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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON THE PETITION REGARDING REFUSAL BY THE TEACHERS
SERVICE COMMISSION TO PROMOTE TEACHERS SERVING IN SAMBURU
COUNTY AND ITS ENVIRONS BY HON. ALOIS LENTOIMAGA, MP
MEMBER FOR SAMBURU NORTH CONSTITUENCY

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 DEC 2019	DAY: THURSDAY
TABLED BY:	Hon. Julius Nelly Chairperson.
CLERK AT THE TABLE:	Lemuna Njose

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DECEMBER, 2019

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CHAIRPERSON'S FOREWORD

This Report contains the Committee's proceedings of the consideration of the Petition regarding alleged refusal by the Teachers Service Commission to promote teachers serving in Samburu County and other arid and semi-arid areas by Hon. Alois Lentoimaga, MP on behalf of teachers serving in Samburu North sub-county. The Petition was presented to Parliament pursuant to Standing Order 220 and Section 4(1b) of the Petition to Parliament (Procedure) Act No. 22 of 2012.

The petition was presented to the House on 18th June, 2019. The Petition was then committed to the Departmental Committee on Education and Research for consideration.

The petitioners petitioned the Committee through the National Assembly to:

1. Inquire why teachers from Northern Kenya have overstayed in their current Job Groups J to L for as long as 15 years without being promoted;
2. Explore possibility for applying the principle of affirmative action to promote heads of schools for the local schools from among the local teachers willing to serve in Northern Kenya, as soon as possible so as to improve standards and boost the morale of the affected teachers;
3. Make any other orders it deems fit in the circumstances of this matter.

In considering the Petition the Committee held a total of three (3) sittings. During the Sittings the Committee received oral and written submissions from the Petitioner and the Teachers Service Commission. The Committee thereafter deliberated the prayers by the Petitioners.

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

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for logistical and technical support accord to it during the consideration of the Petition.

Further, I wish to express my appreciation to the Honourable Members of the Committee who made useful contributions towards the preparation and production of this report.

On behalf of the Members of the Departmental Committee on Education and Research, it's my pleasant privilege and honour to this House the report the **Report on the Petition Regarding Refusal by the Teachers Service Commission to Promote Teachers in Samburu County and its Environs** pursuant to Standing Order 227.

Hon. Julius Melly, MP

1.0 PREFACE

1.1 Establishment of the Committee

The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216 (5).

The Committee is mandated, among others, to: -

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

1.2 Mandate of the Committee

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider Education, Training and Research.

In executing its mandate the Committee oversees the Ministry of Education and the Teachers Service Commission.

1.3 Committee Membership

The Committee comprises of the following Members: -

Hon. Julius Melly, MP - **Chairperson**
MP for Tinderet Constituency
Jubilee Party

Hon. (Dr). Amos Kimunya, EGH, MP- **Vice Chairperson**
MP for Kipipiri Constituency
Jubilee Party

Hon. Moses Malulu Injendi, MP
MP for Malava Constituency
Jubilee Party

Hon. Jackson Lekumontare
MP for Samburu East Constituency
KANU Party

Hon. Geoffrey Makokha Odanga, MP
MP for Matayos Constituency
ODM Party

Hon. Jerusha Mongina Momanyi, MP
MP for Nyamira County
Jubilee

Hon. (Dr.) Pamela Ochieng, MP
MP for Migori County
ODM Party

Hon. John Oroo Oyioka, MP
MP for Bonchari Constituency
Peoples Democratic Party

Hon. (Eng.) Nzambia Kithua, MP
MP for Kilome Constituency
Wiper Democratic Movement - Kenya

Hon. Joseph Kipkosgei Tonui, MP
MP for Kuresoi South Constituency
Jubilee Party

Hon. (Prof.) Zadoc Abel Ogutu, MP
MP for Bomachoge Borabu
Constituency
Independent

