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THE NATIONAL ASSEMBLY
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CLERK AT THE TABLE:

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON:-

PETITION REGARDING REFUSAL BY TEACHERS SERVICE COMMISSION TO
ACKNOWLEDGE UNDERGRADUATE, GRADUATE AND POST GRADUATE
QUALIFICATIONS ATTAINED BY IN-SERVICE TEACHERS FROM
RECOGNISED UNIVERSITIES



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1.0 PREFACE

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

1.1 Mandate of the Committee

2. The Committee is mandated, among others, to: -

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

1.2 Subjects

3. The subjects falling within the purview of the Departmental Committee on Education, and Research are Education, Training and Research.
4. The Committee oversees the Ministry of Education, agencies under the Ministry and the Teachers Service Commission.

1.3 Committee Membership

5. The Committee comprises of the following Members:-

Chairperson

Hon. Florence Mutua, CBS, MP
Busia County

Orange Democratic Movement Party

Vice Chairperson

Hon. Ngunjiri Wambugu, CBS, MP
Nyeri Town Constituency

Jubilee Party

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
Orange Democratic Party

Hon. Joseph Tonui, MP
Kuresoi South Constituency
Jubilee Party

Hon. (Dr.) Pamela Ochieng, MP
Migori County
Orange Democratic Movement Party

Hon. Omboko Milemba, MP
Emuhuya Constituency
Amani National Congress

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

Hon. Peter Lochakapong, MP
Sigor Constituency
Jubilee Party

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

Hon. Wilson Sossion, MP
Independent

Hon. Eric Muchangi Njiru, MP
Runyenjes Constituency
Jubilee Party

Hon. Wilson Kogo, MP
Chesumei Constituency
Jubilee Party

Hon. Eve Obara, MBS, MP
Kabondo Kasipul Constituency
Orange Democratic Movement Party

Hon. (Dr.) Daniel Kamuren Tuitoek, MP
Mogotio Constituency
Jubilee Party

Hon. Jackson Lekumontare, MP
Samburu East Constituency
KANU Party

Hon. Gichuki Mugambi, MP
Othaya Constituency
Jubilee Party

Hon. Jerusha Mongina Momanyi, MP
Nyamira County
Jubilee Party

Hon. Paul Mwirigi, MP
Igembe South Constituency
Independent

Hon. Ali Lokiru Mohammed, MP
Turkana East Constituency
Orange Democratic Movement Party

1.4 Committee Secretariat

6. The Committee secretariat comprise the following officers: -

Mr. Philip Lekarkar
Clerk Assistant II

Ms. Grace Wahu
Clerk Assistant III

Mr. Eric Kanyi
Fiscal Analyst II

Ms. Winnie Kulei
Research Officer II

Ms. Catherine Mukunyi
Serjeant-at-Arms

Mr. Collins Mahamba
Audio Officer

Mr. David Milimo
Hansard Officer III

Ms. Rhoda Muchori
Hansard Officer III

2.0 CONSIDERATION OF THE PETITION

7. The Petition regarding Refusal by Teachers Service Commission to acknowledge undergraduate, graduate and post graduate qualifications attained by in-service teachers from recognised universities was presented to the National Assembly on 18th February, 2022 by the Hon. Wilson Sossion, MP on behalf of a group of petitioners.
8. The Committee held a meeting with the Hon. Wilson Sossion, MP and one of the petitioners Ms. Menya Martha Amollo. The Committee further received written submission from various stakeholders which informed the Committee findings and recommendations contained in this Report.

2.1 Meeting Hon. Wilson Sossion, MP

9. The Hon. Wilson Sossion, MP on behalf of the petitioner Ms. Menya Martha Amollo appeared before the Committee on 22nd February, 2022 to present the petition. The petitioner drew the attention of the Committee on the Committee to the following:
 10. That, the Government of Kenya is committed to ensuring that policy objectives for teachers' education are aligned to meet the aspirations of the Constitution, Kenya's Vision 2030 and UNESCO's Education 2030 Agenda espoused in Sustainable Development Goal number four.
 11. That, Section 35(2)(a) of the Teachers Service Commission Act, 2012 emphasises the need for the Commission to require every registered teacher to undertake career progression and professional development programmes.
 12. That, in recognition that continuous professional development of teachers is important in updating and development of the competences of the teaching staff through acquisition of new skills, the Ministry of Education has integrated education and training in national development plans and strategies.
 13. In the interest of self-improvement, many teachers have progressively advanced their qualifications by pursuing and successfully earning higher qualifications ranging from diploma, bachelors, masters and even doctoral degrees.
 14. That, the ILO/UNESCO recommendation concerning the status of teachers (1996) states that teaching is a form of public service which requires of teacher's expert, knowledge and specialised skills acquired and maintained through rigorous and continuing study.
 15. That, the acquisition of higher certifications undoubtedly equips teachers with specialised skills which enhance their professional competencies, mastery of content and quality of delivery.
 16. That, in pursuit for higher qualifications, teachers had legitimate expectation that TSC would reciprocate through commensurate compensation of their efforts in battering the teaching profession.
 17. That, unexpectedly in 2014, the TSC declined to acknowledge and reward in-service teachers for the bachelors, masters or doctorate degrees that they acquired from recognised universities as part of their personal career development.

18. That, the decision by TSC disillusioned teachers and negated its goal of building a highly knowledgeable teaching force through self-initiated career progression and professional development.
19. That, TSC's action contradicts ILO/UNESCO Convention (1996) recommendation that authorities and teachers should recognise the importance of in-service education designed to secure a systematic improvement of the quality and content of education and teaching techniques.
20. That, if TSC's current policy position of declining to recognise and compensate in-service teachers for higher qualifications earned, the country stands the risk of losing its continental and global competitiveness and standing in the field of education.
21. That, efforts by the petitioners to move the TSC to address the matter have been unsuccessful.
22. That, the issues in respect of which this petition is raised are not pending before any court of law, constitutional or any legal body.
23. The petitioner prayed that the House through the Departmental Committee on Education and Research intervenes in the matters raised in the petition and:-
 - (i) Inquiries into the circumstances under which the Teachers Service Commission has, since 2014 unilaterally declined to recognise Diplomas, Undergraduate, Graduate and Postgraduate degrees earned by in-service teachers from recognised universities;
 - (ii) Recommends that the TSC immediately puts in place necessary policy guidelines to promote or upgrade teachers who successfully acquired higher qualifications from recognised institutions in line with international best practices and the recommendations of the ILO/UNESCO Conference (1996) on the Status of Teachers; and,
 - (iii) Makes any other recommendations deemed fit in addressing the plight of the Petitioners with a view to safeguarding Kenya's competitiveness and hitherto coveted place in the field of education.

