



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

Approved
JBOSS
1st Dec. 2022

THIRTEENTH PARLIAMENT – FIRST SESSION – 2022

DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON THE APPROVAL HEARINGS OF:

1. DR RICHARD BELIO KIPSANG, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR BASIC EDUCATION
2. DR. ESTHER THAARA MUORIA, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET)
3. DR. BEATRICE MUGANDA INYANGALA, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR HIGHER EDUCATION AND RESEARCH

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2022

THE NATIONAL ASSEMBLY	
DATE: 01 DEC 2022	
THURSDAY	
TABLED BY:	CHAIR, DE - EDUCATION Hon. Julius Melly, MP
CLERK AT THE TABLE:	Benson Inzofu

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LIST OF ABBREVIATIONS AND ACROYNMS

CBC	Competency Based Curriculum
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
H.E.	His Excellency
HELB	Higher Education Loans Board
KNEC	Kenya National Examination Council
KRA	Kenya Revenue Authority
SO	Standing Order
KICD	Kenya Institute for Curriculum Development
CEO	Chief Executive Officer
CBC	Competency Based Curriculum
NEMIS	National Education Management Integrated System
TSC	Teachers Service Commission
TTC	Teachers Training College
TVET	Technical Vocational Education and Training
PSC	Public Service Commission
TSC	Teachers Service Commission

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Education during the approval hearings of the following persons nominated for the position of the office of the Principal Secretary in the Ministry of Education:

- a. Dr. Richard Belio Kipsang, nominee for appointment as Principal Secretary, State Department for Basic Education
- b. Dr. Esther Thaara Muoria, nominee for appointment as Principal Secretary, State Department for Technical and Vocational Education and Training (TVET)
- c. Dr. Beatrice Muganda Inyangala, nominee for appointment as Principal Secretary, State Department for Higher Education and Research.

Pursuant to Article 155(3)(b) of the Constitution, Section 47(3) of the Public Service Commission Act (No. 10 of 2017), Section 5 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011) and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one (51) Principal Secretaries to various State Departments vide a letter dated Wednesday, 2nd November 2022.

The nomination was conveyed to the Speaker of the National Assembly on Thursday, 3rd November, 2022. In keeping with the requirements of Standing Order 42(1), the Speaker of the National Assembly conveyed the message from H.E. the President to the House and referred the vetting of the nominees to the Departmental Committee on Education as provided for under the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) (*hereinafter referred to as "the Act"*) and the National Assembly Standing Orders (*hereinafter referred to as "Standing Orders"*).

The names of the nominees together with their curriculum vitae, testimonials and Report of the Selection Panel on their recruitment were referred to the Departmental Committee on Education for vetting and reporting to the House within twenty-eight (28) days in accordance with the provisions of Standing Order 45 and Section 8 of the of the Act. The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearing.

In compliance with Section 6(9) of the Act, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4th November, 2022. The Clerk invited the public to submit memoranda by way of written statements on oath (*affidavits*) on the suitability of the nominees. The advertisement indicated that the submissions were to be received by Friday, 11th November, 2022 at 5.00 pm. By close of the deadline, the Committee had not received any submissions in support or in contention on the suitability of the nominees for appointment as the Principal Secretaries.

Further, in fulfilment of the provisions of Article 118(1)(b) of the Constitution, Section 6(4) of the Act and Standing Order 45(3), the Clerk of the National Assembly on Friday, 4th November, 2022 placed an advertisement in the print media notifying the public that the Departmental Committee on Education was scheduled to conduct the approval hearing of the nominees on Wednesday, 16th November, 2022 from 11.30 am.

Section 6(7) of the Act provides that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background. In order to fulfill the requirement on personal integrity, the Clerk wrote to the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), the Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB) to ascertain the nominees' good standing with the said government institutions. The nominees were also required to submit clearance certificates from the said institutions on the date of the approval hearing.

It is worth noting that on 15th November, 2022, the Employment and Labour Relations Court in the Constitution Petition No. E186 of 2022 (*Dr. Magare Gikenyi versus The President of the Republic of Kenya and 55 others*) and in Constitution Petition No.192 of 2022, (*Law Society of Kenya versus The National Assembly and 4 others*), granted conservatory orders temporarily staying the vetting of persons nominated to be appointed as principal secretaries pending inter-parties hearing which was scheduled on 21st November, 2022. Consequently, the Court lifted the said orders on Tuesday, 29th November, 2022, holding that the petitioners ought to have waited for the conclusion of the vetting process before challenging the nomination and approval of the persons nominated to be appointed to the Office of Principal Secretary.

In light of these circumstances, the nominees appeared before the Committee on Wednesday, 30th November, 2022 for vetting. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominees; any constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the State Departments.

Committee Recommendation

The Committee having held approval hearings of the nominees regarding their suitability, observed that due process was followed on the recruitment process as provided for under Article 155(3) (b) of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination of the following nominees appointed to the Position of Office of the Principal Secretary:

- a) **Dr. Richard Belio Kipsang, for appointment as Principal Secretary, State Department for Basic Education**
- b) **Dr. Esther Thaara Muoria, for appointment as Principal Secretary, State Department for Technical and Vocational Education and Training (TVET)**
- c) **Dr. Beatrice Muganda Inyangala, for appointment as Principal Secretary, State Department for Higher Education and Research.**

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Office of the Director, Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting process. Finally, the Committee appreciates KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominees.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Departmental Committee on Education and pursuant to Article 155(3)(b) of the Constitution, Section 8(1) and (2) of the Public Appointment (Parliamentary Approval) Act (No. 33 of 2011) and the provisions of Standing Orders 45(4) and 199(6), it is now my singular duty and privilege to present to the House, **the Report of the Departmental Committee on Education on the approval hearings of Dr. Richard Belio Kipsang, State Department for Basic Education; Dr. Esther Thaara Muoria, State Department for TVET; and Dr. Beatrice Muganda Inyangala, State Department for Higher Education and Research.**

HON. JULIUS KIBIWOTT MELLY, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION

CHAPTER ONE

1.0 *PREFACE*

1.1 **Mandate of the Committee**

1. The Departmental Committee on Education is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -
 - (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
 - (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.**
 - (vii) study and review all legislation referred to it.

1.2 **Committee Subjects**

2. The Committee is mandated to consider the following subjects:
 - a) Education
 - b) Training, and
 - c) Research

Oversight

3. The Committee oversees the Ministry of Education and the Teachers Service Commission.

1.3 Committee Membership

4. The Committee membership comprises: -

1. Hon. Julius Kibiwott Melly, MP

Chairperson

MP for Tinderet Constituency

UDA

2. Hon. Moses Malulu Injendi, MP

Vice Chairperson

MP for Malava Constituency

ANC

3. Hon. Dr. Christine Ombaka Oduor, MP

MP for Siaya County

ODM

10. Hon. Julius Taitumu M'Anaiba, MP

MP for Igembe North Constituency

UDA

4. Hon. Eve Akinyi Obara, MP

MP for Kabondo Kasipul Constituency

ODM

11. Hon. Nabii Nabwera Daraja, MP

MP for Lugari Constituency

ODM

5. Hon. Jerusha Mongina Momanyi, MP

MP for Nyamira County

JP

12. Hon. Peter Ochieng Orero, MP

MP for Kibra Constituency

ODM

6. Hon. Abdul Ebrahim Haro, MP

MP for Mandera South Constituency

UDA

13. Hon. (Prof.) Phylis Jepkemoi Bartoo

MP for Moiben Constituency

UDA

7. Hon. Anne Wanjiku Muratha, MP

MP for Kiambu County

UDA

14. Hon. Rebecca Noonaishi Tonkei, MP

MP for Narok County

UDA

8. Hon. Clive Ombane Gisairo, MP

MP for Kitutu Masaba, Constituency

ODM

15. Hon. Timothy Kipchumba
Toroitich, MP

MP for Marakwet West Constituency,

IND

9. Hon. Dick Oyugi Maungu, MP

MP for Luanda Constituency

DAP-K

1.4 Committee Secretariat

5. The Committee secretariat comprises: -

Mr. George Gazemba
Principal Clerk Assistant I
Lead Clerk

Ms. Grace Wahu
Clerk Assistant III

Ms. Cynthia Matara
Clerk Assistant III

Ms. Brigitta Mati
Legal Counsel I

Mr. Eric Kanyi
Fiscal Analyst II

Mr. Daniel Psirmoi
Media Relations Officer

Mr. Nimrod Ochieng
Audio Officer

Mr. Paul Kashane
Sergeant at Arms

CHAPTER TWO

2.0 BACKGROUND

2.1 Establishment of the office of Principal Secretary

6. Article 155(1) and (2) of the Constitution provides for the establishment of the office of the Principal Secretary, which is an office in the public service. It further provides that each State department shall be under the administration of a Principal Secretary.