Hon. Lilian Cheptoo Tomitom, MP
MP for West Pokot County
Jubilee Party

Hon. Omboko Milemba, MP
MP for Emuhuya Constituency
Amani National Congress

Hon. Catherine Wambilyanga, MP
MP for Bungoma County
Ford-Kenya

Hon. Peter Lochakapong, MP
MP for Sigor Constituency
Jubilee Party

Hon. Eric Muchangi Njiru, MP
MP for Runyenjes Constituency
Jubilee Party

Hon. Wilson Sossion, MP
Nominated Member

Hon. Eve Obara, MBS, MP
MP for Kabondo Kasipul Constituency
ODM Party

Hon. Wilson Kipng'etich Kogo, MP
MP for Chesumei Constituency
Jubilee Party

1.4 Committee Secretariat

Mr. Daniel Mutunga
Principal Clerk Assistant I
Lead Clerk

Mr. Philip Lekarkar
Clerk Assistant II

Ms. Christine Odhiambo
Legal Counsel I

Mr. Eric Kanyi
Fiscal Analyst III

Ms. Annceta Gacheri
Research Officer III

Ms. Winnie Kiziah
Media Relations Officer

2.0 CONSIDERATION OF THE PETITION

The Committee invited the Petitioner to present his prayers and thereafter the Teachers Service Commission to present to respond to the matters raised in the petition which informed the Committee findings and recommendations contained in the Report.

2.1 MEETING WITH THE PETITIONER HON. ALOIS LENTOIMAGA, MP

The Petitioner Hon. Alois Lentoimaga, MP appeared before the Committee on 30th July, 2019 and presented his prayers that the Committee deliberates on the Petition. He submitted that:

1. That Article 41(1) of the Constitution entitles every person to fair labour practices;
2. That, the petitioners have and continue to selflessly serve the Nation under the Teachers Service Commission in the volatile and hardship areas of northern Kenya, particularly Samburu County.
3. That the petitioners are aggrieved that despite their selfless service in the face of risks and hardships in Northern Kenya, the Teachers Service Commission has marginalized them in terms of promotion;
4. That Part IV of the Regulations (Kenya Subsidiary Legislation of 2015) made pursuant to Section 47 of The Basic Education Act provides for the criteria and procedures for promotion of teachers from one grade to another;
5. That under the said Regulations, teacher is automatically promoted to the next Grade of Service after 3 years of service in the present Grade, until Job Group L, from where promotions are based on appraisals and interviews upon advertisement of vacancies;
6. That most teachers especially those serving in Northern Kenya are not promptly promoted to the next Job Group after serving the mandatory three years in the entry Job Group or common cadre Job Groups, hence, most of them have overstayed in the same Job Groups for as long as 15years without promotion;
7. That even though the Teachers Service Commission considers several other factors to promote a teacher, it is inconceivable that for 15 years, a teacher cannot meet the requirements for promotion;
8. That the delay by the Commission in promoting has lowered the morale of teachers especially in rural Northern Kenya, caused teacher shortages, increased attrition of teachers to other regions where their chances of promotions are higher thereby affecting performance of schools in the region;
9. That local teachers have not been appointed to head local schools because most of them do not meet the requisite Job Group which is Job Group M, N and P for appointment as school heads and the only option left for most Northern Kenya schools is to have heads from other counties;
10. That the head teachers from outside the County are allegedly absent from work most of the time attending to family or personal issues far away, some stay away from school due to the volatile state of insecurity in the region leading to mismanagement of schools resources;
11. That as a result of this, they end up mismanaging resources of the schools in the area;

4.0 COMMITTEE RECOMMENDATIONS

In response to prayers of the petitioners, the Committee recommends the following:

1. That in promoting and/or appointing teachers to administrative positions, the Teachers Service Commission should adhere to the constitutional principles of fair competition, merit, integrity, transparency, and impartiality, the relevant laws such as the Teachers Service Commission Act, 2012, the Code of Regulations for Teachers, and Commission policies on promotion of teachers to ensure equity and fairness.
2. In addition, the Commission should continue to apply the principles of regional balance and affirmative action and customize selection criteria to facilitate career progression and professional development of teachers from the ASAL and other marginalized counties.
3. The Commission should conduct an audit on promotion and appointment of teachers in Samburu County and other ASAL areas alongside the ongoing situational analysis on the staffing norms in the ASAL areas with a view to establishing whether there were teachers who have overstayed in the same Job Group or in acting positions inordinately and take corrective measures.
4. The Commission should decentralize its function of promotion of teachers to the Commission's county offices as much as possible to enhance transparency and equity in the process.
5. The Commission should include in its policy document clear guidelines regarding promotion of teachers who pursue higher education and attain higher academic qualification.
6. The Commission should issue letters of promotion to teachers who were promoted to the new salary grades with effect from 1st July 2017 following the signing of the Collective Bargaining Agreement.

Sign _____



Date _____


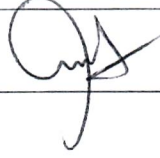
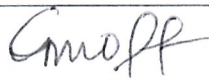



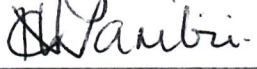

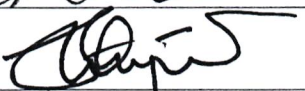



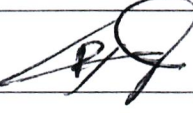

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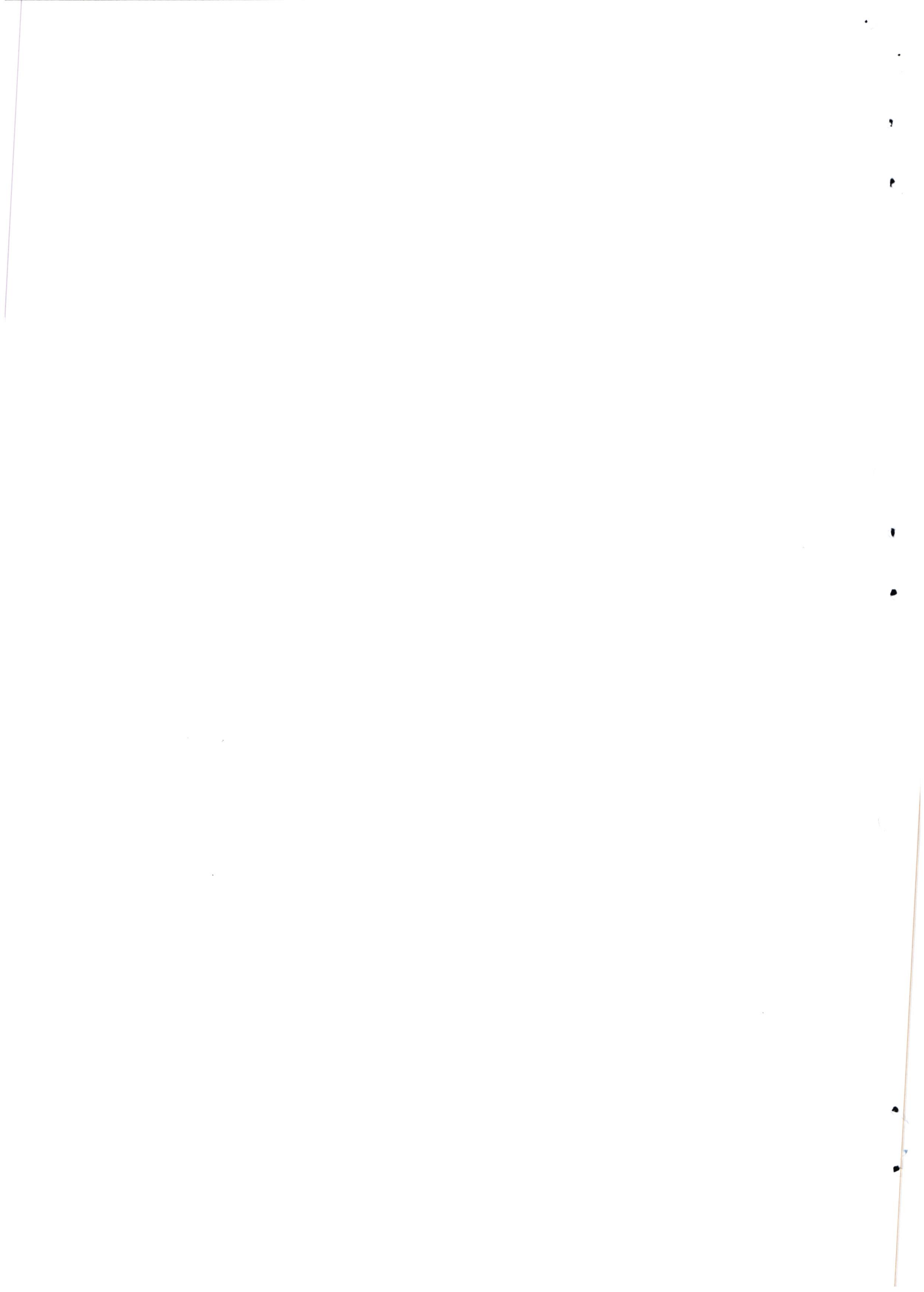
HON. JULIUS MELLY, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