3.0 STAKEHOLDERS SUBMISSIONS

3.1 Submission by Petitioner, Ms. Menya Martha Amollo

23. Ms. Menya Martha Amollo a petitioner presented her views on the petition through her submission received on 8th March, 2022 and submitted as follows:-
24. That the desire of good remuneration from the employer made teachers to intrinsically opt to further their education. Teachers invested in their education heavily with the hope that once they graduate, they will be honorably compensated by the employer through recognition of the certificate and be remunerated commensurately.
25. However, as from 2014, the Teachers Service Commission unilaterally refused/failed to recognise this certificate and therefore most teachers have not been promoted to date.
26. Kenya, like many other countries of the world is bound by the recommendations of the ILO/UNESCO recommendations of 1966 on the status of the teachers.
27. Section 31 of the ILO/UNESCO Recommendation of 1966 recognises the need for and the importance of in-service to teachers. Further, section 34 of the same recommends that teachers should be given opportunities and incentives to participate in the courses. There cannot be incentives more than recognition of the certificate and being promoted over the same.
28. That the refusal by the Teachers Service Commission contravenes section 40 of the ILO/UNESCO Recommendation of 1966 on the advancement and promotion of teachers upon acquiring the necessary qualifications. The Teachers Service Commission Act therefore is in conflict with the Report of ILO/UNESCO which was adopted at the special intergovernmental conference convened by the UNESCO and ILO on 5th October, 1966 in Paris.
29. That other agencies in Government promote and give better remuneration to their employees on condition that they have gone for further education yet the TSC does the opposite yet they are all Government servants. Teachers like other public service officers should be promoted and be treated in the same manner.
30. That Career Progression Guidelines (CPG) is a tool that is in contention as had been ruled in courts of law. The guidelines were introduced arbitrarily so as to avoid promoting teachers and paying for incremental rates for certificates earned. The petitioner averred that this was very wrong and called for the National Assembly to revisit the decision on how it was made and its intent so that teachers can gain.

3.2 Submission by Teachers Service Commission

31. The Teachers Service Commission in their submission dated 2nd March, 2022 responded to the issues raised by the petitioners as follows: -

Circumstances under which the Teachers Service Commission unilaterally declined to recognise Diplomas, Undergraduate and Postgraduate degrees earned by in-service teachers from recognised universities

32. The Commission stated that it has a mandate under section 11 of the Teachers Service Commission Act, 2012 to formulate policies to better carry out its functions. Further, Section

47 (2) (a) of the Act requires the Commission to develop a Code of Regulations to govern the terms and conditions of teachers in Public Service.

33. In exercise of the aforesaid mandate, the Commission developed the Code of Regulations for Teachers (CORT) that was approved by the National Assembly as per the requirements of the Statutory Instruments Act. Further, in accordance with the current trends in Human Resource practice, the Commission formulated the Career progression Guidelines (CPG) to guide the career advancement of Teachers.
34. Accordingly, promotion of teachers from one grade to another is guided by the provisions of the CORT and the CPG. These two instruments provide the minimum qualification required for each grade and the conditions to be met before a teacher is promoted to the next grade.
35. At the outset, as a general practice, there are minimum professional and academic qualifications that an employee must possess to enable him/her enter into an employment. These minimum conditions inform the pay structure for a given cadre of employees. Upon entry into service, upward mobility/career progression is thereafter informed by the specific provisions of the various policies put in place by particular organisation.
36. In the current dispensation, the recognised qualifications under the CPG before the implementation of CBC are KCSE C (Plain) and Primary Teacher Education (PTE) certificate for the Primary School Teachers and KCSE C+ (Plus) with C+ in the two teaching subjects and a Diploma in Education or a Bachelor's Degree in Education for the Secondary School Teachers.
37. The Commission informed the Committee that historically, primary school teachers who acquired higher qualifications in form of either Diploma in Education or Bachelors' Degree from recognised institution were automatically promoted to Job Group J and K respectively. This automatic promotion was based on the authorised and funded vacancies in the establishment.
38. However, with effect from 9th January, 2014, the Commission transited from the automatic promotion of teachers on attainment of higher qualifications in form of Diplomas and Degrees. Admittedly, there was high influx of teachers attaining higher qualifications which made the policy/practice fiscally unsustainable.
39. In 2016, the entire public service, on the advice of the Salaries and Remuneration Commission (SRC) and in keeping with international best practice transited from qualifications-based remuneration framework to the Job worth concept. To this end, the TSC and SRC conducted a Job Evaluation (JE) exercise for the teaching sector with a view of obtaining the relevant worth of every job in the teaching service. The JE resulted in a more viable and appropriate career growth for teachers that is predictable, equitable and sustainable.
40. The JE introduced the Patterson Grading structure that focuses on the worth of the Job being performed by each employee as a basis for remuneration. It is this remuneration framework that accords to the constitutional imperatives enunciated under Article 230 of the Constitution which includes productivity, affordability, wage sustainability, certainty, predictability and parity.
41. The Job Evaluation Report informed the 2017-2021 Collective Bargaining Agreement (CBA) negotiations between the Commission and the teacher unions. Consequently, the Teachers

Service Commission, Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET) collectively and voluntarily negotiated a CBA that embraced the Job worth concept of remuneration.