2.1.0 Nomination of Principal Secretaries

Article 132(2)(d) of the Constitution confers upon the President the power to nominate, and subject to approval by the National Assembly, appoint Principal Secretaries. It provides that:

“The President shall nominate and, with the approval of the National Assembly, appoint and may dismiss Principal Secretaries in accordance with Article 155”.

1. Article 155 of the Constitution provides that:

155. (1) *There is established the office of Principal Secretary, which is an office in the public service.*
- (2) *Each State department shall be under the administration of a Principal Secretary.*
- (3) *The President shall—*
 - (a) *nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and*
 - (b) *with the approval of the National Assembly, appoint Principal Secretaries.*
- (4) *The President may re-assign a Principal Secretary.*
- (5) *A Principal Secretary may resign from office by giving notice, in writing, to the President.*

2.1.1 Notification of nomination by H.E. the President

7. In accordance with the provisions of Article 155(3)(a) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approval) Act (*No. 33 of 2011*), H.E. the President forwarded to the Speaker of the National Assembly, *vide* a letter **Ref. OP/CAB.26/4A VOL.I/(49)** dated 2nd November, 2022 (*Annexure 1*) the notification of nomination, curriculum vitae and testimonials for Dr. Richard Belio Kipsang, Dr. Esther Thaara Muoria and Dr. Beatrice Muganda Inyangala, to the position of Principal Secretary in the State Department for Basic Education, State Department for Technical and Vocational Education and Training (TVET) and the State Department for Higher Education and Research, respectively, in the Ministry of Education for approval by the National Assembly.

2.1.2 Committal to the Departmental Committee on Education

8. On 3rd November, 2022 and pursuant to Standing Order 42(1), the Speaker of the National Assembly conveyed to the House the Message from H. E. the President on the notification for nomination of Dr. Richard Belio Kipsang, Dr. Esther Thaara Muoria and Dr. Beatrice Muganda Inyangala, to the position of Principal Secretary in the State Department for Basic Education, State Department for Technical and

Vocational Education and Training (TVET) and the State Department for Higher Education and Research, respectively in the Ministry of Education (*Annexure 2*).

2.1.3 Notification to the Public/Submission of Memoranda

9. In fulfilment of the provisions of Article 118(1)(b) of the Constitution, Section 6(4) of the Act and Standing Order 45(3), the Clerk of the National Assembly on 4th November, 2022 notified the public through the print media, the intention of the Committee to conduct the approval hearings of the nominees on 16th November, 2022 from 11.30 am.
10. By close of business on 11th November, 2022 at 5.00 p.m., the Committee had not received any submissions in support or in contention of the nomination of Dr. Richard Belio Kipsang, Dr. Esther Thaara Muoria and Dr. Beatrice Muganda Inyangala, to the position of Principal Secretary in the State Department for Basic Education, State Department for Technical and Vocational Education and Training (TVET) and the State Department for Higher Education and Research, respectively, in the Ministry of Education

2.1.4 Notification to the Nominee

11. On 7th November, 2022, pursuant to Sections 4 and 6(3) of the Act, the Clerk wrote to the nominees inviting them to the approval hearing and indicated the date, time and place of the vetting (*Annexure 4*).
12. However, on 15th November, 2022, the Employment and Labour Relations Court in the Constitution Petition No. E186 of 2022 (Dr. Magare Gikenyi versus The President of the Republic of Kenya and 55 others) and in Constitution Petition No.192 of 2022, (Law Society of Kenya versus The National Assembly and 4 others), granted conservatory orders temporarily staying the vetting of persons nominated to be appointed as Principal Secretaries pending inter-parties hearing which was scheduled on 21st November, 2022.
13. Consequently, on 16th November, 2022, the Speaker directed that the vetting process be suspended pending the outcome of the judicial process. This was informed by the appreciation of the provisions of Article 3 (1) of the Constitution which places an obligation on the Speaker and the House, to respect and uphold the Constitution and in particular by abiding and upholding the rule of law.
14. The Court, in its ruling delivered on Tuesday, 29th November 2022, asserted that the doctrine of separation of powers as provided in the Constitution ought to be respected and upheld at all times. Further, the court observed that the national Assembly has exclusive original jurisdiction to first carry out the approval process before it can intervene. The Court therefore, paved the way for the resumption of the vetting process noting that the petitions were premature.
15. Following a Communication by the Speaker of the National Assembly dated 29th November, 2022 the Committee was directed to resume and conclude the vetting process. Therefore the Committee notified the nominees of the time, date and place for vetting in accordance to Section 6(5) the Public Appointment (Parliamentary Approvals) Act.

2.1.5 Clearance Requirements

16. On 7th November, 2022, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (*Annexures 5a, 5b, 5c, 5d and 5e*) requesting for reports with respect to the nominees on the following matters:
 - (a) ethics and integrity;
 - (b) tax compliance;
 - (c) criminal records;
 - (d) higher education loan repayments; and,
 - (e) political affiliation.
17. The Ethics and Anti – Corruption Commission (EACC) confirmed that the Commission had not undertaken any investigations where the nominees had been found culpable *vide* a letter **Ref. No EACC.7/10/5VOL.XXI (70)** dated 11th November, 2022 (*Annexure 6a*).
18. The Kenya Revenue Authority (KRA) confirmed that the nominees were tax compliant *vide* a letter **Ref. No KRA/5/1002/5(8179)** dated 14th November, 2022 (*Annexure 6b*).
19. The Directorate of Criminal Investigations (DCI) confirmed that the nominees were issued with clearance certificates through a letter **Ref DCI/CRO/SEC/6/7/2/A/VOL.XI/208** dated 10th November, 2022 (*Annexure 6c*).
20. The Higher Education Loans Board (HELB) confirmed that the nominees had no outstanding loans with the Board *vide* a letter **Ref. No. HELB/RR/112009/190** dated 10th November, 2022 (*Annexure 6d*).
21. The Registrar of Political Parties confirmed that the nominees were not officials of any registered political party *vide* a letter **Ref. No. RPP/ORG/34 Vol. VI (41)** dated 10th November, 2022 (*Annexure 6e*).

2.1.6 Issues for consideration during the approval hearing

22. In determining the suitability of the nominees for appointment, the Committee was guided by Section 6(7) of the Act which provides that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.
23. The Committee took into consideration the following issues pursuant to Section 7 of the Act—
 - (a) the procedure used to arrive at the nominee;
 - (b) any constitutional or statutory requirements relating to the office in question; and
 - (c) the suitability of the nominees for the proposed appointments having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which nomination was being made.

