the following respects:-

1. With effect from 1st July, 1996 a professionally qualified Graduate Teacher will enter the services of the Teachers Service Commission as Graduate Teacher II, Job Group "K".
2. Graduate Teacher III, Job Group "J" grade is now obsolete. Teachers currently on the grade will be upgraded to Job Group "K" and redesignated accordingly.
3. Graduate Teachers II who teach:-

Mathematics	German
Physics	French
Chemistry	Fine Art
Biology	Music
Agriculture	Secretarial and
English	Office Practice and
	Accounting

and holders of the Bachelors of Education in Technology will enter the scale three salary points above the minimum.

Those teachers on the Graduate II scale on or before 30th June 1995 and who teach in these subject areas will have their salaries revised by an additional three salary increments.

authority to pay sp. inc to Tech Teachers
in Sec-Schools'/2.

Ref Tscd 341499
1/1/97

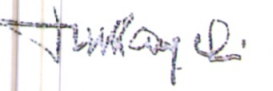
4. Teachers in all other subject areas will enter the Graduate Teacher II salary scale at the minimum on appointment or one salary point above on conversion to Job Group "K" if they were in service on or before 30th June, 1995.
5. Graduate Teachers I and Senior Graduate Teachers who are Heads of Department in the subject areas specified above will be granted an additional three increments on their substantive salary with effect from 1st July, 1996.
Other Heads of Department will be granted one increment above the current salaries with effect from the same date.
6. Deputy Headteachers currently on the Graduate/Approved Teacher I and Senior Graduate/Approved Teacher scales will be awarded three salary increments above their current salary points.
7. The posts of Graduate Teacher II and Graduate Teacher I will form a common establishment. However, Graduate Teachers II will continue to be confirmed into the Permanent and Pensionable establishment after two years' satisfactory service. Promotion to Graduate Teacher I will be subject to satisfactory service at the Graduate II level for at least three years.

Other Effects of the Revision

While revising the Scheme of Service for Graduate/Approved Teachers a few other categories of teachers will be affected as follows:-

1. Untrained Graduate Teachers will be upgraded to Job Group "J". This will have no effect on their designation.
2. Teachers currently designated Sl/Diploma and who are:-
 - (i) holders of a teacher's Diploma Certificate from a Diploma College and
 - (ii) teaching the subjects specified on page one of this circular letter will now be designated Diploma Teachers and will enter TSC service at Job Group "J".
3. Approved Teachers III are not affected by this upgrading of Graduate Teachers and will continue to be promoted after three or two years in the case of those deployed on administrative duties.
4. All salary scales from Graduate Teacher II to Senior Principal have been elongated by three salary points. The revised salary scales and the conversion tables for teachers on Job Group "H", "J" and "K" are appended to this circular letter.

All other provisions of the Scheme of Service for Graduate/Approved Teachers continue to apply.


J. KANG'ALI
SECRETARY
TEACHERS SERVICE COMMISSION

c.c. The Permanent Secretary
Ministry of Education

The Permanent Secretary
Ministry of Research, Technical
Training and Technology
P. O. Box 30568
NAIROBI

The Director of Education
P. O. Box 30040
NAIROBI

The Secretary General
Kenya National Union of Teachers

Second Circ. 97
26

TEACHERS SERVICE COMMISSION

Telephone: Nairobi 331442/5/6/7/8/9 and 331150
When replying please quote.

CO-OPERATIVE HOUSE
HAILE SELASSIE AVENUE
PRIVATE BAG
NAIROBI, KENYA



Ref No. TSC/ADM/192A/VOL.VI/93
and date

28th May, 1997

CIRCULAR NO. 7/97

CIRCULAR NO. 7/97

- TO: All Provincial Directors of Education,
All District Education Officers,
The Director of City Education,
All Municipal Education Officers,
All Principals, National Polytechnics,
The Principal, Kenya Science Teachers College,
The Principal, Kagumo Teachers College,
The Principal, Kenya Technical Teachers College,
All Principals, Primary Teachers Colleges,
All Principals, Technical Institutions.

IMPLEMENTATION OF TSC CIRCULAR 5/97 OF 3.2.1997

Your attention is drawn to TSC Circular No. 5/97 of 3rd February, 1997 which among other decisions determined that Bachelor of Education holders would enter TSC service as Graduate Teachers II, Job Group 'K'.

After further consultations, the following additions to the circular under reference have been agreed upon.