42. The CBA read together with the CPG provided a structured career progression path for each cadre in the teaching service. The CPG maps out teacher promotion based on established criteria declared vacancies and budgetary provisions while at the same time takes into consideration the higher qualifications attained by a teacher during his/her professional life.
43. Further, in the 2021-2025 CBA, the TSC and all teacher unions Kenya National Union of Teachers, Kenya Union of Post Primary Education Teachers and Kenya Union of Special Needs Education Teachers (KUSNET) reiterated that the CPG in place and the CORT be the only policy framework to guide the promotion of teachers.

Response to the petitioner's assertion that Teachers Service Commission unilaterally declined to recognise Diplomas, Undergraduate, Graduate and Postgraduate degrees earned by in-service teachers from recognised universities

44. The Commission submitted that the said allegation is incorrect. The Commission still recognises higher qualifications as a basis for promotion alongside other criteria in the Career Progression Guidelines.
45. The Commission gave an example that it is a requirement under the CPG that for a teacher to be promoted to the position of Head Teacher at Grade C5 or senior Head Teacher at grade D1 he/she must be a holder of the Bachelor's Degree in Education. Accordingly, it is not true as that the Commission no longer recognise higher qualifications.
46. The Commission clarified that the transition from qualification-based remuneration framework was not unilateral. The same was discussed with the teachers' unions at several meetings before the cut-off date was settled on.

Response on the allegations that the ILO/UNESCO 1996 recommendations require teachers who attain higher qualifications to be automatically promoted

47. The Commission submitted that clause 44 of the ILO recommendations states that promotion of teachers should be based on an objective assessment of teacher's qualifications for the new post by reference to strictly professional criteria laid down in consultation with teachers' organisation. The Commission noted that this is what they have one and will continue to do from time to time.
48. The Commission pointed out that no employee in the entire civil service including employees of sister constitutional commissions like Parliamentary Service Commission, Judicial Service Commission is automatically promoted upon attaining a higher qualification. All public servants are promoted based on authorised establishment, declared vacancies, budgetary allocations and other objective criteria set out in their respective Human Resource Manuals.
49. In discharging its mandate in promotion of teachers, the Commission has endeavoured to apply the principle of fair competition and merit as the basis of promotion. The Commission also considers other factors such as budgetary provisions, authorised establishments, performance as well as the principles of equity, fairness and regional balance.

Response on the request for TSC to immediately put in place necessary policy guidelines to promote or upgrade teachers who successfully acquired higher qualifications from recognised institutions in line with international best practices and the recommendations of the ILO/UNESCO Conference (1996) on the Status of Teachers

50. The Commission stated that it has developed Career Progression Guidelines that guide teacher promotion. The comprehensive guide encompasses all the necessary factors to be considered in teacher promotions. For instance, it outlines academic and professional standards for teacher career advancement, a linkage of teacher's career progression to the output and professional standards and performance and experience.
51. The Career Progression Guidelines therefore integrates contemporary best practices in teacher management. Pursuant to these guidelines, higher qualifications are considered as added advantage during the promotion process and a minimum requirement for headship in primary.
52. In addition to the above, in 2017, the Commission made a policy decision to deploy annually 1,000 primary school teachers who have acquired higher qualifications and also meet the required standards to secondary schools. This is done competitively to ensure that the principle of fair competition is achieved. The Commission will continue to do so with a view to addressing teacher shortage in secondary schools while at the same time according recognition to teachers with higher qualifications.
53. In conclusion, the Commission assured the Committee that contrary to the allegations set out in the Petition, the Commission has put in place adequate policy framework that accords recognition to higher qualifications while at the same time maintaining the necessary safeguards in terms of quality standards and budgetary constraints. Further, as an institution in the education sector, the Commission appreciates the importance of higher qualifications as a means of improving standard and quality of Education in Kenya.

3.3 Submission by Kenya National Union of Teachers

54. The Kenya National Union of Teachers in their submission dated 3rd March, 2022 stated that the concerned teachers have a right to raise their grievances through their unions and also their representation in the House. The Government of Kenya commitment to teacher education policy meeting the aspiration of the Constitution, Kenya's Vision 2030 and UNESCO's Education 200 Agenda in the sustainable Development Goal Four cannot be over-emphasised.
55. The Union stated that it is true that many teachers have progressively advanced their education earning Diplomas, Bachelors's, Masters and Doctorate Degrees. Acquisition of higher qualification equips teachers with more knowledge and specialised skills which enhance their professional competencies and quality of delivery.
56. Prior to 2014, the Teachers Service Commission (TSC) used to acknowledge and reward in-service teachers who had attained relevant higher qualifications in accordance to Part VI 73 and 74 of the code of regulations for Teachers 2015. There was proper compensation for teachers who had attained higher qualifications and a motivating factor to quality delivery of services.

57. The Union further stated that in the implementation of Collective Bargaining Agreement 2017-2021, TSC developed Career Progression Guidelines for teachers (CPG) 2018 which was used to implement the CBA.
58. The Union noted that they are negotiating to have the necessary Policy Guidelines to handle promotions upon attainment of Higher Qualifications from recognised institutions by teachers who meet the entry requirements into institutions of higher learning.
59. The Union concluded by requesting the National Assembly to appropriate funds to the TSC to facilitate promotions of teachers upon attainment of higher qualifications. This will go a long way in settling the matters concerning teachers and posterity.