2.1.7 Procedure used to arrive at the nominees

24. The Public Service Commission advertised for the position of Principal Secretaries on 7th September, 2022 in the print media, Kenya Gazette No. 10536 and on the Commission's website outlining the requirements for appointment to the position, core competencies and skills matching the position, and duties and responsibilities of the position. On 21st September, 2022 the Commission extended the advertisement period by seven (7) days.
25. A total of nine thousand, one hundred and fifty-four (9,154) applications were received as at the closure for receipt of applications on 27th September, 2022 thereby constituting a data-base of applicants for the position of Principal Secretary.
26. The Commission assessed the suitability of the potential candidates in its data-base who possessed relevant expertise and experience in education matters particularly Basic Education, Technical and Vocational Education and Training (TVET) and Higher Education and Research.
27. Consequently, the Commission submitted the names of two hundred and fifty-five (255) candidates with requisite expertise and experience together with their curriculum vitae taking into account the principle of inclusiveness in accordance with the relevant Constitutional and statutory requirements for consideration for nomination and appointment as Principal Secretary by His Excellency the President.
28. Subsequently, His Excellency the President nominated Dr. Richard Belio Kipsang for appointment to the position of Principal Secretary for the State Department for Basic Education, Dr. Esther Thaara Muoria for appointment to the position of Principal Secretary for the State Department for TVET and Dr. Beatrice Muganda Inyangala for appointment to the position of Principal Secretary for the State Department for Higher Education and Research.

2.1.8 Constitutional and statutory requirements in parliamentary approval of public appointments

29. The Constitution and various statutes provide clear framework on conduct of parliamentary approval of public appointments. They are listed below:
 - (a) The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
 - (b) Chapter 6 of the Constitution (leadership and integrity); Article 10 of the Constitution (national values and principles of governance); Article 124(4) of the Constitution (parliamentary approval of public appointments); Article 118 of the Constitution (public access and participation); Article 232 of the Constitution (values and principles of public service);
 - (c) The Leadership and Integrity Act (Cap. 182);
 - (d) The Public Service Commission Act (No. 10 of 2017);
 - (e) The Public Service (Values and Principles) Act (No. 1A of 2015)
 - (f) The Public Officer Ethics Act (Cap. 183)

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

30. Section 7 of the Public Appointments (Parliamentary Approval) Act provides for issues which the National Assembly is supposed to consider in relation to any nomination. These are:
- (a) the procedure used to arrive at the nominee;
 - (b) any constitutional or statutory requirements relating to the office in question; and
 - (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.
31. Section 6 of the Public Appointments (Parliamentary Approval) Act provides direction on the conduct of approval hearing. These are:
- (a) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7));
 - (b) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8));
 - (c) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9));
 - (d) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10)).
32. The period for consideration of nomination is spelt out in the Act. Section 8(1) of the Public Appointments (Parliamentary Approval) Act provides that the Committee shall consider the nomination and table its report to the House for debate and decision within twenty-eight (28) days from the date on which the notification of nomination was given. Section 9 of the Act stipulates that where the House does not meet the prescribed timelines, the nominee shall be deemed to have been approved.
33. Pursuant to section 6(8) of the Act, the criteria for vetting is comprehensively contained in the Questionnaire in the Schedule to the Act. The Questionnaire allows Committees to obtain information on, among other things—
- (a) Name of the nominee—to enable the Committee to ascertain the regional background and ethnicity of the nominee.
 - (b) Gender of the nominee —to enable the Committee to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) that requires the State to take measures to ensure that not more than two thirds of members of appointive bodies shall be of the same gender;
 - (c) Age of the nominee —to enable the Committee to ascertain compliance with the provisions of Article 55 of the Constitution on inclusion of the youth in public appointments;

- (d) Nationality of the nominee—to enable the Committee to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution which requires certain State officers to be Kenyan Citizens;
- (e) Educational background of the nominee;
- (f) Employment record of the nominee;
- (g) Honours or awards given to the nominees;
- (h) Membership of the nominee to professional bodies;
- (i) Public office and political affiliations held by the nominee —to enable the Committee to ascertain whether the nominee holds office in a political party. This is to ensure compliance with Article 77(2) of the Constitution which precludes appointed State officers from holding office in a political party;
- (j) Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State Officer who has been removed from office under Article 75 (3) of the Constitution from holding any other State Office;
- (k) Nominee's finances;
- (l) Outside commitments that the nominee intends to undertake while in office (if appointed). Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment;
- (m) Tax compliance status of the nominee;
- (n) Potential conflict of interest—Article 75(1) of the Constitution bars State officers from engagements or association that may give rise to conflict between official or public duties and personal interests;
- (o) Whether a nominee has been charged in a court of law in the past three years; and
- (p) Whether a nominee has been adversely mentioned in a report of Parliament or a Commission of inquiry in the past three years.

34. The Questionnaire is largely formulated based on Constitutional and statutory requirements for State Officers and other considerations that are of importance in order to make a determination on the suitability of a nominee.

Constitutional Provisions

35. The Constitution, in addition, sets out certain requirements regarding the appointment of persons to public office which include:

Chapter Six on Leadership and Integrity

36. The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-

- i. Article 73(2) of the Constitution that provides that the guiding principles of leadership and integrity include-
 - (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;

- (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
 - (c) selfless service based solely on the public interest, demonstrated by —
 - (i) honesty in the execution of public duties; and
 - (ii) the declaration of any personal interest that may conflict with public duties;
 - (d) accountability to the public for decisions and actions; and
 - (e) discipline and commitment in service to the people.
- ii. Article 75(1) of the Constitution that requires a State officer, whether in public or private life, to behave in a manner that avoids conflict between personal interest and public official duties and Article 75(3) of the Constitution that prohibits a State Officer who has been removed from office under that Article from holding any other State Office.
- iii. Article 77(1) of the Constitution that prohibits a full time State officer from participating in any other gainful employment.
- iv. Article 77(2) of the Constitution that prohibits an appointed State officer from holding office in a political party.
- v. Article 78 (1) of the Constitution that disqualifies persons who are not Kenyan citizens and persons holding dual citizenship from appointment as State Officers.

Article 10(2) of the Constitution on national values and principles of governance

37. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

Article 118 of the Constitution

38. Article 118 of the Constitution obligates Parliament to conduct its business in an open manner, and that its sittings and those of its committees shall be in public; and that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees. It also provides that Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

Article 124(4) of the Constitution on parliamentary approval of public appointments

39. Article 124(4) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a committee of the relevant House; the committee's recommendation shall be tabled in the House for approval; and the proceedings of the committee and the House shall be in public.

Article 232 of the Constitution on Values and Principles of Public Service

40. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

The Leadership and Integrity Act

41. The Leadership and Integrity Act provides a number of obligations to a State officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not to misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, and conflict of interest.

In addition, section 10 of the Leadership and Integrity Act, 2012 in particular provides that a State officer shall, to the best of their ability—

- (a) carry out the duties of the office efficiently and honestly;
- (b) carry out the duties in a transparent and accountable manner;
- (c) keep accurate records and documents relating to the functions of the office; and
- (d) report truthfully on all matters of the organization which they represent.

The Public Service Commission Act (No. 10 of 2017)

42. Section 46 and section 47 of the Public Service Commission Act, 2017 guide the Public Service Commission generally in nominating or recommending persons for appointment to public office; and specifically, with regard to recommending the appointment of Principal Secretaries, respectively. Section 46(1) requires the Public Service Commission, when nominating or recommending public appointments, to—

- (a) abide by the Constitutional requirement of fair competition and merit as a basis of appointment; and
- (b) ensure that the appointment facilitates achievement of a representative public service.

43. With regard to recommending the appointment of Principal Secretaries, Section 47(2), (3) and (4) of the Public Service Commission Act provide as follows—

- (2) *A person is eligible for appointment as a Principal Secretary if the person—*
 - (i) *is a citizen of Kenya;*
 - (ii) *holds a degree from a university recognized in Kenya;*

- (iii) has at least ten years relevant professional experience, five years of which should have been in a leadership position or at a top management level in the public service or private sector;*
 - (iv) possesses general knowledge of the organization and functions of Government;*
 - (v) demonstrates an understanding of the goals, policies and developmental objectives of the nation;*
 - (vi) has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and*
 - (vii) meets the requirements of Chapter Six of the Constitution.*
- (3) The Commission shall, in making the recommendations under this section, submit to the President a list of nominees for appointment, paying attention to inclusiveness in terms of gender, Kenya's diverse communities, persons with disabilities and the youth.*
- (4) In case of a rejection of a nominee or nominees by the President, the Commission shall recommend a fresh list of nominees from those interviewed by the Commission.*

The Public Service (Values and Principles) Act

44. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, and observance of rule of law.