COMMITTEE ON EDUCATION AND RESEARCH

**ADOPTION OF THE REPORT ON THE PETITION REGARDING REFUSAL
BY THE TEACHERS SERVICE COMMISSION TO PROMOTE TEACHERS IN
SAMBURU COUNTY**

	NAME	SIGNATURE
1.	Hon. Julius Melly, MP - Chairperson	
2.	Hon. Dr. Amos Kimunya, EGH, MP - Vice-Chair	
3.	Hon. Moses Malulu Injendi, MP	
4.	Hon. Geoffrey Makokha Odanga, MP	
5.	Hon. (Dr.) Pamela Ochieng, MP	
6.	Hon. (Eng.) Nzambia Thuddeus Kithua, MP	
7.	Hon. (Prof.) Zadoc Abel Ogutu, MP	
8.	Hon. Catherine Wambilyanga, MP	
9.	Hon. Eric Muchangi Njiru, MP	
10.	Hon. Eve Obara, MBS, MP	
11.	Hon. Jackson Lekumontare, MP	
12.	Hon. Jerusha Mongina Momanyi,	
13.	Hon. John Oroo Oyioka, MP	
14.	Hon. Joseph Kipkosgei Tonui, MP	
15.	Hon. Lilian Cheptoo Tomitom , MP	
16.	Hon. Omboko Milemba, MP	
17.	Hon. Peter Lochakapong, MP	
18.	Hon. Wilson Sossion, MP	
19.	Hon. Wilson Kipngetich Kogo, MP	



ANNEX I



Approved
SWA
18/6/19

REPUBLIC OF KENYA
TWELFTH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY

(No. 56 of 2019)

PUBLIC PETITION

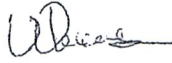

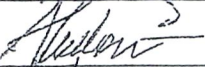
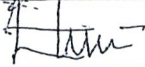
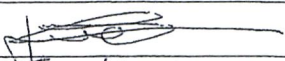
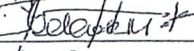
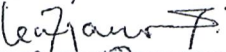

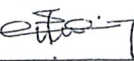

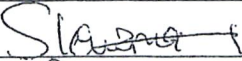

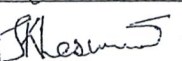
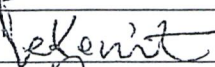
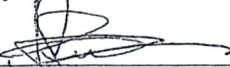
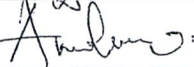
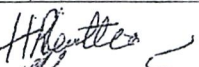


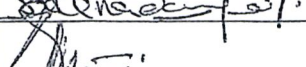
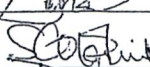
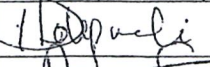

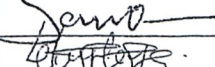
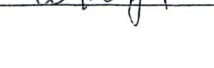