3.4 Kenya Union of Post-Primary Education Teachers (KUPPET)

60. The Kenya Union of Post-Primary Education Teachers in their submission dated 2nd March, 2022 stated that the law establishes the minimum entry qualifications for teachers at every level of service. For the post-primary sector, teachers are required to have obtained a KCSE mean grade of C+ or above with minimum of C+ in their two teaching subjects and be professionally trained to at least Diploma in Education level.
61. The Union stated that since formation of KUPPET in 1998, the Union has been at the forefront in pushing the Teachers' Service Commission to establish career paths for teachers who better their qualifications in Service. In 2013, the Union submitted a draft scheme of Service for teachers with postgraduate qualifications which was never acted upon. The Union took measures in recognition of the fact the sacrifices that thousands of the hardworking teachers made in attaining higher qualifications always without help from the employer.
62. To help advance members' yearning for higher qualifications, KUPPET has over the last 10 years negotiated Memorandums of understanding (MOUs) with several universities such as Kenyatta University and University of Embu on fees payment of teachers advancing there their studies.
63. KUPPET added attaining of higher qualifications equips teachers to more effectively meet the needs of their learners and should be encouraged. Further, under the new Competency Based Curriculum whose roll-out will reach the secondary level in 2021, these qualifications will be imperative to sustaining the good performance by teachers.
64. The Union detailed that the recruitment and career progression of teachers has been heavily impacted by the change in national governance since 2010 when Kenya adopted the new Constitution. It is currently governed by specific instruments including the following laws and regulations: -
 - (i) The Constitution of Kenya which sets up the Teachers Service Commission;
 - (ii) The Basic Education Act and the Teachers Service Act which outlines the establishment of schools and TSC's role;
 - (iii) The Employment Act, the Labour Institutions Act and the Labour Relations Act governing the employment of teachers and collective bargaining;
 - (iv) The Code of Regulation for Teachers in place;

- (v) Collective Bargaining Agreement regularly reviewed.
65. During the Government initiated Job Evaluation exercise for the public service in 2016, the Teachers Service Commission evaluated all positions in the teaching service and presented its report to the Salaries and Remuneration Commission (SRC) as required by law. Subsequently, the SRC placed teaching jobs on the scale of between B5 and D5 being the lowest and highest positions respectively.
66. In the same year, upon the signing of the Collective Bargaining Agreement between the TSC and the teachers' unions, the Commission established the Career Progression Guidelines (CPGs) to govern the service from a teacher's recruitment to exit. The CPGs replaced the three Schemes of Service that had previously governed the profession.
67. To transition into the new era, the Commission converted the previous job groups provided under the Schemes of Service into salary scales under the CPGs. The conversion was informed by the teachers' job groups and responsibilities within their institutions as at 8th November, 2017. As the main implementing tool of the CBA, the CPGs have many benefits:-
- (i) They address the two perennial problems within the teaching service that is stagnation in job groups and lack of clarity in promotions. Under CPGs all teachers had salary increments and more than half benefitted from promotions. Such benefits were never enjoyed under the Schemes of Service in any five-year period.
 - (ii) The CPGs have standardised promotion procedures and made it easier for qualified teachers to compete fairly for senior positions. Previously, promotions to higher administrative positions were less defined and often came with no salary increment.
 - (iii) The opening up of the career path for teachers to rise to the top of the profession. As at 8th November, 2017, there were only 72 teachers at Job Group R (Chief Principal). Today, more than 900 principals serve at that level at D5. These are principals of National Schools, extra County Schools and Teachers Training Colleges and the Directors of KISE and CEMESTEPA.
68. The Union informed the Committee that the above gains notwithstanding, the implementation of CPGs posed certain challenges which KUPPET protested within the CBA implementation period. Most of these challenges emanated from the reclassification of schools under the Basic Education Act and the formal realignment of staff establishment with enrolment. Some teachers' cadres were left out in the vertical progression during the transition to the CPGs on the effective date including:
- (i) Thousands of suitably qualified P1 teachers who had acquired Bachelor of Education degrees in Secondary schools. By the end of the 2016 CBA, the Commission had re-deployed 2,000 of such teachers. The Union recommends that the redeployment should continue until the numbers are fully addressed. However, the TSC blames low budgets for slow promotions a position that KUPPET rejects.
 - (ii) Teachers previously in the previous Job Group L who had no responsibility in the schools such as being principals, deputy principals or heads of department were converted to C3 while their compatriots with responsibility rose to D1. KUPPET piled pressure on the Commission resulting in the opening of C4 for Senior Master IV and Senior Lectures IV for those in TTCs. Only about 7,000 such vacancies have been filled while thousands of

teachers qualify for the grade. KUPPET has demanded institutionalisation of C4 as a promotional grade from C3.

- (iii) The career path for diploma teachers who joined service at job group J and had obtained Bachelor of Education degrees by the commencement of the 2016 CBA, most of the teachers had transited to the graduate scheme of service and promoted to the next job group i.e., job group K or L under the common cadre promotions. However, some who had served in one Job Group for less than three years missed on promotions following the scrapping of one common cadre promotional level. KUPPET took up the matter and all the affected teachers were promoted.
 - (iv) Principals and other administrators in TTCs have a clear career path based on the CPGs with substantive appointments as deans, registrars and other departmental heads. At the same time, many have their promotions delayed on the same excuse of poor funding.
69. The Union stated that in anticipation of the new CBA round under the third Public Sector Remuneration and Benefits Review Cycle, they presented its final Memorandum of demands to TSC in 2019 addressing many of the identified challenges as well as inequalities within the profession.
 70. Among the demands was creation of a career path for teachers without administrative responsibilities in their institutions to expand opportunities for promotion for experienced teachers. Such a path should take into account academic and co-curricular performance.
 71. Another key demand was the introduction of three special allowances that is the post graduate allowance for teachers who possess Master's and PhD degrees, township allowance for teachers in county headquarters and other municipalities and risk allowance. The Commission presented its request for these allowances to the SRC for review.
 72. Overall, the Commission's new job evaluation for Teachers addressed the disparities in salaries from the previous CBA. The previous evaluation tool gave more weight to administrative and financial management in which the classroom teachers had minimal role.
 73. The new evaluation captured the true worth of a classroom teacher recognising the leadership and technical work they do within and outside the classroom work which will become only more complex under the CBC curriculum.
 74. However, at the tail end of the CBA negotiation process, the government through the Salaries and Remuneration Commission unilaterally froze the salary reviews during the third Public Sector Remuneration and Benefits Review Cycle. The freeze put a pause on the Union's varied demands for better terms and conditions of work for teachers among them the pending promotions.
 75. The Union further informed the Committee that in 2019, while the parties were negotiating, the Commission hastily implemented Master's degree requirement for promotions as principals and other administrative cadres in post-primary institutions. KUPPET opposed the action which in the absence of a policy guideline was irregular, punitive and superfluous.
 76. The Commission eventually suspended the requirement in line with regulations by the Public Service Commission which has scrapped the requirements of a Master's degree for promotions at Job Group P and above. In the absence of policy guidelines, postgraduate qualifications are presently considered as an added advantage in such promotions.