The Public Officer Ethics Act

45. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favouritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, and submission of declaration of income, assets and liabilities once every two years.
46. The suitability of the nominees was gauged in a holistic manner which involved scrutiny of the nominees credentials, experience, background and qualities as well as the performance of the nominees during the approval hearing.

CHAPTER THREE

3.0 APPROVAL HEARING/VETTING OF THE NOMINEES

3.1.1 Dr. Richard Belio Kipsang – Nominee for the position of Principal Secretary for the State Department for Basic Education

47. The nominee appeared before the Committee on 30th November, 2022 at 8.30 am and was vetted under oath pursuant to the provisions of the Constitution, the Public Service Commission Act (*No. 10 of 2017*), the Public Appointments (Parliamentary Approval) Act (*No. 33 of 2011*) and the Standing Orders.
48. In conducting the approval hearing, the Committee examined the nominee against the following criteria as set out in Section 7 of the Act as follows:
 - (i) the procedure used to arrive at the nominee;
 - (ii) any constitutional or statutory requirements relating to the office in question; and,
 - (iii) the suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination was being made.

Date of Birth and Citizenship Status

49. Dr. Belio Kipsang was born on 1st January, 1967 in Nandi County. He is a Kenyan citizen with National Identity Card number 9101178. He does not hold dual citizenship. He is married

Educational background

50. Dr. Belio Kipsang holds a PhD in education (Educational Administration and Planning) from the Catholic University of Eastern Africa obtained in 2007, a Masters of Arts degree in Economics from the University of Nairobi obtained in 2002 and a Bachelors (Honors) degree in Education obtained from the University of Nairobi in 1992.
51. He has undergone several professional trainings and attended seminars, conferences and workshops locally and internationally in areas of leadership, education management, micro-enterprise development, corruption and combating economic crime, agriculture value chain financing and other areas of business and management among others.
52. He is a certified fraud examiner and a trained investigator and prosecutor from the Criminal Investigation Department (CID) Training School.
53. The nominee has undertaken short courses that include amongst others: -
 - (i) Training in Strategic Plan preparation and implementation seminar on 2-6 October, 2006 in Mombasa.
 - (ii) Trained on Budgeting and Cost Centre Accounting by Higher Educations Loans Board, on 22-23 September, 2005.

- (iii) Training on Strategic Decision Making for Management by LSE
- (iv) Training in Corporate Governance by the Centre for Corporate Governance on 1-3 May, 2015.

Employment History & Experience

- 54. Dr. Belio Kipsang has extensive work experience spanning over a period of 30 years in leadership, Education management, coffee value chain financing, combating economic crime and micro-enterprise development.
- 55. He served in the Higher Education Loans Board as a Senior Loans Disbursement and recovery officer from 1996 to 2003, Loans Disbursement and Recovery manager from 2003 to 2006, Lending Manager in 2006, loan recovery Manager from 2006 to 2007 and the Deputy CEO and Head of Operations from 2007 to 2011. He served as the Managing Trustee and CEO Coffee Development Fund from November, 2011 to June 2013.
- 56. He served as Principal Secretary in the Ministry of Education, State Department of Early Learning and Basic Education from June 2013 to February 2021.
- 57. He is currently the Principal Secretary in the Ministry of East African Community, State Department for regional and Northern Corridor Development.

Honors and Awards given to the nominee

- 58. The nominee was awarded the Chief in the First Class of the Order of the Burning Spear (CBS) on 12th December 2015.

Membership to professional organizations

- 59. The Nominee is a member of the Institute of Directors of Kenya and an associate member of Association of Certified Fraud Examiners.

Published Writings

- 60. The nominee has published the following: -
 - i. Doctoral Thesis: Assessment of Policy, practice and Implications of Financing Higher Education through Student Loans in Kenya.
 - ii. Master's Thesis: Financing Higher Education in Kenya: Case of Students Loans Programmed.
- 61. He has prepared and contributed to the following:
 - i. Sessional paper No.1 of 2019
 - ii. Regional Development Policy, 2022
 - iii. National Curriculum Policy, 2018
 - iv. National Pre-Primary Education Policy, 2017

Public Office, Political Activities and Affiliations

- 62. The nominee does not hold other positions in public offices apart from those highlighted under the section on work and professional experiences. He has no immediate associations that are likely to present potential conflict of interest when he assumes the position.

63. The nominee is not a member or official of any registered Political Party

Integrity and whether the nominee has ever been removed from office under Article 75 of the Constitution

64. The nominee has not been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He has also not been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.

65. The nominee has fully complied with the tax obligations to the State for the financial year immediately preceding his nomination for the appointment and has not been charged in a court of law in the past three years nor has he been adversely mentioned in an investigatory report of Parliament or any Commission of inquiry in the last three years.

Sources of Income and Net-worth

66. The nominee's sources of income during the calendar year preceding his nomination and the current calendar year comprises of salary income of Kshs. 18,365,512 from year 2021 and 2022, income from farm produce of Kshs. 7,200,000, Share Dividends of Kshs. 1,000,000 and Per diem (International) of Kshs. 1,400,000.

67. His estimated financial net worth is Kenya shillings Three Hundred and Eleven Million (Kshs. 311, 000,000). Other anticipated receipts from deferred income are Gratuity of Kshs. 8,537,400 in December, 2022.

Potential Conflict of Interest

68. The nominee has no immediate associations that are likely to present potential conflict of interest when he assumes the position.

RESPONSE TO QUESTIONS POSED BY THE COMMITTEE ON SPECIFIC TOPICS

The nominee also responded to several questions during the vetting as follows:

On the inclusion of teachers and students in County Education Boards

69. The nominee responded by acknowledging the Constitution of Kenya 2010 which changed the structure of the District Education Board into County Education Board. He noted that previously, the board was chaired by the District Commissioners. With the new constitution however, the structure of the leadership changed and the appointed chairs are not necessarily drawn from the government. Further students and parents were included in the boards. In his opinion, the inclusion of students was important because they are at the core of learning and their role needs to be appreciated and their views considered. However, the board should determine to what extent the students are engaged considering their capacity and age. He suggested that students could channel their issues to the boards by submitting memoranda through their teachers.

70. He also suggested there is need for the Basic Education Act to be amended so as to include Sub-County Education Boards in order to create more involvement at the Sub-County level.

On the nominee's key achievements as a Principal Secretary, State Department for Basic Education

71. The nominee acknowledged that there had been a huge challenge concerning the integrity of assessment and examinations in the country. He expressed satisfaction in having been part of the team that put in place systems that ensured that examinations and assessments meet the expectations of the country at the national and international levels.
72. **Other** achievements by the nominee include: curriculum and educational reforms, 100 percent transition of learners from primary to secondary school, provision of comprehensive health care to school children and the introduction of the National Education Management information system, among others.

On teacher disciplinary issues

73. The nominee expressed confidence that the Teachers Service Commission had in place, a detailed disciplinary process that gives adequate protection to teachers from harassment and intimidation by school administrators.

On the relationship between the Teachers Service Commission and the Ministry of Education,

74. The nominee acknowledged that there exists a challenge. He admitted that the role of the Ministry of Education is being custodians of learners; provision infrastructure and other learning resources while the TSC is provide and manage teachers. However, there was need for the two entities to work in harmony in order to achieve their objectives. He added that it was important to look into the aspects of the laws, policies and regulations that may be contradictory and harmonise them in order to address the conflicting roles of the two entities. Further, he encouraged the Presidential taskforce on Education to come up frameworks for the two entities to work together.
75. **On staffing**, the nominee acknowledged that there was 114,000 shortage of teachers in the country. However, TSC has continuously recruited teachers by recruiting 5,000 teachers yearly and is committed to recruit 10,000 teachers on permanent and pensionable terms and 20.000 on internship.

On orders to pay outstanding debts by court

76. The nominee responded that the government is **aware** and is obligated to ensure that the court orders are honored.

On the transition of students from Standard 8 to Form 1 and Grade 6 to Junior Secondary school

77. The nominee noted that this is one of the issues being addressed by the Presidential Taskforce on Education and not wish to pre-empt the committee's report. He however noted that it was important to separate physical places of learning from the learning content which should be the focus and not where to domicile the learning activities.