**REGARDING ALLEGED REFUSAL BY THE TEACHERS SERVICE COMMISSION TO
PROMOTE TEACHERS SERVING IN SAMBURU COUNTY AND ITS ENVIRONS**

I, the **UNDERSIGNED**, on behalf of nineteen concerned teachers in Samburu North Constituency;

DRAW the attention of House to the following:

1. **THAT**, Article 41(1) of the Constitution entitles every person to fair labour practices;
2. **THAT**, the Petitioners have and continue to selflessly serve the Nation under the Teachers Service Commission in the volatile and hardship areas of northern Kenya, particularly in Samburu County;
3. **THAT**, the Petitioners are aggrieved that despite their selfless service in the face of risks and hardships in Northern Kenya, the Teachers Service Commission has marginalized them in term of promotions;
4. **THAT**, Part IV of the regulations (Kenya Subsidiary Legislation of 2015) made pursuant to Section 47 of the Basic Education Act provides for the criteria and the procedures for promotion of teachers from one grade to another;
5. **THAT**, under the said Regulations, teacher is automatically promoted to the next Grade after 3 years of service in the present Grade, until Job Group L, from where promotions are based on appraisals and interviews upon advertisement of vacancies;
6. **THAT**, most teachers especially those serving in Northern Kenya are not promptly promoted to the next Job Group after serving the mandatory three years in the entry Job Group or common cadre Job Groups, hence, most of them have overstayed in the same Job Groups for as long as 15 years without promotion;

PUBLIC PETITION
REGARDING REFUSAL BY THE TEACHERS SERVICE COMMISSION TO
PROMOTE LOCAL TEACHERS IN SAMBURU NORTH

NAME OF PETITIONER	FULL ADDRESS	NATIONAL ID/PASSPORT NO/TSC NO	SIGNATURE/THUMB EXPRESSION
1. Simon Wekesa	Baragoi Boys High School P.O Box 27, Baragoi	512161	
2. Lelesiit Boniface	Ndoto Boys High School	2508810	
3. Alex Lesaale	Tuum Primary School	20462840	
4. Jackson E. Nageron	Nalingangor Mixed Day Sec Sch	386981	
5. Sylvester E. Ekabongon	Marti Mixed Sec School	733836	
6. Joesph Lekoom	Urah Primary School	445418	
7. Loitanii Lengaur	Simale Primary School	557569	
8. Rueben R. Lenayeisho	Seren Primary School	366437	
9. Faustine Lenailoj	Loonjorin Primary School	606783	
10. Wilson Lereete	Loodua Primary School	529976	
11. Simon Lewano	Lkitagisi Primary School	499925	
12. Lelesiit Michael	Simale Primary School	428968	
13. Julia K. Lesupeer	Baragoi Girls' High School	544617	
14. Loisilale Lekenit	P.O Box South Horr	9844559	
15. Paul Mariga Onchiri	PCEA Tuum Girls Sec. School	557278	
16. Lepiile N. Angeline	Nyiro Girls' Secondary School	525131	
17. Hillary Ruttoh	Morijo Mixed Day Sec. School	739157	
18. Joseph Lekio Lerugum	Suyan Primary School	9844596	
19. Simon Loipokopeny	Bendera Primary School	11456608	
20. James Lenadonger	Bendera Primary School	22451319	
21. Damaris Lekisaat	Bendera Primary School	20077692	
22. Scolastica Letinina	Baragoi Primary School	24145712	
23. David Lolpirdai		22558921	
24. David Somila Lechoe	Bendera Primary School	20962377	
25. Lenkuumeni Samuel	Sererit Primary School	24971268	
26. John Lebarleya	Ngilai Primary School	13047409	



REPUBLIC OF KENYA
PARLIAMENT

Hon. Alois M. Lentoimaga, MP.
Samburu North Constituency
Member - Trade, Industry & Cooperatives Committee
Member - Committee on Implementation

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P. O. Box 41842 - 00100 Nairobi, Kenya