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77. KUPPET's demand for the employer to create a policy framework that rewards teachers' sacrifices in attaining higher qualifications. This can be best done through the introduction of a postgraduate allowance for teachers who possess Master's and PhD degrees irrespective of their position in service.
 78. Similarly, P1 teachers who have attained Diploma and Bed degrees who are even more in numbers should be awarded a higher qualification allowance rather than waiting for administrative vacancies to arise for them.
 79. The Union recommends that Parliament should direct the TSC to create policies governing in-service training for teachers, ensure the allocation of funds for the promotion of all teachers in line with the CPGs and direct the TSC to reopen talks on the non-monetary 2021-2025 CBA for teachers to unlock their long overdue salary review and promotions.

4.0 COMMITTEE FINDINGS

80. After considering the prayers of the petitioner and the submission of the stakeholders, the Committee made the following findings:-

Recognition and automatic promotion of in-service teachers on attaining higher qualifications

- i. That, prior to 2014, the Teachers Service Commission used to acknowledge and reward in-service teachers who had attained relevant higher qualifications in form of diplomas and bachelor's degrees in accordance to Part VI 73 and 74 of the Code of Regulations for Teachers, 2015. There was proper compensation for teachers who had attained higher qualifications which was a motivating factor to quality delivery of services.
- ii. That, from January, 2014, the Teachers Commission transited from the automatic promotion of teachers on attainment of higher qualifications as more teachers upgraded their academic qualifications which the policy fiscally unsustainable.
- iii. That, the Teachers Service Commission recognises higher qualifications attained by in-service teachers however of promotion of such teachers is considered alongside other criteria such Career Progression Guidelines, authorised and funded vacancies within the teaching service which curtails automatic promotion on the basis of attaining higher academic qualifications.

Transition from Schemes of Service to the Career Progression Guidelines (CPGs)

- iv. That, historically career progression of teachers was governed by Schemes of Service for Teachers which included the Scheme of Service for Primary Teachers, the Scheme of Service for Graduate Teachers and the Scheme of Service for Technical Teachers.
- v. That, in 2016 the Schemes of Service were replaced by the Career Progression Guidelines (CPGs) in which was informed by the Code of Regulation of Teachers and the advice on Job Evaluation on the worth of every job in the teaching service by the Salaries and Remuneration Commission.
- vi. That, in the course of transition and conversion of the previous job groups provided under the Schemes of Service into salary scales under the CPGs some teachers' cadres were left out in the vertical progression on the effective date of 9th January 2014.
- vii. Career Progression Guidelines have far-reaching amendments to the Code of Regulations for Teachers which must be approved by Parliament. Such changes cannot have the force of Law unless it is transmitted through parliament for approval.
- viii. That, many teachers employed by the Teachers Service Commission have progressively advanced their education earning diplomas, bachelors, masters and doctorate degrees. Acquisition of such higher qualification equips teachers with more knowledge and specialised skills which enhance their professional competencies and quality of delivery.

Promotion of Teachers and Clause 44 of the UNESCO/ILO on recognition of relevant qualification attained by in-service Teachers

- ix. That, clause 44 of UNESCO/ILO of which Kenya is a signatory codifies recognising all relevant qualifications attained by in-service teachers in accordance with UNESCO/ILO recommendations of 1966 codifies intellectual rights of teachers who undertake and

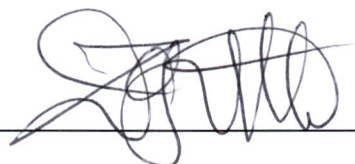
conclude relevant in-service courses and recommends for promotion teachers based based on an objective assessment of the teacher's qualifications for the new post.

5.0 COMMITTEE RECOMMENDATIONS

In response to the petitioner's prayers, the Committee recommends as follows:-

- i. The Teachers Service Commission should continue recognising and acknowledging all relevant academic qualifications attained by in-service teachers in accordance with UNESCO/ILO recommendations of 1966 that codifies intellectual rights of teachers who undertake and conclude relevant in-service courses.
- ii. That the Teachers Service Commission should promote all teachers eligible for promotion subject to meeting the relevant career progression criteria, availability of vacancies and funding giving priority to in-service teachers who attained higher qualifications.
- iii. That the Teachers Service Commission should submit budgetary requirement for promotion of all eligible teachers in 2023/24 financial year budget estimates for consideration by the National Assembly.
- iv. That the Teachers Service Commission should within six months of adoption of this report open negotiations with the teachers' unions on the Career Progression Guidelines and uphold the rights of teachers who have acquired relevant qualifications at the time of their in-service. Further, TSC shall give guidelines on relevant courses to be undertaken by teachers.
- v. That, the Teachers Service Commission should ensure that any amendment to the Code of Regulations for Teachers is approved by Parliament and that the Career Progression Guidelines should not whatsoever affect or take away any existing benefit of serving teachers.
- vi. The Teachers Service Commission should promote all suitably qualified teachers' in cadres that were left out in the vertical progression during the transition to the CPGs these include P1 teachers who had acquired Bachelor of Education degrees in Secondary schools, teachers previously in the previous Job Group L who had no administrative responsibilities and any diploma teachers who joined service at job group J and had obtained Bachelor of Education degrees by the commencement of the 2016 CBA.