On increment of school fees in 2023

78. The nominee said that the ministry had not increased school fees but had only reverted to the normal academic calendar. He acknowledged the role of CDF in keeping learners in school and providing infrastructure and hoped that the matter will be resolved soon.

On congestion in schools

79. The nominee informed the committee that Kenya is one of the countries with the highest number of students in boarding schools. To address the issue, he said it is important to disengage from boarding schools and instead invest more in day schools.
80. **On the quality of projects in schools** the nominee stated that he is aware of the World Project being implemented in selected schools in selected Counties. He noted that there is a clear guidance on its implementation and encouraged leaders to get involved so as to ensure return on investment of the projects.

3.1.3 Dr. Esther Thaara Muoria – Nominee for the position of Principal Secretary for the State Department for TVET

81. The nominee appeared before the Committee on 30th November, 2022 at 9.40 am and was vetted under oath pursuant to the provisions of the Constitution, the Public Service Commission Act (*No. 10 of 2017*), the Public Appointments (Parliamentary Approval) Act (*No. 33 of 2011*) and the Standing Orders.
82. In conducting the approval hearing, the Committee examined the nominee against the following criteria as set out in Section 7 of the Act as follows:
- (iv) the procedure used to arrive at the nominee;
 - (v) any constitutional or statutory requirements relating to the office in question; and,
 - (vi) the suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination was being made.

Date of Birth and Citizenship Status

83. Dr. Esther Thaara was born on 4th March, 1965 in Embu County. She is a Kenyan citizen with Identity Number 4685847. She does not hold dual citizenship. She is married

Educational background

84. Dr. Esther Thaara holds a PhD in Human Resource from Jomo Kenyatta University of Agriculture and technology, a Master of Arts in Gender and Development from the University of Nairobi and a Bachelor of Arts in Sociology from the University of Nairobi.
85. She has undergone professional training and attended seminars and workshops in gender and disability mainstreaming, public health emergency preparedness and response, conflict management, paralegal studies, pedagogy training, public service integrity program, strategic management, oral presentation skills and population management.
86. The nominee has undertaken short courses that include amongst others: -

- i. Training in gender and disability mainstreaming on 4th February, 2011 at AICAD.
- ii. Training on Strategic Management and Planning by Kenya Institute of Administration, on 27th to 31st October, 2003.
- iii. Training on Performance Management on public sector reforms and performance contracting from 19th to 21st March, 2009
- iv. Training in leadership and management capacity development held at JKUAT from 23rd to 25th June, 2010.

Employment History & Experience

87. Dr. Esther Thaara Muoria is a seasoned manager with over 15 years' experience in management. Out of which she served as a Probation Officer in Kirinyaga and Thika districts from 1989 to 1991 and as a Senior Probation Officer in Thika and Kiambu Districts from 1991 to 2005. She served in Jomo Kenyatta University of Agriculture and Technology as an Assistant Registrar from 2005 to 2008, Senior Assistant Registrar from 2008 to 2010 and Deputy Registrar (Senate Secretariat and Outreach) from 2010 to 2015.
88. She currently serves as the Registrar Academics Affairs in Jomo Kenyatta University of Agriculture and Technology a position she has held from October, 2015.

Honors and Awards given to the nominee

89. Dr. Esther Thaara Muoria has received several awards and appreciation as follows:-
 - (i) Awarded certificate of appreciation by Association of Universities and Colleges of Canada (AUCC) for professionalism, selfless dedication and going above and beyond duty to achieve the goals during strategic planning workshop development held at KSMS on 29th-30th November, 2011
 - (ii) Awarded Certificate of recognition by JKUAT during Achievement Award Programme.

Membership to professional organizations

90. The Nominee is a member of the Institute of Human resource Management. She has been a member since 2017.

Published Writing

91. The nominee has published the following: -
 - (i) Doctorate Thesis; Strategies Adopted by Women to Accede to Leadership in the Public Sector in Kenya, August 2013
 - (ii) Education and Training as Successful Strategies Employed by Women to Accede to Leadership in the Public Sector in Kenya, International Journal of Business and Social Research Volume 2 No.4, August 2012
 - (iii) Linking Acceding of Women to Leadership with Conscientiousness and Neuroticism: Kenya Public Sector, International Journal of Business Management and Administration ISSN 2327-3100
 - (iv) Community Involvement in Public Security Improvement, Journal of Human Resource and Improvement Entrepreneurship Development ISSN 1819-4370

- (v) An analysis of the Effects of Corporate Governance International, Journal of Business on Performance of Commercial State Corporations Analysis of the Contribution of Communication and Information sharing to High Performance in the Kenya Banking Sector, the Management University of Africa: ISSN 2074-4740 Kabarak University 1st Annual International Research Conference

Public Office, Political Activities and Affiliations

92. The nominee does not hold other positions in public offices apart from those highlighted under the section on work and professional experiences. She has no immediate associations that are likely to present potential conflict of interest when she assumes the position.
93. The nominee is not a member or official of any registered Political Party

Integrity and whether the nominee has ever been removed from office under Article 75 of the Constitution

94. The nominee has not been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. She has also not been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
95. The nominee has fully complied with the tax obligations to the State for the financial year immediately preceding her nomination for the appointment and has not been charged in a court of law in the past three years nor has she been adversely mentioned in an investigatory report of Parliament or any Commission of inquiry in the last three years.

Sources of Income and Net-worth

96. The nominee's sources of income during the calendar year preceding her nomination and the current calendar year comprises of Salary and Rental Income amounting to Kshs. 4,892,400 in year 2021 and Kshs. 3,689,300 in year 2022.
97. Her estimated financial net worth is Kenya shillings Twenty-Five Million (Kshs. 25,000,000) comprising of land, company shares and a car.
98. She does not have other anticipated receipts from deferred income.

Potential Conflict of Interest

99. The nominee has no immediate associations that are likely to present potential conflict of interest when she assumes the position.

3.1.4 RESPONSE TO QUESTIONS POSED BY THE COMMITTEE ON SPECIFIC TOPICS

The nominee also responded to several questions during the vetting as follows:

On changing the perception of TVET institutions

100. The nominee stated that she would embark on an educational campaign on TVETS and engage staff on the ground to encourage the youth at the village level on the possibility of attaining higher levels of education. She further stated that she would

form a committee comprising national government and county government (vocational training centres)

On enrolment in TVET institutions

101. The Committee was informed that many young people have their KCSE certificate held at their schools due to non-payment of school fees and also were reluctant to collect their certificates after performing poorly in their national examinations.
102. The nominee requested the assistance of the Committee in reaching out to secondary schools that have held national examination certificates from students as this would in turn increase the enrolment to TVET institutions.

On the quality of training by TTIs

103. The nominee noted that there had been reports of poor-quality training by some TTIs and promised the Committee that she would ensure quality training is offered.

On Persons with Disabilities

104. The nominee informed the Committee that she would work with the Jomo Kenyatta University of Agriculture and Technology and other institutions from her background to provide assistive devices and personalized assistance to the students with disabilities.

On Budgeting

105. The Committee was informed that she will ensure that funds are spent according to the law, efficiently and effectively as per the budget allocations.

On staffing gaps in TVETS

106. The nominee accepted the reality on understaffing of TVETS and she noted that there had been a commitment to employ three thousand trainers but had not been followed through due to financial constraints. She committed to working with relevant organizations to bridge the staffing gap in TVET institutions.

On graduates of TVETS

107. The nominee stated that she will work with the diaspora to avail opportunities for the graduates to find employment abroad where their skills are needed. She also mentioned that she would approach Ministries to avail attachment opportunities for them to build on their skills.