- All Approved Teachers III, Job Group 'J' who were in service on or before 30th June, 1996 will be included in the implementation of Circular No. 5/97 of 3.2.1997. Those who may be teaching in the specified subject areas will be awarded three increments accordingly.
- All SI/Diploma Teachers who were in TSC service on or before 30th June, 1996 will be designated Diploma Teachers with effect from 1st July, 1996. They will also be upgraded to Job Group 'J' irrespective of the subjects taught. However, those Diploma teachers teaching:-

Mathematics	English
Physics	German
Chemistry	French
Biology	Fine Art
Agriculture	Music
*Special Education	Secretarial and
Accounting	Office Practice

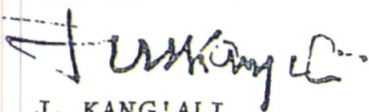
in Post Primary institutions will enter the salary scale at the fourth salary point.
- All SI teachers who are not Diploma holders but who were in TSC service at that level on or before 30.6.1996 will be included in the implementation of the Circular and will be upgraded to Job Group 'J'.

2/.....

(27)

All other aspects of Circular No. 5/97 remain the same.

The effective date of the decisions conveyed in this circular letter is 1st July, 1996.



J. KANG'ALI,
SECRETARY,
TEACHERS SERVICE COMMISSION.

Copy to:

The Permanent Secretary,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

The Director of Education,
Ministry of Education,
P.O. Box 30040,
NAIROBI.

The Secretary-General,
Kenya National Union of Teachers,
P.O. Box 30407,
NAIROBI.

TEACHERS SERVICE COMMISSION

Telephone: Nairobi
312067/68/78/89/91 &
312123
www.tsc.go.ke
When replying please quote
Ref.tsc/No.



TSC HOUSE
KILIMANJARO ROAD
UPPER HILL
PRIVATE BAG, 00100
NAIROBI, KENYA

Date: 4th October, 2010

SDSHR/SDS(S)/4A/VOL.II/2

To: All Provincial Directors of Education
All District Education Officers
All Municipal Education Officers
Director of city Education

UPGRADING OF PI A LEVEL TEACHERS

Following the signing of memorandum of understanding between the Teachers Unions and the Government, PI A level teachers who were in service as at 1st July, 2003 will be upgraded to Approved Teachers I with effect from 1st July, 2010.

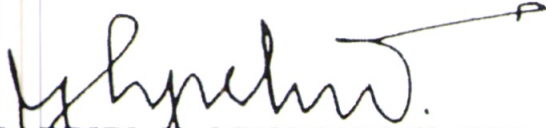
Those to be promoted will have to meet the following criteria:-

1. Must be serving under the Commission as at 1st July, 2010.
2. Must have a PI certificate.
3. Must have obtained the following in their A Level.
 - (a) 1 Principle 2 Subsidiary passes for Arts excluding General Paper or
 - (b) 1 Principle 1 Subsidiary passes for Science subjects excluding General Paper.

Teachers with similar PI A Level qualifications employed after 1st July, 2003 will enter the service as Approved Teacher IV and progress as per the Schemes of Service.

Those who have left the employment of the Commission before 1st July, 2010 will not benefit from the promotion.

PI A level teacher who had been promoted on submission of other certificates including the TPC will be moved from their current grade to AT I with effect from 1st July, 2010. Those who had already progressed to AT I and beyond from 1st July, 2010 will not be affected.



**GABRIEL A. LENGOIBONI, EBS
SECRETARY/CHIEF EXECUTIVE
TEACHERS SERVICE COMMISSION**

Copy to

The Permanent Secretary/ Secretary to the Cabinet
and Head of Public Service.
Office of the President,
P.O. Box 30510.

NAIROBI.

The Permanent Secretary,
Ministry of Finance,
The Treasury,
P.O. Box 30007,

NAIROBI.

The Permanent Secretary,
Ministry of Education
P.O. Box 30040,

NAIROBI.

The Permanent Secretary
Ministry of High Education Science and Technology
P.O. Box 60209

NAIROBI

The Secretary General,
Kenya National Union of Teachers.
P. O. Box 30407.

NAIROBI.