SIGN



DATE

08/06/22

HON. FLORENCE MUTUA, CBS, MP
CHAIRPERSON, COMMITTEE ON EDUCATION AND RESEARCH



MINUTES OF THE 24TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH HELD ON SATURDAY, 4TH JUNE 2022, IN SIMBA HALL, BOMA HOTEL, AT 2.30 PM

PRESENT

1. Hon. Florence M. Mutua, MP – **Chairperson**
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. (Prof.) Zadoc Ogutu, MP
6. Hon. Eric Muchangi, MP
7. Hon. Eve Obara, MBS, MP
8. Hon. Jerusha Momanyi, MP
9. Hon. Joseph Tonui, MP
10. Hon. (Dr.) Wilson Kogo, MP
11. Hon. John Paul Mwirigi, MP

ABSENT WITH APOLOGY

1. Hon. Wambugu Ngunjiri, MP - **Vice- Chairperson**
2. Hon. Jackson Lekumontare, MP
3. Hon. Omboko Milemba, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Wilson Sossion, MP
6. Hon. (Dr.) Daniel Kamuren Tuitoek, MP
7. Hon. Gichuki Mugambi, MP
8. Hon. Mohammed Ali Lokiru, MP

COMMITTEE SECRETARIAT

1. Ms. Grace Wahu – Clerk Assistant III
2. Mr. Eric Kanyi – Fiscal Analyst I
3. Ms. Mercy Wanyonyi – Legal Officer I
4. Ms. Winnie Kulei – Research Officer II
5. Mr. Collins Mahamba – Audio Officer
6. Mr. David Milimo – Hansard Officer III

MIN. NO. EDUC/2022/116: PRELIMINARIES

The meeting was called to order at 2.35 p.m. A word of prayer was said by Hon. Eric Muchangi, MP. The agenda of the meeting was adopted having been proposed by Hon. Jerusha Momanyi, MP, and seconded by Hon. John Paul Mwirigi, MP.

MIN. NO. EDUC/2022/117: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO. EDUC/2022/118: ADOPTION OF THE REPORT ON THE PUBLIC PETITION REGARDING THE RIGHT TO RELEVANT EDUCATION AND TRAINING BY EGERTON UNIVERSITY SUBMITTED BY A GROUP OF EGERTON UNIVERSITY STUDENTS

COMMITTEE OBSERVATIONS

The Committee considered the Report and made the following observations: -

A. Accreditation of Universities' Academic Programmes

1. The process of accreditation of universities' academic programmes is guided by the Section 5 of the Universities' Act, 2012 and Regulations No. 48, 49 and 50 of the Universities Regulations, 2014. Before a university launches a new academic programme, the Commission for University Education shall conduct an inspection and evaluation and be satisfied that the institution concerned has adequate physical, human, library and financial resources, relevant curriculum content amongst other requirements.
2. Section 5A (3) of the Universities Act, 2012 provides that the Commission may, before approving any academic programme consult with any relevant body established by written law to regulate the profession to which the academic programme relates where such law empowers the professional body to approve or accredit courses offered at any university or colleges.

B. Accreditation Status of BSc Water and Environmental Engineering Programme offered by Egerton University

3. Egerton University did not obtain the requisite approval from the Commission for University Education before introducing the of BSc Water and Environmental Engineering programme. The University lacked the requisite training equipment to launch Bachelor of Science in Water and Environmental Engineering at the time of launching the programme in 2014.
4. Egerton University did not consult the Engineers Board of Kenya for advice to ensure that the engineering program design meets the standards that have been set out by the Board in accordance with the Fourth Schedule of the Engineers Rules 2019.
5. Students who have undertaken engineering programs that are unaccredited and unrecognised by the Commission for University and the Engineers Board of Kenya cannot be registered by the Board and risk missing out on employment opportunities. Further, it is a waste of resources for the parents and students thus negatively affects the economy.
6. Egerton University is offering other engineering courses namely BSc. Electrical and Control Engineering, BSc. Civil and Structural Engineering, BSc. Mechanical Engineering and Technology and BSc. Mechanical and Manufacturing which are yet approved and accredited by the Engineers Board of Kenya as at March, 2022. Graduates from such courses cannot therefore be accredited by EBK to practice engineering.

C. Recourse for the Unaccredited Engineering Graduates

7. Egerton University Council has approved to offer the eight (8) remedial courses all affected students to bridge from Bachelor of Science in Water and Environmental Engineering (WEEN) to Bachelor of Science in Civil and Environmental Engineering (CEEN) at no extra tuition cost to the graduates. The university will invite the graduates to register for a one special semester for the courses.
8. The University has scheduled three special semesters to mop up over 200 affected students with the first semester beginning September 2022. The special semesters will save time for the graduates.

4.0 COMMITTEE RECOMMENDATIONS

In response to the Petitioners' prayers, the Committee recommended: -

1. Egerton University Council should offer remedial courses to all engineering graduates from the University who have not met the requirements for registration by the Engineers Board of Kenya to bridge to engineering programmes approved and accredited by the Commission for University Education and the Engineers Board of Kenya at no extra tuition cost,
2. That Egerton University should offer the said courses to engineering graduates of engineering programmes which are yet approved and accredited by the Engineers Board of Kenya pursuant to Section 7(1)(i) of the Engineers Act 2011. This includes graduates of BSc. of Science in Water and Environmental Engineering, BSc. Electrical and Control Engineering, BSc. Civil and Structural Engineering, BSc. Mechanical Engineering and Technology as well as BSc. Mechanical and Manufacturing
3. That the schedule for offering the remedial courses should start in September 2022 and concludes latest by December 2024 through a planned schedule.
4. The Commission for University Education should undertake regular inspections, monitoring and evaluation of universities and ensure compliance with the provisions of Section 5 of the Universities Act and Regulations 48, 49 and 50 of the Universities' Regulations, 2014 relating to approval and accreditation of academic programmes offered by universities.
5. The Kenya Universities and Colleges Central Placement Service should ensure that for any tertiary institution or University programme to be eligible to receive application and placement of government sponsored students, it must be approved by the Commission for University Education and the respective professional regulatory body.

The Report on the Public Petition regarding the right to relevant Education and Training by Egerton University submitted by a group of Egerton University students was unanimously adopted having been proposed by Hon. Joseph Tonui, MP and Hon. (Dr.) Wilson Kogo, MP.