3.1.5 Dr. Beatrice Muganda Inyangala – Nominee for the position of Principal Secretary for the State Department for Higher Education and Research

108. The nominee appeared before the Committee on 30th November, 2022 at 10.30 am and was vetted under oath pursuant to the provisions of the Constitution, the Public Service Commission Act (*No. 10 of 2017*), the Public Appointments (Parliamentary Approval) Act (*No. 33 of 2011*) and the Standing Orders.
109. In conducting the approval hearing, the Committee examined the nominee against the following criteria as set out in Section 7 of the Act as follows:
 - i. the procedure used to arrive at the nominee;
 - ii. any constitutional or statutory requirements relating to the office in question; and,
 - iii. the suitability of the nominee for the proposed appointment having regard to

whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination was being made.

Date of Birth and Citizenship Status

110. Dr. Beatrice Muganda Inyangala was born in 1969 in Kakamega County. She is a Kenyan citizen with National Identity Card number 10071879. She does not hold dual citizenship. She is married.

Educational background

111. Dr. Beatrice Inyangala holds a PhD in Early Childhood Education from the National Kapodistrian University of Athens, Greece obtained in 2004; Master of Philosophy in Planning and Economics from Moi University, Eldoret obtained in 1995 and a Bachelor of Arts Education from Moi University Eldoret obtained in 1991.
112. She has undergone professional training on Harnessing the use of Big data for socio-economic development in Africa, Education Management Information Systems, Projections and Simulation Models and Quantitative Methods for monitoring and evaluating the Quality of Education.
113. The nominee has undertaken short courses that include amongst others: -
- i. Training in evaluating learning design in blended online courses on 9th June, 2017 at The Open University.
 - ii. Training on Strategic Management and Planning by Kenya Institute of Administration, on 27th to 31st October, 2003.
 - iii. Training on projections and simulation models: methods and techniques at the International Institute for Educational Planning from 25th February to 8th March, 2013

Employment History & Experience

114. Dr. Beatrice Inyangala is an education expert with experience in designing and implementing multi-level, multi-stakeholder, cross-national innovative capacity building projects in higher education, multidisciplinary research and policy. She has more than 20 years' work experience in the Public Sector as well as Non-governmental Organizations. She developed a strategy on accelerated intake that was adapted by the Ministry of Education in Kenya to streamline the backlog in University admissions. She was also involved in developing the First Medium Term Plan for Vision 2030 – Education and Training.
115. Dr. Beatrice Inyangala served as an assistant lecturer at Mombasa Technical Training Institute from 1992 to 1993; Head, Small Business department in Eldoret Polytechnic from 1996 to 1999; Lecturer at Moi University Eldoret and Masinde Muliro University of Science and Technology Kakamega from 2005 to 2006. She served as an assistant Commission Secretary, planning and research in the Commission for Education from 2006 to 2011
116. She served at the Partnership for African Social and Governance Research in Nairobi as a programme Coordinator from 2011 to 2012, as a Director of Higher Education from 2013 to 2020, the Acting Executive Director from 2020 to 2021 and Deputy Executive Director and Director of Higher Education from 2021 to 2022.

117. Dr. Beatrice Inyangala was the Running Mate in the Gubernatorial Seat, Kaamega County during the 2022 General Elections and got the second position after garnering 159,275 votes.

Honors and Awards given to the nominee

118. Dr. Beatrice has received several awards and appreciation: -
- i. Education Management Society of Kenya Award for outstanding contribution towards capacity building of University Academics (2019);
 - ii. Research grant for gender issues from the organization of social science research in eastern and central Africa (OSSREA), Ethiopia - 2006
 - iii. Greek state scholarship foundation scholarship for doctoral studies at the University of Athens, Greek - 1993
 - iv. Government of Kenya Scholarship for Master of Philosophy Studies at Moi University, Eldoret – 1999

Membership to professional organizations

119. The Nominee is a member of Education Management Society of Kenya and the National Association for the Education of Young Children.

Published Writings

120. The nominee has published the following: -
- i. PhD Dissertation: Consequences to teaching and learning of differential perceptions of the quality of early childhood education in Kenya by key stakeholders: Teachers, Head Teachers and Parents
 - ii. Master's Thesis: Consequences of dropping out of Secondary School to the livelihoods of girls
 - iii. Aiyede, E.R and Muganda, B. (ed) (2022). Public Policy and Research in Africa: Palgrave Macmillan; ISBN 978-030-99723-6
 - iv. African Universities need bankable ideas by Scidev July 20, 2016
 - v. Gender Factor in Decision-Making: A case Study of Preschool Teachers in a Progressive Rural Society in Kenya. Gender Issues Research Report Series No. 26, OSSREA, Addis Ababa, 2012

Public Office, Political Activities and Affiliations

121. The nominee does not hold other positions in public offices apart from those highlighted under the section on work and professional experiences. She has no immediate associations that are likely to present potential conflict of interest when she assumes the position.
122. Further, the nominee is not a member or official of any registered Political Party

Integrity and whether the nominee has ever been removed from office under Article 75 of the Constitution

123. The nominee has not been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. She has also not been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.

124. The nominee has fully complied with the tax obligations to the State for the financial year immediately preceding her nomination for the appointment and has not been charged in a court of law in the past three years nor has she been adversely mentioned in an investigatory report of Parliament or any Commission of inquiry in the last three years.

Sources of Income and Net-worth

125. The nominee's sources of income during the calendar year preceding her nomination and the current calendar year comprises of a salary from the Partnership for African Social and Governance Research, Interest on Provident fund, Sacco and Shares, Rent, Farming and Donations amounting to Kshs. 30,000,000.
126. Her estimated financial net worth is Three Hundred and Sixty Three Million shillings (363,000,000) comprising of four houses in Kakamega ,3 Apartments in Nairobi, land in Ruiru and Kakamega, four Vehicles, provident funds and SACCO Shares.
127. The other anticipated receipts from deferred income are pension, interest on provident fund SACCO and shares, rent and farming. The Nominee expects 10 Million Shillings by December, 2023.

Potential Conflict of Interest

128. The nominee has no immediate associations that are likely to present potential conflict of interest when she assumes the position.

3.1.7 RESPONSE TO QUESTIONS POSED BY THE COMMITTEE ON SPECIFIC TOPICS

The nominee also responded to several questions during the vetting as follows:

On expansion of universities

129. The nominee noted that there was an adequate number of universities in the country and what needs to be done is to consolidate them and for the universities to specialize in order to attract students and funding.
130. On why she recommended the expansion of universities, the nominee informed the committee that previously, the country was losing students to other countries such as India due to limited opportunities in Kenya. Currently, she said, this is no longer a challenge and therefore the need to strengthen what is available.

On sponsoring students in private universities

131. The nominee acknowledged that private universities came to supplement public universities. However, priority should be given to public universities.

On the relevance of courses offered in universities

132. The nominee noted that it was important for the institutions to develop a human resource development strategy to identify the market demand and trends for courses. She emphasized on the need for stakeholder involvement in establishing the relevance of courses offered in universities to the market.

On addressing corruption in universities,

133. The nominee recommended a review of systems to seal loop holes that allow for nepotism, tribalism and misappropriation of funds. She also emphasized on the need

to ensure that management structures are in place. She added that universities should be funded on the basis of performance to as to stem misappropriation of funds. Further, she referred to an audit report by the National Cohesion and Integrity Commission on nepotism and tribalism in universities and expressed the need to work with the Ministry of Education and other stakeholders to address the issue.

On pending bills

134. The nominee noted that currently, universities have pending bills of approximately KShs. 54 billion and that there is need to find ways and mechanisms of financing universities. She noted that it is important for universities to ensure that good governance and management structures are established and implemented.

On scholarship opportunities

135. The nominee said that she will continue to build partnerships with donors for funding.

On alumni involvement in university management

136. The nominee said alumni were important especially in developing the universities as this may also encourage them to bring donors on board. She also informed the committee that alumni play an important role in doing oversight of their universities.

On making universities financially independent

137. The nominee noted that public universities have a lot of idle assets. In relation to this, she recommended leasing of assets by universities, commercialising research, partnerships with donors, public-private partnerships, initiating income generating activities as well as offering consultancy services to earn income. She added that she would encourage universities to make use of government procurement opportunities.