The Secretary General
KUPPET
P.O. Box 30412 - 00100

NAIROBI

101/234756

021

TEACHERS SERVICE COMMISSION

Telephone: Nairobi
331144/5/6/7/8/9 & 331150
Telegrams: "MWALIMU".
Nairobi
When replying please Quote
Ref. N^o: TSC/234756/83



THE BAZAAR
MOI AVENUE/BIASHARA
STREET
PRIVATE BAG
NAIROBI, KENYA

Date: 19th February, 2004

Kabui W. Ruth

Through

The Headteacher,
Embu County Primary School
P.O. Box 64
EMBU

esl, HMO
upgrade to 7^b
wef 1/7/03
15/12/10

PROMOTION

I am pleased to convey the decision of the Commission that you be promoted to the grade of Approved Teacher IV (ATS IV) with effect from 1st July 2003 in recognition of your A-level qualifications, performance and general contribution as a teacher.

The salary scale assigned to this grade is Kshs. 85,920 x 2520 – 88,440 x 3000 – 100,440 x 3600 – 147,240 p.a. Your entry point to this salary scale will be determined in accordance with Regulation 28(5) of the TSC Code of Regulations for Teachers. Your incremental date will be 1st July.

I take this opportunity to congratulate you on this promotion and wish you success in the performance of your duties.

Kabiti

K. K. MBITI (MRS)
FOR: SECRETARY
TEACHERS SERVICE COMMISSION

Sal - 10170
Inc. Jan

COPY TO:

THE DISTRICT EDUCATION OFFICER/MEO/DCE
EMBU

ACCOUNTS BRANCH

Change Advice No. _____

Please take action as indicated below *on appointment—promotion—
cessation of appointment—grant of allowance—change of address

Promotion

*Delete as required
or insert relevant
action.

W/ 234756
CB/83/5104
26

Surname <u>Kabui</u>	Other names <u>W. Ruth</u>	File No. <u>234756</u>
Present grade <u>P1</u>	New grade (if applicable) <u>ATS IV</u>	Vote head/sub-head. <u>83-09</u>
Terms of new grade (if applicable): <u>Permanent—Probationary—Contract—Temporary</u>		Station <u>Embu.</u>

Salary scale (showing incremental progression)
KShs: 85920 x 2520 - 88440 x 3000 - 100440 x 3600 - 147240 p.a

Rate of pay per annum (figures and words) <u>KShs: 125640 p.a</u>	Effective date for action <u>1/7/03</u>
Incremental date <u>July</u>	To be halted at (if applicable) <u>KShs: 147240 p.a on MAX</u>

REMARKS:

Adjust from KShs 122040 p.a to KShs 125640 p.a
wef 1/7/03 upn

- 6 p.c.a 703

ALLOWANCES	Rate per month	With effect from	Last date of payment	NOTES:
Adj. Type <u>Commuter</u>	<u>166/-</u>	<u>1/7/03</u>	<u>upn</u>	<u>(change inc. date to July)</u>

DEDUCTIONS OR RECOVERIES		Monthly deduction	With effect from	Last Date of recovery	NOTES:
Reason	Total amount				

Prepared by [Signature] Date 17/3/04 Branch HRAOCS
Authorized by [Signature] Date 22/3/04 Branch [Signature]

DEU Embu Kabui W. Embu County pr Max by Embu	For use in Accounts Branch	Signature	Date
	Noted in register by		
	Action taken by		
	Checked by		

Copy to:

APPENDIX 5

139

45/23477

TSC/HRM/UP-GRA/A LEVEL/2
REF/

TEACHERS SERVICE COMMISSION

Telephone: Nairobi
312067/68/78/89/91/93/96
Telegrams: "MWALIMU".
Nairobi
When replying please quote



TSC HOUSE
UPPER HILL
KILIMANJARO ROAD
NAIROBI, KENYA

Ref. N^o: TSC/234756/139

Date: 14th March, 2011

Kabui W. Ruth

Thro'

The Headteacher
Waigiri Primary School
P. O. BOX 96-10300
KERUGOYA

Dear Sir/ Madam

UPGRADING

I am pleased to inform you that following the signing of memorandum of understanding between the Teachers Unions and the Government in August 2010, you have been upgraded to Graduate Teacher I Job Group 'L' in recognition of your A- Level qualification with effect from 1/7/2010.

The salary scale attached to this grade is Ksh 341484 to 404628 p.a Your entry point to this scale will be determined in accordance with Regulation 30 (5) of the TSC Code of Regulations for Teachers. Your incremental date remains the same. The allowances due will be adjusted accordingly.

Please accept my sincere congratulations upon this upgrading and best wishes as you continue to serve the Commission.