MIN. NO. EDUC/2022/119: ADOPTION OF THE REPORT ON THE PETITION REGARDING REFUSAL BY TEACHERS SERVICE COMMISSION TO ACKNOWLEDGE UNDERGRADUATE, GRADUATE AND POST-GRADUATE QUALIFICATIONS ATTAINED BY IN-SERVICE TEACHERS FROM RECOGNIZED UNIVERSITIES

COMMITTEE OBSERVATIONS

The Committee considered the Report and made the following observations: -

A. Recognition and automatic promotion of in-service teachers on attaining higher qualifications

1. That, prior to 2014, the Teachers Service Commission used to acknowledge and reward in-service teachers who had attained relevant higher qualifications in form of diplomas and bachelor's degrees in accordance to Part VI 73 and 74 of the Code of Regulations for Teachers,

2015. There was proper compensation for teachers who had attained higher qualifications which was a motivating factor to quality delivery of services.

2. That, from January, 2014, the Teachers Commission transited from the automatic promotion of teachers on attainment of higher qualifications as more teachers upgraded their academic qualifications which the policy fiscally unsustainable.
3. That, the Teachers Service Commission recognizes higher qualifications attained by in-service teachers however of promotion of such teachers is considered alongside other criteria such Career Progression Guidelines, authorized and funded vacancies within the teaching service which curtails automatic promotion on the basis of attaining higher academic qualifications.

B. Transition from Schemes of Service to the Career Progression Guidelines (CPGs)

4. That, historically career progression of teachers was governed by Schemes of Service for Teachers which included the Scheme of Service for Primary Teachers, the Scheme of Service for Graduate Teachers and the Scheme of Service for Technical Teachers.
5. That, in 2016 the Schemes of Service were replaced by the Career Progression Guidelines (CPGs) in which was informed by the Code of Regulation of Teachers and the advice on Job Evaluation on the worth of every job in the teaching service by the Salaries and Remuneration Commission.
6. That, in the course of transition and conversion of the previous job groups provided under the Schemes of Service into salary scales under the CPGs some teachers' cadres were left out in the vertical progression on the effective date of 9th January 2014.
7. Career Progression Guidelines have far-reaching amendments to the Code of Regulations for Teachers which must be approved by Parliament. Such changes cannot have the force of Law unless it is transmitted through parliament for approval.
8. That, many teachers employed by the Teachers Service Commission have progressively advanced their education earning diplomas, bachelors, masters and doctorate degrees. Acquisition of such higher qualification equips teachers with more knowledge and specialized skills which enhance their professional competencies and quality of delivery.

C. Promotion of Teachers and Clause 44 of the UNESCO/ILO on recognition of relevant qualification attained by in-service Teachers

9. That, clause 44 of UNESCO/ILO of which Kenya is a signatory codifies recognizing all relevant qualifications attained by in-service teachers in accordance with UNESCO/ILO recommendations of 1966 codifies intellectual rights of teachers who undertake and conclude relevant in-service courses and recommends for promotion teachers based on an objective assessment of the teacher's qualifications for the new post.

COMMITTEE RECOMMENDATIONS

In response to the petitioner's prayers, the Committee recommends that:-

1. The Teachers Service Commission should continue recognizing and acknowledging all relevant academic qualifications attained by in-service teachers in accordance with

UNESCO/ILO recommendations of 1966 that codifies intellectual rights of teachers who undertake and conclude relevant in-service courses.

2. That the Teachers Service Commission should promote all teachers eligible for promotion subject to meeting the relevant career progression criteria, availability of vacancies and funding giving priority to in-service teachers who attained higher qualifications.
3. That the Teachers Service Commission should submit budgetary requirement for promotion of all eligible teachers in 2023/24 financial year budget estimates for consideration by the National Assembly.
4. That the Teachers Service Commission should within six months of adoption of this report open negotiations with the teachers' unions on the Career Progression Guidelines and uphold the rights of teachers who have acquired relevant qualifications at the time of their in-service. Further, TSC shall give guidelines on relevant courses to be undertaken by teachers.
5. That, the Teachers Service Commission should ensure that any amendment to the Code of Regulations for Teachers is approved by Parliament and that the Career Progression Guidelines should not whatsoever affect or take away any existing benefit of serving teachers.
6. The Teachers Service Commission should promote all suitably qualified teachers' in cadres that were left out in the vertical progression during the transition to the CPGs these include P1 teachers who had acquired Bachelor of Education degrees in Secondary schools, teachers previously in the previous Job Group L who had no administrative responsibilities and any diploma teachers who joined service at job group J and had obtained Bachelor of Education degrees by the commencement of the 2016 CBA.

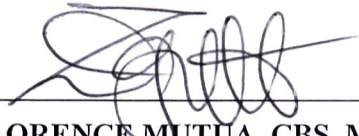
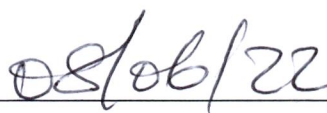
The Petition regarding refusal by the Teachers Service Commission to acknowledge undergraduate, graduate and post-graduate qualifications attained by in-service teachers from recognized universities was unanimously adopted having been proposed by Hon. Geoffrey Odanga, MP and seconded by Hon. (Dr.) Pamela Ochieng, MP.

MIN. NO. EDUC/2022/120: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2022/121: ADJOURNMENT

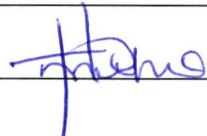
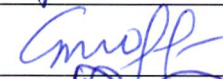



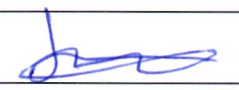
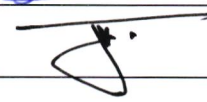
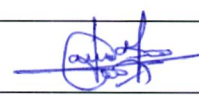
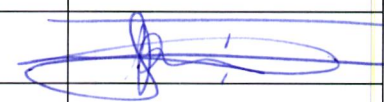
There being no other business, the meeting was adjourned at 4.45 pm. The next meeting will be held on notice.