Continental House 3rd Floor Rm. 322
Mobile: +254 720 225 553
Email: alentoimaga10@gmail.com

OUR REF: SN/01/2019

YOUR REF: T.B.A

DATE: 03/09/2019

The Chairperson
DC-Education
Parliament

Dear Sir,

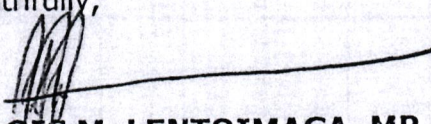
RE: PUBLIC PETITION REGARDING REFUSAL BY THE TEACHERS SERVICE COMMISSION TO PROMOTE LOCAL TEACHERS IN SAMBURU COUNTY

The above mater refers.

My sincere apologies for the delay in sending to your office the list of teachers who are partisan to the above mentioned petition which was caused by the difficulties in reaching out to the concerned persons as most of them live and teach in remote areas where there is no network coverage.

Attached hereto please find the list of the teachers for your further necessary action.

Yours Faithfully,


HON. ALOIS M. LENTOIMAGA, MP
SAMBURU NORTH CONSTITUENCY

PUBLIC PETITION		
REGARDING REFUSAL BY THE TEACHERS SERVICE COMMISSION TO		
PROMOTE LOCAL TEACHERS IN SAMBURU COUNTY		
NAME	SCHOOL	TSC NUMBER
1. Simon Wekesa	Baragoi Boys High School	512161
2. Lelesiit Boniface	Ndoto Boys High School	525393
3. Mariko Brian Nyandemo	Barsaloi Mixed Secondary	689998
4. Jackson E. Nageron	Nalingangor Mixed Day Sec Sch	386981
5. Sylvester E. Ekabongon	Marti Mixed Sec School	733836
6. Joseph Lekoom	Urah Primary School	445418
7. Loitani Lengaur	Simale Primary School	557569
8. Rueben R. Lenayeisho	Seren Primary School	366437
9. Faustine Lenailoj	Loonjorin Primary School	606783
10. Wilson Lereete	Loodua Primary School	529976
11. Simon Lewano	Lkitagisi Primary School	499925
12. Lelesiit Michael	Simale Primary School	456607
13. Julia K. Lesupeer	Baragoi Girls' High School	544617
14. David Lenakula Purait	Baragoi Mixed Day Sec. School	406582
15. Paul Mariga Onchiri	PCEA Tuum Girls Sec. School	557278
16. Lepiile N. Angeline	Nyiro Girls' Secondary School	525131

17. Hillary Ruttoh	Morijo Mixed Day Sec. School	739157	Ag. Principal	Deputy
18. Ezekiel Ongera	Baagoi Mix Day Sec Sch	544863	Ag. Principal	Deputy
19. Juma Daniel Lekiliara	Lolmolok Mixed Day Secondary	430156	Ag. Principal	Deputy
20. Maurice Obonyo	Maralal High School	505538	Ag. Principal	Deputy
21. Meshack Talam	Longewan Secondary	558477	Ag. Principal	Deputy
22. Hodimus Kerama Oreng	Girgir Day Secondary	559005	Ag. Principal	Deputy
23. Steve Leterewa Lkampion	Uaso Boys Secondary	574810	Ag. Principal	Deputy
24. Babu Pamela Namale	Maralal Mixed Day Secondary	404842	Ag. Principal	Deputy
25. Lenaigeron Dominic	Loosuk Mixed	442436	Ag. Principal	Deputy
26. Luke Lenawasae	Kisima Mixed	441132	Ag. Principal	Deputy
27. Lekimencho L. Godfrey	Suguta Mixed	646394	Ag. Principal	Deputy
28. Lanyasunya Paul	Baawa Mixed	386939	Ag. Principal	Deputy
29. Lemarkat Shadrack	Nyiro Day	679654	Ag. Principal	Deputy
30. Naomi Ngeno Chepkurui	Milimani Mixed Day Secondary	565186	Ag. Principal	Deputy