On universities lacking council members

138. The nominee informed the committee that if appointed, she will ensure that the positions are filled.

On self-sponsored programmes disenfranchising poor students

139. The nominee said there is need for consultation and development of a standard criteria for enrollment to avoid compromising the quality of education.
140. **On crises in universities**, the nominee stated that universities in Kenya are resilient and contribute about 14 percent to the GDP. She informed the committee that it is therefore important to fund universities adequately so as to address welfare issues of staff and students which often are the root cause of unrests. Additionally, she committed herself, if appointed, to go through the Presidential Taskforce on Education report, engage stakeholders and come up with strategies to implement its recommendations.

On her major achievements

141. The nominee mentioned obtaining her PhD at the age of 33 while **taking** care of four-year-old twins. She also galvanized academic staff from 91 universities to work online among other achievements.

On lessons learnt from politics

142. The nominee mentioned that politics are very expensive and **there** is need for civic education about change and building capacity for women.

CHAPTER FOUR

4.0 OBSERVATIONS AND FINDINGS

4.1.1 General Observations

143. The Committee observations were guided by Article 155 of the Constitution, section 47 of the Public Service Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
- i. the procedure used to arrive at the nominee;
 - ii. any constitutional or statutory requirements relating to the office in question; and
 - iii. suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.
144. The Committee made the following general observations on the nominees:
- i. All nominees are Kenyans and are not citizens of any other country. They therefore meet the requirements of Article 78 of the Constitution;
 - ii. The Public Service Commission submitted the report of the recruitment of principal secretaries to the National Assembly hence the Committee was able to ascertain that the interview process was competitive and that the nominees were in the shortlist as required by Article 155(3) of the Constitution;
 - iii. The nominees were cleared by KRA on tax compliance, HELB on the payment of their education loans, EACC on integrity, DCI on their criminal status and ORPP on membership to political parties; and
 - iv. The Clerk of the National Assembly invited members of the public to submit any information of interest on the nominees pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The Committee did not receive any memoranda contesting the suitability of any of the nominees.

4.1.2 Specific Observations

a) Dr. Richard Belio Kipsang

He Committee observed that: -

145. Dr. Belio Kipsang meets the minimum education qualification under the law for the appointment to the position to which he has been nominated to.
146. The nominee, during the approval hearing demonstrated that he had good understanding and knowledge of the challenges, plans and policies of the State Department for Basic Education and those of the Ministry of Education and how they fit into the government's plans as required by section 47(2) (v) of the Public Service Commission Act, 2017; He has previously worked in the State Department for Early Learning and Basic Education as Principal Secretary in the Ministry of Education.
147. According to the information and records presented to the Committee, Dr. Belio Kipsang has never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

b) Dr. Esther Thaara Muoria

The Committee observed that:

148. Dr. Esther Thaara Muoria meets the minimum education qualification under the law for the appointment to the position to which she has been nominated to.
149. She began her career as a Probation Officer in Kirinyaga and Thika districts from 1989 to 1991 and as a Senior Probation Officer in Thika and Kiambu Districts from 1991 to 2005. She also served in Jomo Kenyatta University of Agriculture and Technology as an assistant registrar from 2005 to 2008, Senior Assistant Registrar from 2008 to 2010 and Deputy Registrar (Senate Secretariat and Outreach) from 2010 to 2015.
150. The nominee, during the approval hearing demonstrated that she had a general understanding of the plans and policies of the State Department for TVET and those of the Ministry of Education and how they fit into the government's policies as required by section 47(2) (v) of the Public Service Act, 2017;
151. According to the information and records presented to the Committee, Dr. Esther Thaara Muoria had never been implicated in any issues that may lead to lack of integrity on her part and therefore meets the requirements of Chapter Six of the Constitution.
152. Dr. Esther Thaara Muoria demonstrated knowledge of policies, programmes and projects in the State Department for TVET.

c) Dr. Beatrice Muganda Inyangala

The Committee observed that: -

153. Dr. Beatrice Inyangala holds meet the minimum education qualification under the law for the appointment to the position to which she has been nominated to.
154. She has relevant work experience of over 20 years in the Public Sector as well as Non-governmental Organizations.

155. The nominee, during the approval hearing demonstrated that she had good understanding of the challenges, plans and policies of the State Department for Higher Education and Research and those of the Ministry of Education and how they fit into the government's policies as required by section 47(2) (v) of the Public Service Act, 2017;
156. According to the information and records presented to the Committee, Dr. Beatrice Inyangala had never been implicated in any issues that may lead to lack of integrity on her part and therefore meets the requirements of Chapter Six of the Constitution.
157. Dr. Beatrice Inyangala demonstrated knowledge of challenges, policies, programmes and projects in the State Department for Higher Education and Research having worked as a Deputy Executive Director and Director of Higher Education from 2021 to date.

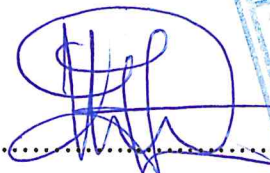
CHAPTER FIVE

5.0 RECOMMENDATION

158. Having considered the suitability, capacity and integrity of the nominees, and pursuant to Article 155(3), Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly: -

- (i) Approves the appointment of **Dr. Richard Belio Kipsang** to the position of Principal Secretary, State Department for Basic Education
- (ii) Approves the appointment of **Dr. Esther Thaara Muoria** to the position of Principal Secretary for TVET
- (iii) Approves the appointment of **Dr. Beatrice Muganda Inyangala** to the position of Principal Secretary for Higher Education and Research

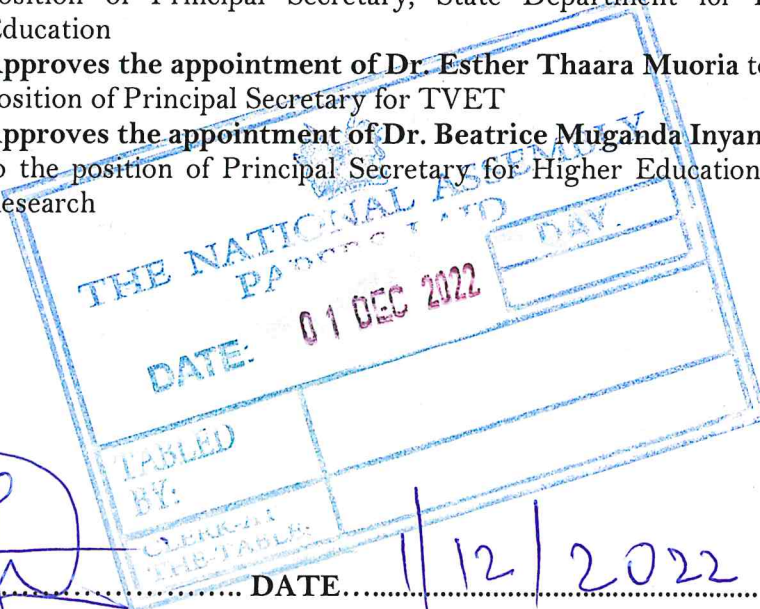
SIGNED.....



DATE.....