SIGN  DATE 
HON. FLORENCE MUTUA, CBS, MP
CHAIRPERSON, COMMITTEE ON EDUCATION AND RESEARCH

KENYA NATIONAL ASSEMBLY

COMMITTEE ON EDUCATION AND RESEARCH

Adoption of the Report on the Petition regarding non-recognition of higher qualifications by the Teachers Service Commission, submitted by Hon. Wilson Sossion

	NAME	
1.	Hon. Florence Mutua, CBS, MP - Chairperson	
2.	Hon. Ngunjiri Wambugu, CBS, MP - Vice Chairperson	
3.	Hon. Geoffrey Odanga, MP	
4.	Hon. (Dr.) Pamela Ochieng, MP	
5.	Hon. (Eng.) Nzambia Kithua, MP	VIRTUAL
6.	Hon. (Prof.) Zadoc Ogutu, MP	
7.	Hon. Eric Muchangi, MP	
8.	Hon. Eve Obara, MBS, MP	VIRTUAL
9.	Hon. Jackson Lekumontare, MP	
10.	Hon. Jerusha Momanyi, MP	
11.	Hon. Joseph Tonui, MP	
12.	Hon. Omboko Milemba, MP	
13.	Hon. Peter Lochakapong, MP	
14.	Hon. Wilson Sossion, MP	
15.	Hon. (Dr.) Wilson Kogo, MP	
16.	Hon. (Dr.) Daniel Kamuren Tuitoek, MP	
17.	Hon. James Gichuki Mugambi, MP	
18.	Hon. John Paul Mwirigi, MP	
19.	Hon. Mohammed Ali Lokiru, MP	

Hon. Speaker,
You may approve.
Wap Kimani
8/2



Approved,
[Signature]
18/2/2022
SWA

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY (SIXTH SESSION)

PUBLIC PETITION

(No. 004 of 2022)

**REGARDING REFUSAL BY THE TEACHERS SERVICE COMMISSION
TO ACKNOWLEDGE UNDERGRADUATE, GRADUATE AND POST
GRADUATE QUALIFICATIONS ATTAINED BY IN-SERVICE
TEACHERS FROM RECOGNIZED UNIVERSITIES**

I, the **UNDERSIGNED**, on behalf of concerned teachers;

DRAW the attention of the House to the following:

1. **THAT**, the Government of Kenya is committed to ensuring that policy objectives for teacher education are aligned to meet the aspirations of the Constitution, Kenya's Vision 2030 and UNESCO's Education 2030 Agenda espoused in Sustainable Development Goal Four;
2. **THAT**, Section 35(2)(a) of the Teachers Service Commission Act, 2012 emphasizes the need for the Commission to require every registered teacher to undertake career progression and professional development programmes;
3. **THAT**, in recognition that continuous professional development of teachers is important in updating and development of the competences of the teaching staff through acquisition of new skills, the Ministry of Education has integrated education and training in national development plans and strategies;
4. **THAT**, in the interest of self-improvement, many teachers have progressively advanced their qualifications by pursuing and successfully earning higher qualifications, ranging from diploma, bachelors, masters and even doctoral degrees;

PUBLIC PETITION

REGARDING REFUSAL BY THE TEACHERS SERVICE COMMISSION TO ACKNOWLEDGE UNDERGRADUATE, GRADUATE AND POST GRADUATE QUALIFICATIONS ATTAINED BY IN-SERVICE TEACHERS FROM RECOGNIZED UNIVERSITIES

5. **THAT**, the ILO/UNESCO *Recommendation Concerning the Status of Teachers (1966)* states that “Teaching is a form of public service which requires of teachers expert knowledge and specialized skills, acquired and maintained through rigorous and continuing study;”
6. **THAT**, the acquisition of higher certifications undoubtedly equips teachers with specialized skills which enhance their professional competencies, mastery of content and quality of delivery;
7. **THAT**, in pursuit for higher qualifications, teachers had legitimate expectation that TSC would reciprocate through commensurate compensation of their efforts in bettering the teaching profession;
8. **THAT**, unexpectedly in 2014, the TSC declined to acknowledge and reward in-service teachers for the bachelors, masters or doctorate degrees that they acquired from recognized universities as part of their personal career development;
9. **THAT**, the decision by TSC disillusioned teachers and negated its goal of building a highly-knowledgeable teaching force through self-initiated career progression and professional development;
10. **THAT**, TSC’s action contradicts *ILO/UNESCO Convention (1966)* recommendation that “Authorities and teachers should recognize the importance of in-service education designed to secure a systematic improvement of the quality and content of education and teaching techniques;”
11. **THAT**, if TSC’s current policy position of declining to recognize and compensate in-service teachers for higher qualifications earned, the country stands the risk of losing its continental and global competitiveness and standing in the field of education;
12. **THAT**, efforts by the Petitioners to move the TSC to address the matter have been unsuccessful;
13. **THAT**, the issues in respect of which this Petition is raised are not pending before any court of Law, Constitutional or any legal body;

PUBLIC PETITION

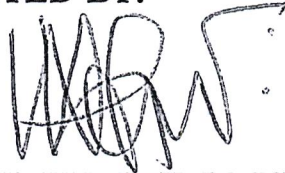
**REGARDING REFUSAL BY THE TEACHERS SERVICE COMMISSION
TO ACKNOWLEDGE UNDERGRADUATE, GRADUATE AND POST
GRADUATE QUALIFICATIONS ATTAINED BY IN-SERVICE
TEACHERS FROM RECOGNIZED UNIVERSITIES**

THEREFORE, your humble Petitioners pray that this House, through the Departmental Committee on Education and Research intervenes in the matters raised in this Petition and:

- (1) inquires into the circumstances under which the Teachers Service Commission has, since 2014, unilaterally declined to recognize Diplomas, Undergraduate, Graduate and Postgraduate degrees earned by in-service teachers from recognized universities;
- (2) recommends that the TSC immediately puts in place necessary policy guidelines to promote or upgrade teachers who successfully acquire higher qualifications from recognized institutions in line with international best practices and the recommendations of the *ILO/UNESCO Conference (1966) on the Status of Teachers*; and,
- (3) makes any other recommendations deemed fit in addressing the plight of the Petitioners with a view to safeguarding Kenya's competitiveness and hitherto coveted place in the field of education.

And your **PETITIONER** will ever pray.

PRESENTED BY:



THE HON. WILSON SOSSION, MP
NOMINATED MEMBER OF PARLIAMENT

DATE: 7th Feb' 2022