Yours faithfully,

ANNE KIHARA
FOR: SECRETARY/CHIEF EXECUTIVE
TEACHERS SERVICE COMMISSION

Copy to: - The District Education Officer
KIRINYAGA

N/B: Treat Ours Dated 6/1/2011 as cancelled.

UPGRADE INLE ^{ANNEX D}

1/10/2010
27/1/2010

135



IPPD DATA CAPTURE SHEET - COMPLEMENT CONTROL RECORD - About to Change prnstatus1 e6

1. Identification Data AUTHORITY REFERENCE: BC/HWL/734/1/1/1/1

TSC-Number: [234756]	No-Photo	Children: [2]
ID-Number: [1831609]		Address: [12 Kerugoya]
Income tax PIN: [A001551016X]		Ethnicity: [4] Kikuyu
Names		Education Peak: [7] Form-6 (A-Level)
Salutation: [Ms]		Home District: [202] Kirinyaga
Surname: [Kabui]		
First Name: [Ruth]		
Other Names: [Wambui]		

This Personal File is [Complete / NOT-Complete]; Number of Volumes []

CHECK-LIST OF CRITICAL SUPPORTING DOCUMENTS (please indicate the FOLIO-NUMBER (and volume) against each supporting document)

- | | | |
|----------------------------|--------------------------------|--------------------------------------|
| Date of Birth: [1/07/1982] | 01. Application Forms(APPT-1): | 13. TSC-Number Allocation: |
| Gender | 02. National ID-Card: | 14. Confirmation in Appointment: |
| Male [] Female [X] | 03. Tax Pin Card: | 15. Promotions / Upgradings: |
| | 04. Birth Certificate: | 16. Last Salary Progression: |
| | 05. Academic Certificates: | 17. Transfer - Authority Note: |
| | 06. Medical Certificate: | 18. Transfer - Release Note: |
| | 07. Official Secrets Act: | 19. Transfer - Reporting Note: |
| | 08. Marriage Certificate: | 20. Last Pay Certificate: |
| | 09. Employment Offer: | 21. Pension Computations: |
| | 10. Employment Acceptance: | 22. Clearance of GoK Liabilities: |
| | 11. Duty Reporting Note: | 23. Application Forms (on 1st Appt): |
| | 12. 1st Appointment Letter: | 24. IPPD Data Cleansing Sheet: |

2. Employment Data

Employer (vote): [0031] *Teachers Service Commission	Salary Scale Point: [2] BK2
Designation: [6PBKK] Graduate Teacher <u>1</u>	Incremental Month: [7] 1/07/2010
Job Group: <u>KL</u>	
Dates of Appointment	House Category (and locality)
First: [1/05/1986] Current: <u>1/7/10</u> [5/07/2008]	<not housed by the GoK>
Terms of Service: [3] Permanent(Pensionable)	
Deployment	Establishment / Budget Attachment
Work District: [202] Kirinyaga	Subvote: [310] General Administration and Planning
Division: [1] Central	Head: [841] Teachers Service Commission
Location: [1] Kerugoya	Subhead: [810] Primary - Central 'B'
Sublocation: [1] Kaguyu	
L. A. Council: [29] Kerugoya/Kutus Municipal	Contract End-Date: ___
Pay-Station: [4183] Waigiri Pri Sch	bs=25,415.00 ha=6,000.00 ma=1,897.00

Detachment Data

Transferred to (vote): [0]	<u>Adjust</u>	} we filed to 31/12/10
Reason for No-Salary: [0]	<u>Slight from 25415 - 28457pm</u>	
Reason for Deletion: [0]	<u>MIA from 6000 - 12000pm</u>	
Detachment Date: -	<u>MIA from 1897 - 2246</u> <u>CIA from 1909 - 2258</u>	

ABOUT THIS DATA SHEET C0031/700353/20110113/133832 (extra copies = 2) Page 1

ACTION	TSC-Number	Officer's Name	Section	Designation	Date	Signature
Form Modified by:	800281	NELLO	HAW6		13/1/10	[Signature]
Changes Authorised by:	800240	NJEM	u		14/1/10	[Signature]
Data Accepted by:	700568	WANGICHE	u		14/1/10	[Signature]
Data Keyed by:	800227	JUDITH	HAW		20/1/10	[Signature]
Data Input Verified by:	800482	MIRIAM	HAW6		u	[Signature]