1/12/2022

HON. JULIUS KIBIWOTT MELLY, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON EDUCATION






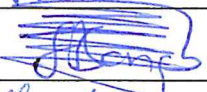




REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON EDUCATION

ADOPTION LIST

Adoption of the Committee on Education Report on Vetting of Nominees for Appointment to the Positions of Principal Secretaries for the State Department of Basic Education, State Department for Technical & Vocational Education and Training (TVET) and State Department for Higher Education and Research, Ministry of Education

	NAME	SIGNATURE
1.	Hon. Julius Kibiwott Melly, MP - Chairperson	
2.	Hon. Moses Malulu Injendi, MP - Vice-Chairperson	
3.	Hon. Dr. Christine Ombaka Oduor, MP	
4.	Hon. Eve Akinyi Obara, MBS, MP	VIRTUAL
5.	Hon. Jerusha Mongina Momanyi, MP	VIRTUAL
6.	Hon. Abdul Ebrahim Haro, MP	
7.	Hon. Anne Wanjiku Muratha, MP	
8.	Hon. Clive Ombane Gisairo, MP	VIRTUAL
9.	Hon. Dick Oyugi Maungu, MP	
10.	Hon. Julius Taitumu M'Anaiba, MP	
11.	Hon. Nabii Nabwera Daraja, MP	VIRTUAL
12.	Hon. Peter Ochieng Orero, MP	
13.	Hon. (Prof.) Phylis Jepkemoi Bartoo, MP	VIRTUAL
14.	Hon. Rebecca Noonaishi Tonkei, MP	VIRTUAL
15.	Hon. Timothy Kipchumba Toroitich, MP	

**MINUTES OF THE 6TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON WEDNESDAY, 30TH NOVEMBER 2022 AT 2.30 P.M. IN HILTON
GARDEN INN, 6TH FLOOR, MOMBASA ROAD**

PRESENT:

1. Hon. Julius Kibiwott Melly, MP	–	<i>Chairperson</i>
2. Hon. Moses Malulu Injendi, MP	–	<i>Vice Chairperson</i>
3. Hon. Eve Akinyi Obara, MP	–	Virtual
4. Hon. Jerusha Mongina Momanyi, MP	–	Virtual
5. Hon. Anne Wanjiku Muratha, MP		
6. Hon. Clive Ombane Gisairo, MP	–	Virtual
7. Hon. Dick Maungu Oyugi, MP		
8. Hon. Julius Taitumu M'Anaiba, MP		
9. Hon. Nabii Nabwera Daraja, MP	–	Virtual
10. Hon. (Prof.) Phylis Jepkemoi Bartoo, MP	–	Virtual
11. Hon. Rebecca Noonaishi Tonkei, MP	–	Virtual
12. Hon. Timothy Kipchumba Toroitich, MP		

ABSENT WITH APOLOGY:

1. Hon. Dr. Christine Ombaka Oduor, MP
2. Hon. Abdul Ebrahim Haro, MP
3. Hon. Peter Ochieng Orero, MP

IN ATTENDANCE:

NATIONAL ASSEMBLY

COMMITTEE SECRETARIAT

1. Ms. Grace Wahu	–	Clerk Assistant III
2. Ms. Cynthia Matara	–	Clerk Assistant III
3. Ms. Brigitta Mati	–	Legal Officer I
4. Mr. Gerald Kadede	–	Legal Officer II
5. Ms. Winnie Kulei	–	Research Officer II
6. Mr. Nimrod Ochieng	–	Audio Officer III
7. Mr. Daniel Psirmoi	–	Media Relation Officer II
8. Mr. Paul Kashana Shane	–	Serjeant-at-Arms III
9. Ms. Mary Kamande	–	Protocol Officer III

MIN No. NA/DC-EDUC/2022/28: PRELIMINARIES

The Chairperson called the meeting to order at 5:40 p.m. and a prayer was said. The meeting agenda was adopted having been proposed by Hon. Julius Taitumu, MP and seconded by Hon. Dick Maungu, MP.

MIN No. NA/DC-EDUC/2022/29: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Confirmation of minutes was deferred to the next meeting.

MIN No. NA/DC-EDUC/2022/30: ADOPTION OF THE REPORT ON THE APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE OFFICE OF PRINCIPAL SECRETARY IN THE STATE DEPARTMENT FOR BASIC EDUCATION, STATE DEPARTMENT FOR TVET AND STATE DEPARTMENT FOR HIGHER EDUCATION AND RESEARCH

The Committee made the following observations having considered the nominees' curriculum vitae, filled questionnaire as provided for in the Schedule of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and the oral submissions during the approval hearing: -

General Observations

1. The Committee observations were guided by Article 155 of the Constitution, section 47 of the Public Service Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
 - i. the procedure used to arrive at the nominee;
 - ii. any constitutional or statutory requirements relating to the office in question; and
 - iii. suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.
2. The Committee made the following general observations on the nominees:
 - i. All nominees are Kenyans and are not citizens of any other country. They therefore meet the requirements of Article 78 of the Constitution;
 - ii. The Public Service Commission submitted the report of the recruitment of principal secretaries to the National Assembly hence the Committee was able to ascertain that the interview process was competitive and that the nominees were in the shortlist as required by Article 155(3) of the Constitution;
 - iii. The nominees were cleared by KRA on tax compliance, HELB on the payment of their education loans, EACC on integrity, DCI on their criminal status and ORPP on membership to political parties; and
 - iv. The Clerk of the National Assembly invited members of the public to submit any information of interest on the nominees pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The Committee did not receive any memoranda contesting the suitability of any of the nominees.

Specific Observations

a) Dr. Richard Belio Kipsang

The Committee observed that: -

1. Dr. Belio Kipsang meets the minimum education qualification under the law for the appointment to the position to which he has been nominated to.
2. The nominee, during the approval hearing demonstrated that he had good understanding and knowledge of the challenges, plans and policies of the State Department for Basic Education and those of the Ministry of Education and how they fit into the government's plans as required by section 47(2) (v) of the Public Service Commission Act, 2017; He has previously worked in the State Department for Early Learning and Basic Education as Principal Secretary in the Ministry of Education.
3. According to the information and records presented to the Committee, Dr. Belio Kipsang has never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

b) Dr. Esther Thaara Muoria

The Committee observed that:

1. Dr. Esther Thaara Muoria meets the minimum education qualification under the law for the appointment to the position to which she has been nominated to.
2. She began her career as a Probation Officer in Kirinyaga and Thika districts from 1989 to 1991 and as a Senior Probation Officer in Thika and Kiambu Districts from 1991 to 2005. She also served in Jomo Kenyatta University of Agriculture and Technology as an assistant registrar from 2005 to 2008, Senior Assistant Registrar from 2008 to 2010 and Deputy Registrar (Senate Secretariat and Outreach) from 2010 to 2015.
3. The nominee, during the approval hearing demonstrated that she had a general understanding of the plans and policies of the State Department for TVET and those of the Ministry of Education and how they fit into the government's policies as required by section 47(2) (v) of the Public Service Act, 2017;
4. According to the information and records presented to the Committee, Dr. Esther Thaara Muoria had never been implicated in any issues that may lead to lack of integrity on her part and therefore meets the requirements of Chapter Six of the Constitution.
5. Dr. Esther Thaara Muoria demonstrated knowledge of policies, programmes and projects in the State Department for TVET.

c) Dr. Beatrice Muganda Inyangala

The Committee observed that: -

1. Dr. Beatrice Inyangala holds meet the minimum education qualification under the law for the appointment to the position to which she has been nominated to.
2. She has relevant work experience of over 20 years in the Public Sector as well as Non-governmental Organizations.
3. The nominee, during the approval hearing demonstrated that she had good understanding of the challenges, plans and policies of the State Department for Higher Education and Research

and those of the Ministry of Education and how they fit into the government's policies as required by section 47(2) (v) of the Public Service Act, 2017;

4. According to the information and records presented to the Committee, Dr. Beatrice Inyangala had never been implicated in any issues that may lead to lack of integrity on her part and therefore meets the requirements of Chapter Six of the Constitution.
5. Dr. Beatrice Inyangala demonstrated knowledge of challenges, policies, programmes and projects in the State Department for Higher Education and Research having worked as a Deputy Executive Director and Director of Higher Education from 2021 to date.

RECOMMENDATION

Having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly: -

- (i) **Approves the appointment of Dr. Richard Belio Kipsang** to the position of Principal Secretary, State Department for Basic Education
- (ii) **Approves the appointment of Dr. Esther Thaara Muoria** to the position of Principal Secretary for TVET
- (iii) **Approves the appointment of Dr. Beatrice Muganda Inyangala** to the position of Principal Secretary for Higher Education and Research

MIN No. NA/DC-EDUC/2022/31: ANY OTHER BUSINESS

The Committee was informed that the report writing session would be held in the afternoon

MIN No. NA/DC-EDUC/2022/32: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 8.45 p.m.

SIGNED:  DATE: 

HON. JULIUS MELLY, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION