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03/10/2024



REPUBLIC OF KENYA

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02/10/2024



THIRTEENTH PARLIAMENT (THIRD SESSION)



THE SENATE

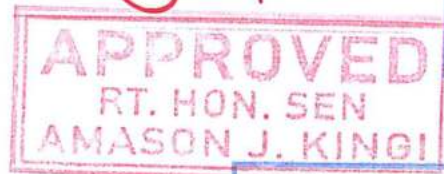
Rt. Hon. Speaker  
You may approve for tabling  
J. M. Nyegenye, C.B.S.,  
Clerk of the senate/secretary, PSC  
Date: 03/10/24

THE STANDING COMMITTEE ON EDUCATION

REPORT ON THE PETITION REGARDING THE DISCRIMINATION BY  
TEACHERS SERVICE COMMISSION ON PAYMENT OF HARDSHIP  
ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO SOME  
TEACHERS IN KILIFI COUNTY

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

03/10/24



October, 2024

1

PAPERS LAID	
DATE	08/10/2024
TABLED BY	Chair
COMMITTEE	—
CLERK AT THE TABLE	Angela





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## **ABBREVIATIONS AND ACRONYMS**

ASALs	Arid and Semi- Arid Lands
CBA	Collective Bargaining Agreement
KNUT	Kenya National Union of Teachers
KUPPET	Kenya Union of Post Primary Education Teachers
KUSNET	Kenya Union of Special Needs Education Teachers
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission

## PRELIMINARIES

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

### Membership of the Committee

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

### Mandate of the Committee

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

The Committee is specifically mandated to-

1. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of assigned Ministries and departments;
2. study and review all legislation referred to it;
3. study, assess and analyze the relative success of the Ministries and departments based on their results compared to their stated objectives;
4. consider the Budget Policy Statement in line with Committee's mandate;
5. report on all appointments where the Constitution or any law requires the Senate to approve;
6. consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
7. examine any statements raised by Senators on a matter within its mandate; and
8. follow-up and report on the status of implementation of resolutions within their mandate.





## **CHAIRPERSON'S FOREWORD**

The Petition concerning the discrimination by Teachers Service Commission on payment of hardship allowances and enhanced house allowance to some teachers in Kilifi County was reported to the Senate on Thursday, 27<sup>th</sup> July, 2023 by the Speaker of the Senate. The Petition thereafter stood committed to the Standing Committee on Education pursuant to Standing Orders 238 (1), which was required to investigate the prayers raised by the petitioners, and respond to the petitioners by way of a report.

During the consideration of the Petition, the Committee held eight (8) meetings and sought information and reports on the issues raised from the Cabinet Secretary, Ministry of Public Service and Human Capital Development and thereafter held two meetings with the Chief Executive Officer of the Teachers Service Commission (TSC) to deliberate on the issues raised in the Petition. The Committee further sought information about Kilifi County from various documents and published information in order to augment the information received from the petitioners and the two stakeholders.

The Committee observed that Kilifi County is characterized by shortage of health personnel, inadequate critical working health equipment, infrastructure, health products and technologies. It was also observed that there have been frequent disputes arising from human-wildlife conflicts and land disputes. In Magarini and Ganze sub counties, which border the Tsavo East National Park, elephants have been reported to invade crop farms causing significant damage to crops and leading to food insecurity in these areas. Additionally, the elephants camp near water sources hindering access.

Sessional Paper No. 8 of 2012 on the National Policy for the Sustainable Development of Northern Kenya and other Arid Lands designates Kilifi as an Arid and Semi-Arid Land (ASAL). The County is characterized by rainfall levels between 550-850 mm. Kilifi County faces significant challenges including a poverty rate of 71.7%. The County also faces significant droughts and floods and approximately 67% of households within the County struggle with food insecurity.

The Committee further observed that hardship allowance was introduced after independence to partially compensate public servants working in hardship designated areas and also to compensate public servants due to isolation and separation from their families. This allowance was further provided to compensate for lack of amenities, infrastructure and a challenging environment.

The mandate of classifying and gazetting hardship areas rests with the Ministry of Public Service and Human Capital Development following a weighted criterion. This criterion is based on the parameters such as availability and accessibility of food, portable water, social services and amenities; adequacy of transport and communication services and social economic indicators.



During the analysis of stakeholder submissions, the Committee observed that there exist discrepancies in the designation of hardship areas within various sectors of the public service. This poses challenges regarding categorization and payment of the hardship allowances. Additionally, there exists diverse and varied policies, circulars, and guidelines concerning the designation of hardship areas and the payment of hardship allowance. The criterion for designation of hardship areas in the country has not been standardized across the entirety of the public service and is characterized by multiple sector players.

However, there has been an attempt to address challenges regarding the categorization and payment of hardship allowances and to rectify existing disparities. In 2019, the Ministry of Public Service and Gender established an Inter-Agency Technical Committee which was tasked with examining policies on hardship allowances and streamline payment.

The Committee was further informed that the Salaries and Remuneration Commission (SRC) issued an advisory in 2015 on the payment of house allowance for public officers that categorized the Country into four (4) clusters namely; Nairobi, former major municipalities, other former municipalities and other areas.

With the foregoing, the Committee recommends that-

- 1) The Ministry of Public Service and Human Capital Development should within sixty (60) days of tabling and adoption of this report, and in consultations with all relevant stakeholders, prepare and present to the Senate for consideration, an appropriate policy and/or statutory instrument on identification and designation of hardship areas;
- 2) The criteria for identification and designating hardship areas should be standardized across the entirety of the public service. The weighted criterion for designating these areas should be based on the smallest administrative units used in identification of marginalized areas;
- 3) The Salaries and Remuneration Commission (SRC) should be constantly and continuously reviewing and issuing advisory on payments of house allowances payable to public servants following the change in status of towns and municipalities;
- 4) Areas of Chonyi, Rabai, Kilifi sub counties and Uvumbuni area, Malindi Island meet the criteria for designation of an area as a hardship area by the Ministry of Public Service and Human Capital Development and consequent payment of hardship allowances to teachers working in those areas; and
- 5) Teachers in Sabaki Primary and Secondary Schools, Majivuni Primary School and Kibokoni Secondary School, all located in Malindi qualify for an enhanced housing allowance, since they are located in Kilifi and Malindi which are recognized as municipalities.

On behalf of the Committee, I wish to sincerely thank the Kenya National Union of Teachers (KNUT) Kilifi Branch and the Kenya Union of Post Primary Education Teachers (KUPPET) Kilifi Branch for reporting this Petition to the Senate and for their well-researched and articulate submissions.

I also want to thank the Cabinet Secretary, Ministry of Public Service and Human Capital Development and the Chief Executive Officer of the Teachers Service Commission (TSC) for their submissions during the consideration of the Petition.

As I conclude, I wish to sincerely thank the Members of the Committee for their insightful contributions during the consideration of this Petition and development of the report. The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

It is now my pleasant duty, pursuant to standing order 238 (2) of the Senate Standing Orders, to present the Report of the Standing Committee on Education on Petition concerning the discrimination by Teachers Service Commission on payment of hardship allowances and enhanced house allowance to some teachers in Kilifi County.

I thank you

Signed..........Date.....07/10/2024.....

**SEN. JOE NYUTU, MP**

**CHAIRPERSON, STANDING COMMITTEE ON EDUCATION**





## CHAPTER ONE

### 1. INTRODUCTION

1. Article 119 of the Constitution provides every person has a right to petition Parliament on any matter within its authority including seeking enacting, amending or even repealing of legislation. Petition to Parliament (Procedure) Act, 2012 provides for the right to petition Parliament, the procedure to exercise that right and the enhancement of public participation in the parliamentary and legislative processes.
2. Every petition presented to the Senate stands committed to the relevant standing committee for consideration. Standing Order 238(2) of the Senate Standing Orders requires a committee to which a petition is committed, to respond to the petitioner by way of a report addressed to the petitioner and laid on the table of the Senate.
3. The petition concerning the concerning the discrimination by Teachers' Service Commission on payment of Hardship Allowances and enhanced House Allowance to some teachers in Kilifi County (*Annex 2*) was presented to the Senate pursuant to the provisions of Standing Order 238(1) of the Senate Standing Orders on Thursday, 27<sup>th</sup> July, 2023 by the Speaker of the Senate.
4. The salient issues raised in the Petition are **that-**
  - 1) on 13<sup>th</sup> July, 2021, the Teachers' Service Commission (TSC) signed a Collective Bargaining Agreement (CBA) with the Kenya National Union of Teachers (KNUT), the Kenya Union of Post Primary Education Teachers (KUPPET) and Kenya Union of Special Needs Education Teachers (KUSNET) where the Commission promised to promote teachers serving in Arid and Semi-Arid Lands (ASALs) and hard to staff areas by issuing hardship allowances until they reach grades that are commensurate to their respective positions;
  - 2) in Kilifi County, the TSC listed only Magarini and Ganze sub-counties in Kilifi County as hardship areas allowing teachers to benefit from the hardship allowance, leaving out Chonyi, Rabai Kaloleni sub-counties, Uyombo area and Marafiki Island; and
  - 3) Mtwapa and Mariakani towns are categorized under reserve areas for teachers to draw enhanced house allowance under category 4, under other areas, as per the Salaries and Remuneration Commission (SRC) clusters of teachers' work stations while the teachers' pay high rates of rent occasioned by the towns being major touristic sites.

5. The petitioners prayed that the Senate investigates the matter with a view to-
- 1) effect inclusion of Chonyi, Rabai and Kaloleni sub counties, Uyombo area and Marafiki island in Kilifi County as hardship areas to enable teachers working in these areas to benefit from hardship allowance;
  - 2) initiate inclusion of all schools in Malindi Municipality including Sabaki Primary School, Sabaki Secondary School, Majivuni Primary School and Kibokoni Primary School for teachers to receive enhanced house allowance under category 2, former major municipalities, as per the Salaries and Remuneration Commission (SRC) clusters of teachers' work stations; and
  - 3) initiate inclusion of Mtwapa and Mariakani towns as major municipalities to allow teachers working there to draw an enhanced house allowance of category 2 under major municipalities.



## CHAPTER TWO

### 2. COMMITTEE INQUIRY INTO THE PETITION

6. During the consideration of the Petition, the Committee resolved to seek information and comprehensive reports on the issues raised from the Cabinet Secretary, Ministry of Public Service and Human Capital Development (*Annex 3*) (*Report from the Cabinet Secretary, Ministry of Public Service and Human Capital Development*) and the Chief Executive Officer of the Teachers Service Commission (TSC) (*Annex 4*) (*Report from the Teachers Service Commission*).
7. The Committee held two meetings with the TSC and was informed that the TSC has no legal mandate to gazette any area as a hardship area. However, under Regulation 91 of the Code of Regulations for Teachers, the TSC is mandated to pay hardship allowance to teachers who qualify or in designated areas. The Committee further considered written submissions from the Ministry of Public Service and Human Capital Development and observed that the Ministry has a weighted criterion for designating hardship areas.
8. The Committee was further informed that the Salaries and Remuneration Commission (SRC) is the legally mandated institution to advise on remuneration and benefits of public officers including the teaching service. In exercise of this mandate SRC issued an advisory in 2015 on payment of House Allowance and categorized the Country into four (4) clusters namely, Nairobi, former Major Municipalities, other former municipalities and other areas. Accordingly, teachers receive house allowance under their respective cluster.
9. The Committee was further informed that whereas, Kilifi Township was gazetted as a municipality in March 2019, the SRC did not review or render an advisory on the review of house allowance payable until 31<sup>st</sup> July, 2023.
10. Following consideration of the written submissions from the Cabinet Secretary, Ministry of Public Service and Human Capital Development, the Committee resolved to invite the Cabinet Secretary to a meeting of the Committee to provide clarification and respond to supplementary issues on the matter raised in the Petition. However, the Cabinet Secretary vide letters dated 6<sup>th</sup> May, 10<sup>th</sup> June, and 17<sup>th</sup> September, 2024 informed the Committee that consideration of the report on the review of all hardship areas and attendant harmonization of the hardship allowances across the public service was still pending and that it would be availed upon gazettelement.

## CHAPTER THREE

### 3. ANALYSIS OF SUBMISSIONS

#### 3.1. Kilifi County

11. Kilifi County, covers a total area of 12,609.7km<sup>2</sup> and borders Kwale County to the South West, Taita Taveta County to the West, Tana River County to the North, Mombasa County to the South and Indian Ocean to the East<sup>1</sup>. The population of Kilifi County is 1,453,787 people, with a Poverty Headcount Rate of 45.2% against a national average of 34.4%<sup>2</sup>.
12. The County is characterised by shortage of health personnel with a doctor: population ratio standing at 1:10,000 and the nurse: population ratio standing at 1:2,500. There is inadequate critical working health equipment, infrastructure and insufficient health products and technologies (HPTs) limiting specialized service provision. There has also been disputes arising from human-wildlife conflicts, land disputes, human encroachment in riparian areas and inadequate water.
13. In Magarini and Ganze sub counties which border the Tsavo East National Park, elephants have been reported to invade crop farms causing significant damage to crops<sup>3</sup> and leading to food insecurity in these areas. Additionally, the elephants camp near water sources hindering access.
14. Sessional Paper No. 8 of 2012 on the National Policy for the Sustainable Development of Northern Kenya and other Arid Lands designates Kilifi is as an Arid and Semi-Arid Land (ASAL) (*Annex 5*) (*Sessional Paper No. 8 of 2012 on the National Policy for the Sustainable Development of Northern Kenya*). The County is characterized by rainfall levels between 550-850 mm. Kilifi County faces significant challenges including a poverty rate of 71.7%. The County also faces significant droughts and floods and approximately 67% of households within the county struggle with food insecurity.
15. Currently, the State Department for the ASALS and Regional Development that was established through Executive Order No. 1 of October, 2022, is responsible for gazetting areas as Arid or Semi-Arid Lands (ASALs). The Department also mainstreams development issues of Arid and Semi-Arid Lands (ASALS) and coordinates and implements investment for long term sustainable development.

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<sup>1</sup> Kilifi County Government County Integrated Development Plan III, 2023 - 2027

<sup>2</sup> Kenya Poverty Report. 2023. Kenya National Bureau of Statistics

<sup>3</sup> Kilifi County - 2023 Long Rains Food and Nutrition Security Assessment Report. [http://knowledgeweb.ndma.go.ke/Content/LibraryDocuments/Kilifi\\_long\\_Rain\\_Assessment\\_202320230921162547.pdf](http://knowledgeweb.ndma.go.ke/Content/LibraryDocuments/Kilifi_long_Rain_Assessment_202320230921162547.pdf)



16. However, the gazettement of an area or county as ASAL does not automatically qualify it for receiving hardship allowance by public servants. The criteria for designating an area as ASAL and a hardship area may not align as, while the criteria for designating an area as a hardship area for the purpose of receiving hardship allowance are defined, the criteria for designating an area as ASAL remain unclear.
17. On 13<sup>th</sup> July, 2021, the Teachers Service Commission (TSC) signed a Collective Bargaining Agreement (CBA) with the KNUT on regulating the terms and conditions of employment of teachers in the public service (*Annex 6) (The Collective Bargaining Agreement between the KNUT, KUPPET, KUSNET and the TSC)*. The agreement was established to foster quality advanced teaching standards, harmonious industrial relationship between parties and protection of the learners' interests and highlighted issues among them promotion and payment of hardship allowance. The agreement was to commence on 1<sup>st</sup> July, 2021 and be in place for four years, up to 30<sup>th</sup> July, 2025.
18. Petitioners averred that, in Kilifi County, the TSC listed only Magarini and Ganze sub-counties in Kilifi County as hardship areas allowing teachers to benefit from the hardship allowance, leaving out Chonyi, Rabai Kaloleni sub-counties, Uyombo area and Marafiki Island all of whom qualified to be paid hardship allowances as per legal Notice No. 534 of 1997, and the CBA.

### **3.2. Classification of Hardship Areas and Payment of Hardship Allowance**

19. Hardship allowance was introduced after independence to partially compensate public servants working in hardship designated areas. This allowance was granted as an inducement to work in zones which were particularly seen as difficult and also to compensate public servants due to resultant isolation and separation from their families. This allowance was further provided to compensate for lack of amenities, infrastructure and a challenging environment.
20. The mandate of classifying and gazetting hardship areas rests with the Ministry of Public Service and Human Capital Development. As outlined by the Ministry, the weighted criterion for designating hardship areas is based on the following parameters:
  - a) limited availability and accessibility of food;
  - b) limited access to potable water;
  - c) inadequate transport and communication services;
  - d) limited availability of social services and amenities;
  - e) harsh climatic conditions;
  - f) insecurity and high possibility of security threats; and
  - g) social economic indicators such as poverty index from Kenya National Bureau of Statistics (KNBS).



21. In its response to the Petition, the TSC indicated that there are thirty-four (34) areas designated as hardship areas for teaching service. However, the legal notice No 534 which was attached in these submissions, annexed to this report, listed only twenty-five (25) areas. This lack of coherence and consistency in identifying and defining hardship areas across the teaching service poses challenges regarding the categorization and payment of hardship allowances. However, the TSC informed the Committee that it has no legal mandate to gazette any area as a hardship area, but, under Regulation 91 of the Code of Regulations for Teachers, the TSC is mandated to pay hardship allowance to teachers who qualify in the designated areas.

### 3.3. Payment of Hardship Allowance

22. The Committee observes that there exist **discrepancies in the designation of hardship areas** within various sectors of the public service. The mismatch in payment of hardship allowance has the effect of frequent calls for industrial action by unions, citizen petitions to parliament, reduced employee morale, staff shortage and high turnover due to transfers, resignation, desertion and inability to attract qualified personnel in identified hard-to-staff areas. This will in the long run increase the disadvantage of hardship areas, otherwise known as hard-to-staff areas in terms of access to government services, manpower and socio-economic development, which leads to further marginalisation, poverty and inequalities.
23. **There exists diverse and varied policies, circulars, and guidelines** concerning the designation of hardship areas and the payment of hardship allowance. For instance, the Ministry of Public Service and Human Capital Development informed the Committee that hardship areas were increased from thirty-six (36) to forty-four (44) designated hardship areas for teaching service in 2005. However, there was no evidence in form of a policy document or circular provided to confirm how the revision was realised. Indeed, the Ministry attached a document written *Appendix I* which appeared to be extracted from *page 9* of another document that was not availed to the Committee.
24. **The criterion for designation of hardship areas in the country has not been standardised** across the entirety of the public service and is characterised by multiple sector players. However, the designated hardship areas do not reflect the extensive presence in remote areas and rural locations which surpass the number of other cadres in public service.
25. There has been an attempt to address challenges regarding the categorisation and payment of hardship allowances and to rectify existing disparities. The Ministry of Public Service and Gender established an **Inter-Agency Technical Committee** in 2019 which was tasked with examining policies on hardship allowances and streamline payment.



26. This Inter-Agency Technical Committee comprised of representatives from the Ministry of Public Service and Human Capital Development, Ministry of Interior and Coordination of National Government, Ministry of Education, the National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remunerations Commission, Commission on Revenue Allocation, the Kenya Bureau of Statistics (KNBS) and the Council of Governors.

### **3.4. Payment of House Allowance**

27. According to Article 230 of the Constitution, the Salaries and Remuneration Commission (SRC) is mandated to advice on remuneration and benefits of Public Officers, including teachers. One such benefit is house allowance that is provided to public officers to cater for accommodation or rent in addition to the wages or salary of the employee pursuant to the Employment Act 2007 Section 31(1). Teachers under permanent and pensionable terms are paid house allowance based on the job group, working conditions and status of town and geographical area.
28. The Urban Areas and Cities Act of 2011 provides a framework for classifying areas as urban areas, towns, cities, or municipalities. To elevate a municipality to city status, the President can grant this through a charter, following a resolution from the Senate, provided the municipality meets specific criteria.
29. An area may also be designated as a special purpose city under the Act if it holds significant cultural, economic, or political importance. For a town to be conferred with municipal status, the county assembly must pass a resolution and the County Governor can then grant this status through a charter, provided the town meets established criteria.
30. The set-out criteria and obligations include meeting the population quota, produce an integrated development plan, have demonstrable revenue generation and collection potential, have capacity to effectively and efficiently deliver essential services to residents and have requisite infrastructure.
31. Despite the clear framework for classifying and upgrading urban areas outlined in the Act, there was a delay in implementing related administrative actions. For instance, while Kilifi Township was officially gazetted as a municipality in March 2019, the SRC did not provide advisory on the house allowance payable until July 31, 2023. This gap highlights a lag between the enactment of legislative framework for classification as a municipality and the timely administrative follow-up necessary for the effective implementation of benefits and adjustments.

32. In 2019, Kilifi Township was upgraded to the status of municipality suggesting that house allowance should be based on the provisions outlines in the circular issued by the SRC in 2015 detailing guidelines on rates of payment of house allowance. However, the TSC neglected payment of requisite house allowance to the teachers in Kilifi Township until 31<sup>st</sup> July, 2023 when SRC rendered an advisory on the review of house allowance. Nonetheless, the TSC commenced harmonisation of the house allowance payable in two phases with full harmonisation expected to be realised on 1<sup>st</sup> July, 2024.



## **CHAPTER FOUR**

### **4. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

#### **4.1 Committee Observations**

33. Following extensive deliberations and analysis of the submissions on the issues raised in the Petition, the Committee observes that-

- a. There exist diverse and varied policies, circulars, guidelines and inconsistent criterion in the designation of hardship areas which have led to discrepancies and mismatch in payment of hardship allowances;
- b. Payment of hardship allowances is not standard across the entirety of the public service and is characterized by separate categories of designated hardship areas covering the public service. This has consequently resulted in reduced employee morale, staff shortage, resignation, desertion and inability to attract teachers in hardship areas, otherwise known as hard-to-staff areas;
- c. Whereas, the Ministry of Public Service established an Inter-Agency Technical Committee to examine policies on hardship allowances and streamline payment of hardship allowance, the report of the said Committee has not been availed for implementation; and
- d. Whereas, in 2019, Kilifi Township was upgraded to the status of municipality in 2019, the TSC neglected payment of requisite house allowance to the teachers in the Township until 31<sup>st</sup> July, 2023 when SRC rendered an advisory on the review of house allowance. Nonetheless, the TSC commenced harmonisation of the house allowance payable in two phases with full harmonisation expected to be realised on 1<sup>st</sup> July, 2024.

#### **4.2 Committee Recommendations**

34. With the foregoing, the Committee therefore recommends the following-

- 1) The Ministry of Public Service and Human Capital Development should, within sixty (60) days of tabling and adoption this report, and in consultations with all relevant stakeholders, prepare and present to the Senate for consideration, an appropriate policy and/or statutory instrument on identification and designation of hardship areas;
- 2) The criteria for identification and designating hardship areas should be standardized across the entirety of the public service. The weighted criterion for designating these areas should be based on the smallest administrative units used in identification of marginalized areas;
- 3) Areas of Chonyi, Rabai, Kaloleni sub counties and Uyombo area, Marafiki Island meet the criteria for designation of an area as a hardship area by the Ministry of Public Service and Human Capital Development and consequent payment of hardship allowances to teachers working in those areas;

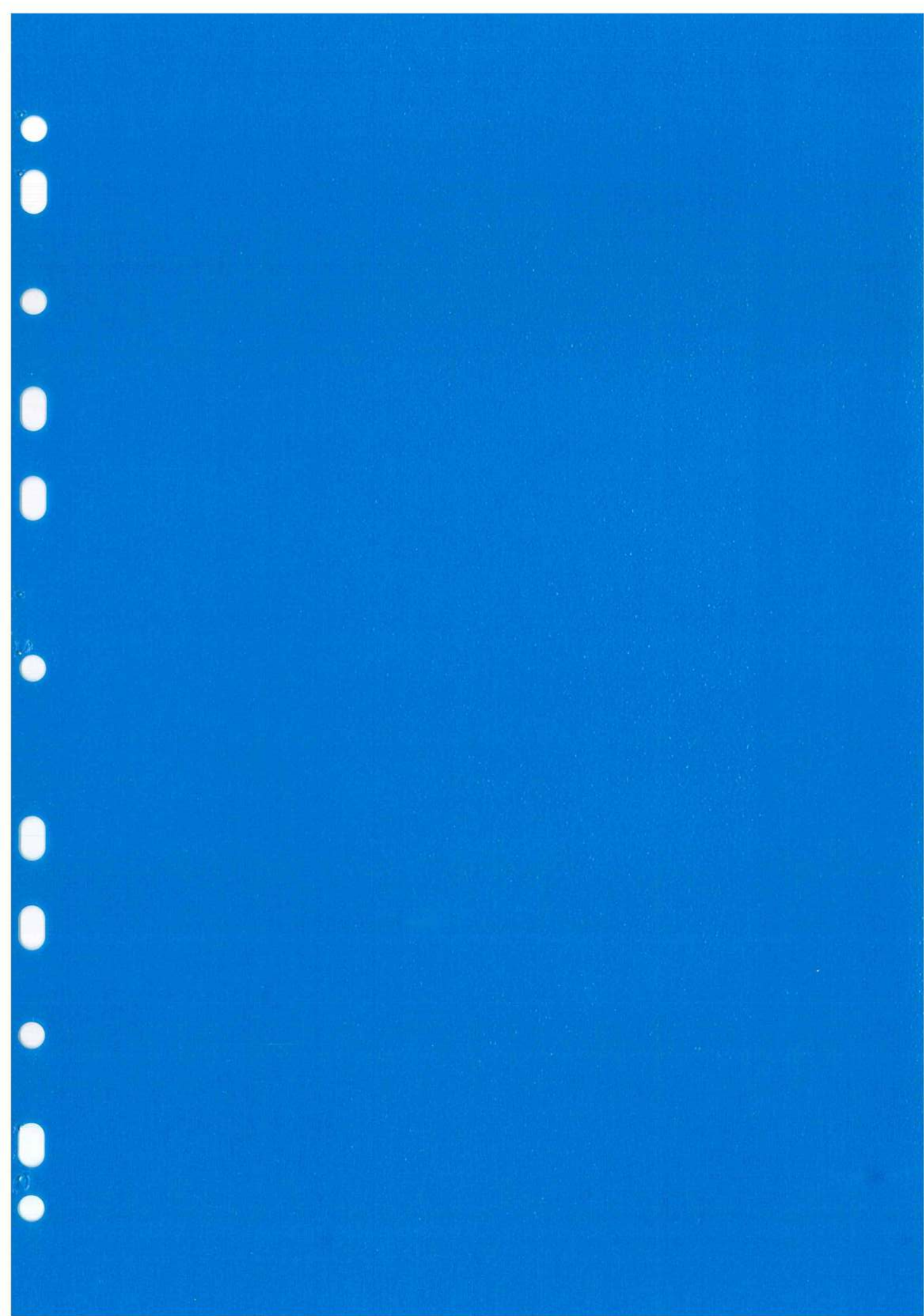
- 4) The Salaries and Remuneration Commission (SRC) should be constantly and continuously reviewing and issuing advisory on payments of house allowances payable to public servants following the change in status of towns and municipalities; and
- 5) Teachers in Sabaki Primary and Secondary Schools, Majivuni Primary School and Kibokoni Secondary School, all located in Malindi qualify for an enhanced housing allowance, since they are located in Kilifi and Malindi which are recognized as municipalities.

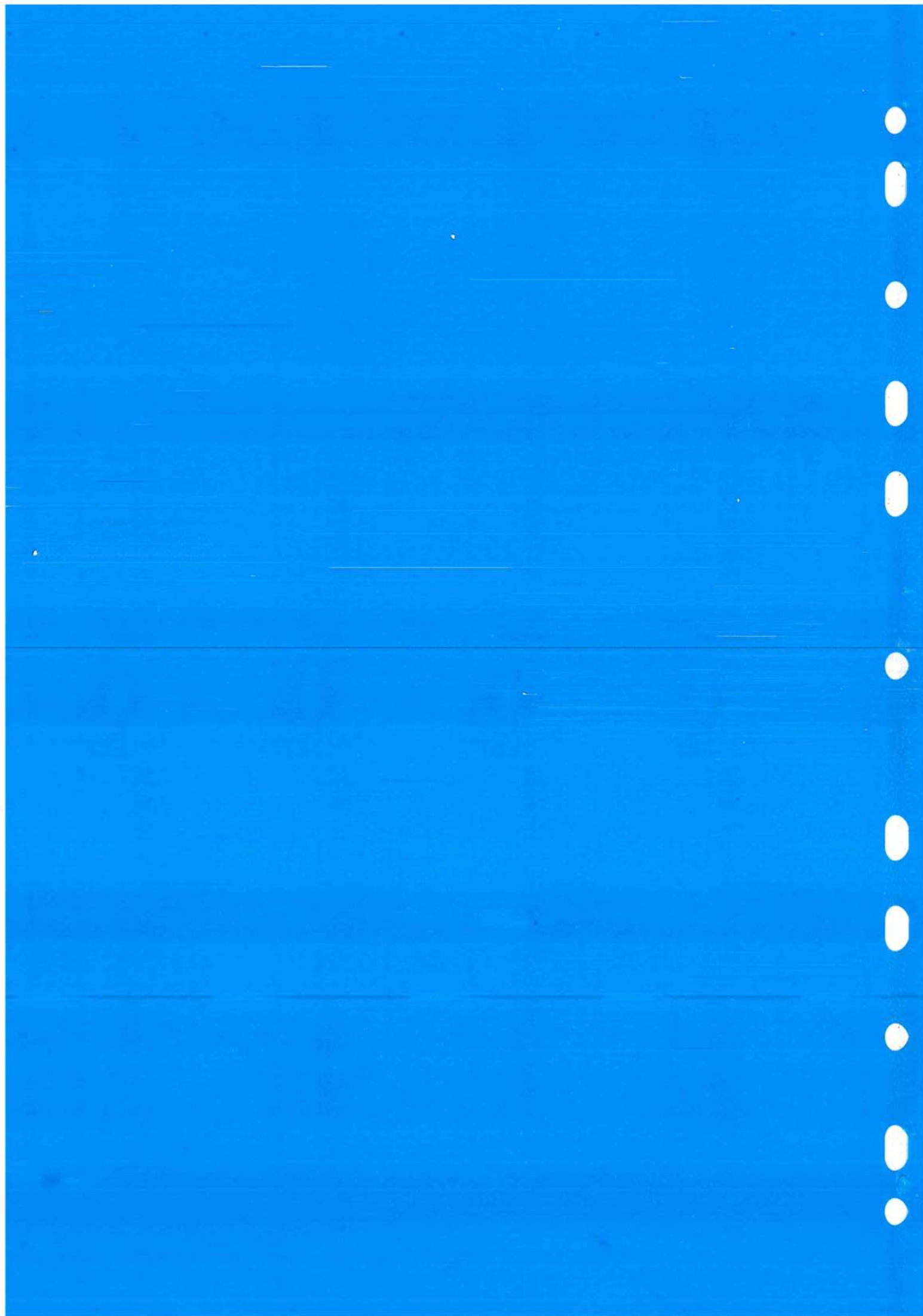
## **Annexures**

- Annex 1: Minutes of the Committee Sittings
- Annex 2: Copy of the Petition
- Annex 3: Reports from the Cabinet Secretary, Ministry of Public Service and Human Capital Development
- Annex 4: Report from the Chief Executive Officer of the Teachers Service Commission
- Annex 5: Sessional Paper No. 8 of 2012
- Annex 6: The Collective Bargaining Agreement between the Teachers Service Commission, the KNUT, KUPPET and KUSNET











## **ANNEX 1**

### **Minutes of the Committee Sittings**





**MINUTES OF THE THIRTY-SEVENTH (37<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 26<sup>TH</sup> SEPTEMBER, 2024 IN COMMITTEE ROOM 8, FIRST FLOOR, BUNGE TOWER AT 12:00 NOON.**

**PRESENT**

- |                                   |               |
|-----------------------------------|---------------|
| 1. Sen. Joe Nyutu, MP             | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member      |
| 3. Sen. John Kinyua Nderitu, MP   | - Member      |
| 4. Sen. Johnes Mwaruma, MP        | - Member      |
| 5. Sen. James Kamau Murango, MP   | - Member      |

**APOLOGIES**

- |   |                    |
|---|--------------------|
| 1. Sen. Peris Tobiko, CBS, MP           | - Vice-Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member           |
| 3. Sen. Lenku Ole Kanar Seki, MP        | - Member           |
| 4. Sen. Joseph Githuku Kamau, MP        | - Member           |

**SENATE SECRETARIAT**

- |                         |                                    |
|-------------------------|------------------------------------|
| 1. Mr. Humphrey Ringera | - Senior Research Officer          |
| 2. Mr. Crispus Njogu    | - Clerk Assistant I                |
| 3. Ms. Doris Obure      | - Clerk Assistant III              |
| 4. Ms. Njeri Manga      | - Media Relations Officer          |
| 5. Mr. Jackson Wekesa   | - Legal Counsel                    |
| 6. Mr. Simon Muinde     | - Audio and Hansard Officer        |
| 7. Mr. Robert Tonkei    | - Research Officer                 |
| 8. Mr. Jahzeal Obara    | - Media Relations Officer (Intern) |

**MIN/SEN/SCE/190/2024**

**PRELIMINARIES**

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

**MIN/SEN/SCE/191/2024**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. John Kinyua Nderitu, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Consideration and Adoption of Committee Reports on the following petitions (*Committee Paper No. 071*) -



- a) discrimination by the Teachers Service Commission with regard to payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County; and
  - b) discrimination in payment of hardship allowance to some teachers in Taita Taveta County.
4. Any Other Business; and
  5. Adjournment /Date of the Next Meeting.

**MIN/SEN/SCE/192/2024**

**CONSIDERATION AND ADOPTION OF COMMITTEE REPORTS ON PETITIONS**

1. The Committee Secretariat presented a *Committee Paper No.071* on the Reports of the two petitions that were pending before it and whose consideration had been concluded by the Committee. These petitions are on-
  - a) the discrimination by the Teachers Service Commission with regard to payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County; and
  - b) the discrimination in payment of hardship allowance to some teachers in Taita Taveta County.
2. The Committee considered the reports on the petitions and resolved to amend the report to the petition on discrimination in payment of hardship allowance to some teachers in Taita Taveta to include the smallest administrative units of Taita Sub County, Taveta Sub county and Ronge Zone of Mwatate Sub County.
3. The two Reports on the petitions were unanimously adopted after being proposed by Sen. John Kinyua Nderitu, MP and Seconded by Sen. Agnes Kavindu Muthama, MP.

**MIN/SEN/SCE/193/2024**

**ANY OTHER BUSINESS**

1. The Committee resolved to conduct County Oversight and Networking Engagement in Murang'a and Kirinyaga counties and noted that there is limited time for such visits observing that schools were scheduled to take their Christmas breaks early due to the scheduled national examinations; and
2. The Committee directed the Secretariat to commence arrangement for a foreign visit to be undertaken by the Committee in advance aware of the limited resources and the need to plan early to avoid last minute rush that would escalate the travel expenses.

**MIN/SEN/SCE/194/2024**

**ADJOURNMENT AND DATE OF THE NEXT MEETING**

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

SIGNED: .....

DATE: .....

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



**MINUTES OF THE THIRTY-FOURTH (34<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON TUESDAY, 30<sup>TH</sup> JULY, 2024 IN COMMITTEE ROOM 8, FIRST FLOOR, BUNGE TOWER AT 12:00 NOON.**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Joe Nyutu, MP                   | - Chairperson      |
| 2. Sen. Peris Tobiko, CBS, MP           | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member           |
| 4. Sen. Agnes Kavindu Muthama, MP       | - Member           |
| 5. Sen. John Kinyua Nderitu, MP         | - Member           |
| 6. Sen. Johnes Mwaruma, MP              | - Member           |

**APOLOGIES**

- |                                  |          |
|----------------------------------|----------|
| 1. Sen. James Kamau Murango, MP  | - Member |
| 2. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 3. Sen. Joseph Githuku Kamau, MP | - Member |

**SENATE SECRETARIAT**

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Mr. Humphrey Ringera | - Senior Research Officer   |
| 2. Mr. Crispus Njogu    | - Clerk Assistant I         |
| 3. Ms. Doris Obure      | - Clerk Assistant III       |
| 4. Mr. Jackson Wekesa   | - Legal Counsel             |
| 5. Mr. Simon Muinde     | - Audio and Hansard Officer |
| 6. Ms. Valarie Chemweno | - Research Officer          |
| 7. Mr. Robert Tonkei    | - Research Officer          |
| 8. Ms. Sinti Sission    | - Legal Counsel (Attaché)   |

**MIN/SEN/SCE/172/2024**

**PRELIMINARIES**

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

**MIN/SEN/SCE/173/2024**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. (Prof.) Margret Kamar, EGH, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the previous meetings-
  - a) Minutes of the 31<sup>st</sup> meeting held on 25<sup>th</sup> June, 2024;
  - b) Minutes of the 33<sup>rd</sup> meeting held on 25<sup>th</sup> July, 2024;



- c) Minutes of the 8<sup>th</sup> meeting held on 8<sup>th</sup> March, 2024;
  - d) Minutes of the 9<sup>th</sup> meeting held on 9<sup>th</sup> March, 2024; and
  - e) Minutes of the 10<sup>th</sup> meeting held on 9<sup>th</sup> March, 2024.
4. Matters arising from the Minutes;
  5. Consideration and adoption of reports of the Committee on the petitions on-  
(Committee Paper No. 067) -
    - a) discrimination by the Teachers Service Commission with regard to payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County; and
    - b) discrimination in payment of hardship allowance to some teachers in Taita Taveta County.
  6. Any Other Business; and
  7. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/174/2024

CONFIRMATION OF MINUTES OF THE  
PREVIOUS MEETINGS

- a) The Minutes of the 33<sup>rd</sup> meeting held on 25<sup>th</sup> July, 2024 were confirmed as a true record of the deliberations after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Agnes Kavindu Muthama, MP;
- b) The Minutes of the 8<sup>th</sup> meeting held on 8<sup>th</sup> March, 2024 in Taita Taveta County were confirmed as a true record of the deliberations after being proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Johnes Mwaruma, MP;
- c) The Minutes of the 9<sup>th</sup> meeting held on 9<sup>th</sup> March, 2024 in Taita Taveta County were confirmed as a true record of the deliberations after being proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Johnes Mwaruma, MP; and
- d) The Minutes of the 10<sup>th</sup> meeting held on 10<sup>th</sup> March, 2024 in Taita Taveta County were confirmed as a true record of the deliberations after being proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Johnes Mwaruma.

MIN/SEN/SCE/175/2024

MATTERS ARISING

*Ex-MIN/SEN/SCE/169/2024:*

*Consideration of the report of the  
Parliamentary Budget Office on Budget  
Implementation in the education sector*

The Committee resolved to develop a workplan for the Committee activities that would include the oversight county visits to counties with low budgetary allocations to the education sector such as Nandi, Embu and Nairobi and to acquaint the Committee with implementation status of Early Childhood Development Education (ECDE) policies in those counties.

MIN/SEN/SCE/176/2024

CONSIDERATION AND ADOPTION OF  
COMMITTEE REPORTS ON PETITIONS

1. The Committee Secretariat presented *Committee Paper No.067* on the pending petitions before the Committee. These petitions are on-




- a) the discrimination by the Teachers Service Commission with regard to payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County; and
  - b) the discrimination in payment of hardship allowance to some teachers in Taita Taveta County. meeting with the Distance, Open, and E-Learning Practitioners of Kenya.
2. The Committee considered the reports on the petitions and observed that-
- a) There exists delays in issuance of circulars, policies and advisories by the Salaries and Remuneration Commission (SRC) to the Ministries, Departments and Government Agencies on current compensation levels and trends which leads to possible arrears to employees; and
  - b) The reports should indicate the situation analysis of the areas as mentioned in the petitions and clearly demonstrate how they meet the criterion to be classified as hardship areas in line with the prayers by the petitioners.
3. Following deliberations, the Committee resolved to-
- a) invite the Teachers Service Commission (TSC) and the Salaries and Remuneration Commission (SRC) to a meeting of the Committee to deliberate on the timely issuance of circulars, policies and advisories to the Ministries, Departments and Government Agencies and their attendant implementation;
  - b) follow up with the TSC on the implementation of the payment of enhanced house allowance to teachers in Kilifi County following a review by SRC in upgrade from Kilifi Township to municipality status in 2019 in which they had reported to pay in two phases in July, 2023 with full harmonization to be realized in July 2024; and
  - c) Review the recommendations of the Committee reports to include the specific areas as mentioned in the petitions to cater the prayers of the petitioners for consideration and adoption in the next meeting.

MIN/SEN/SCE/177/2024

ADJOURNMENT AND DATE OF THE  
NEXT MEETING

There being no other business, the meeting was adjourned fifteen minutes past two o'clock. The Committee resolved to hold the next meeting on notice.

SIGNED: .....



DATE: .....

24/01/2024

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





**MINUTES OF THE TWENTIETH (20<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON TUESDAY, 7<sup>TH</sup> MAY, 2024 AT 12:00 PM IN COMMITTEE ROOM 8, FIRST FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS.**

**PRESENT**

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. Sen. Peris Tobiko, CBS, MP     | - Vice-Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member           |
| 3. Sen. Johnes Mwaruma, MP        | - Member           |

**ABSENT WITH APOLOGY**

- |   |               |
|---|---------------|
| 1. Sen. Joe Nyutu, MP                   | - Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member      |
| 3. Sen. Joseph Githuku Kamau, MP        | - Member      |
| 4. Sen. John Kinyua Nderitu, MP         | - Member      |
| 5. Sen. Lenku Ole Kanar Seki, MP        | - Member      |
| 6. Sen. James Kamau Murango, MP         | - Member      |

**SENATE SECRETARIAT**

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Mr. Humphrey Ringera | - Senior Research Officer   |
| 2. Ms. Doris Obure      | - Clerk Assistant III       |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II          |
| 4. Mr. Simon Muinde     | - Audio and Hansard Officer |
| 5. Ms. Valarie Chemweno | - Research Officer III      |
| 6. Mr. Robert Tonkei    | - Research Officer III      |
| 7. Ms. Angelica Wachira | - Protocol Officer          |
| 8. Mr. John Chege       | - Sergeant-At-Arms          |

**MIN/SEN/SCE/097/2024**

**PRELIMINARIES**

The meeting was called to order at fifteen minutes past twelve and the proceedings commenced with a word of prayer said by Sen. Johnes Mwaruma, MP.

**MIN/SEN/SCE/098/2024**

**ADOPTION OF THE AGENDA**

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

1. Prayer;
2. Adoption of the Agenda;



3. Confirmation of the Minutes of the 19<sup>th</sup> meeting of the Committee
4. Matters arising from the Minutes;
5. Meeting with the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management to deliberate on the pending petitions (**Committee Paper No. 057**);
6. Any Other Business; and
7. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/099/2024

CONFIRMATION OF MINUTES OF THE  
PREVIOUS MEETINGS

The Minutes of the 19<sup>th</sup> meeting held on 25<sup>th</sup> April, 2024 were confirmed as a true record of the deliberations after being proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Johnes Mwaruma, MP.

MIN/SEN/SCE/100/2024

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

- a) The Committee secretariat presented *Committee Paper No. 057* informing the Committee on the pending petitions on the discrimination in payment of hardship allowance to teachers in Taita Taveta and Kilifi Counties;
- b) The Committee was informed that the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management had been invited to respond to the issues raised in the two petitions. However, the Cabinet Secretary vide a letter Ref No: MPSG&DM/3/7 dated 6<sup>th</sup> May, 2024 informed the Committee that the Ministry had formally lodged the matter with the Salaries and Remuneration Commission (SRC) Inter Agency Committee who were scheduled to have a meeting on 7<sup>th</sup> May to adopt the Report;
- c) The Committee observed that the frequent postponement and unavailability of the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management continuous to delay the expeditious disposal of the petitions pending before the Committee;
- d) Following consideration of the request, the Committee **resolved** to invite the Cabinet Secretary, Public Service, Performance and Delivery Management to a meeting of the Committee at the expiry of seven (7) days to deliberate on the issues raised in the petitions and present the report of the Inter Agency Committee formally.

MIN/SEN/SCE/102/2024

ANY OTHER BUSINESS

1. The Committee directed the Secretariat to explore possibilities of holding a joint retreat with the Council of Governors to deliberate on the plight of Early Childhood Development Education (ECDE) teachers in the Counties, the implementation of the ECDE policies in the counties and the infrastructural development in the ECDE centres; and

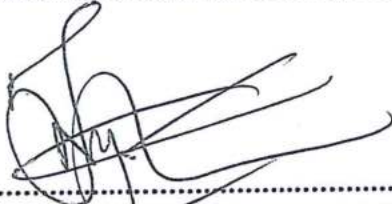
2. The Committee resolved to invite the Teachers Service Commission to a meeting of the Committee to respond to Statements regarding the provision of medical insurance to teachers in Taita Taveta County, the implementation of Disability Guide Allowance and the welfare of teachers on fixed term contracts.

MIN/SEN/SCE/103/2024

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned forty-five minutes past noon. The Committee resolved to hold the next meeting on notice.

SIGNED: .....



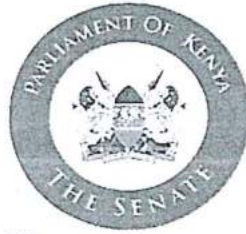
DATE: .....

09/05/2024

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







**MINUTES OF THE NINETEETH MEETING OF THE STANDING COMMITTEE ON  
EDUCATION HELD ON THURSDAY, 25<sup>TH</sup> APRIL, 2024 AT 12:00 PM IN  
COMMITTEE ROOM 5, FIRST FLOOR, MAIN PARLIAMENT BUILDINGS.**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Joe Nyutu, MP                   | - Chairperson      |
| 2. Sen. Peris Tobiko, CBS, MP           | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member           |
| 4. Sen. Joseph Githuku Kamau, MP        | - Member           |
| 5. Sen. Agnes Kavindu Muthama, MP       | - Member           |
| 6. Sen. Johnes Mwaruma, MP              | - Member           |

**ABSENT WITH APOLOGY**

- |                                  |          |
|----------------------------------|----------|
| 1. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 2. Sen. James Kamau Murango, MP  | - Member |
| 3. Sen. John Kinyua Nderitu, MP  | - Member |

**SENATE SECRETARIAT**

- |                         |                          |
|-------------------------|--------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I     |
| 2. Ms. Doris Obure      | - Clerk Assistant III    |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II       |
| 4. Ms. Valarie Chemweno | - Research Officer III   |
| 5. Ms. Lexxie Mumo      | - Audio Officer (Intern) |

**MIN/SEN/SCE/090/2024**

**PRELIMINARIES**

The meeting was called to order at twenty-five minutes past twelve and the proceedings commenced with a word of prayer said by Sen. Agnes Kavindu Muthama, MP.

**MIN/SEN/SCE/091/2024**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Agnes Kavindu Muthama, MP, and seconded by Sen. Joseph Githuku Kamau, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the Minutes of the Previous Meetings-
  - a. *Minutes of the 4<sup>th</sup> sitting held on 27<sup>th</sup> February, 2024; and*
  - b. *Minutes of the 18<sup>th</sup> sitting held on 18<sup>th</sup> April, 2024*
4. Matters arising from Minutes of the Previous Committee Meetings;
5. Meeting with the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management to deliberate on the pending petitions (Committee Paper No. 057);
6. Consideration and Adoption of the Committee Report on the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023) (*Committee Paper No. 56*);
7. Any Other Business; and
8. Adjournment /Date of the Next Meeting.

**MIN/SEN/SCE/092/2024**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

1. The Minutes of the 4<sup>th</sup> meeting held on 27<sup>th</sup> February, 2024 were confirmed as a true record of the deliberations after being proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Joe Nyutu, MP; and
2. The Minutes of the 18<sup>th</sup> meeting held on 18<sup>th</sup> April, 2024 were confirmed as a true record of the deliberations after being proposed by Sen. Peris Tobiko, CBS, MP and seconded by Sen. Joseph Githuku Kamau, MP.

**MIN/SEN/SCE/093/2024**

**MATTERS ARISING FROM MINUTES OF THE PREVIOUS MEETINGS**

**Ex-MIN/SEN/SCE/087/2024** – The Committee resolved to hold a consultative retreat with the Intergovernmental Relations Technical Committee (IGRTC), from 9<sup>th</sup> to 12<sup>th</sup> May, 2024 to deliberate on the Bills in the Senate that require further intervention, the mandate, roles and functions of the IGRTC; emerging issues on devolution, transfer of functions and intergovernmental relations; and priority areas in Education Sector requiring legislative intervention.

**MIN/SEN/SCE/094/2024**

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

- a) The Committee secretariat presented *Committee Paper No. 057* on the pending petitions on the discrimination in payment of hardship allowance to teachers in Taita Taveta and Kilifi Counties and informed Members that the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management had been invited to respond to the issues raised in the two petitions;



- b) The Committee was further informed vide a letter, Ref No.MPSG&DM/3/7, the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management had requested for more time to finalize the approval of the report by the Inter-Agency Technical Committee by the relevant agencies before engaging the Committee on the issues raised in the petitions; and
- c) Following consideration of the letter, the Committee **resolved** to invite the Cabinet Secretary, Public Service, Performance and Delivery Management to a meeting on Tuesday, 7<sup>th</sup> May, 2024 to provide information and timelines for conclusion of the Inter-Agency Technical Committee report.

MIN/SEN/SCE/095/2024

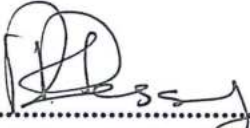
CONSIDERATION AND ADOPTION OF THE  
COMMITTEE REPORT ON THE EARLY  
CHILDHOOD EDUCATION (AMENDMENT) BILL,  
2023 (SENATE BILLS NO. 54 OF 2023)

1. The Committee Secretariat presented *Committee Paper No.56* on the report on the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023) for consideration and adoption;
2. The Committee considered the report and adopted the Committee amendments to be moved during the Committee of the Whole House Stage; and
3. The Committee unanimously adopted its report on the Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023) after being proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP.

MIN/SEN/SCE/096/2024

ADJOURNMENT AND DATE OF THE NEXT  
MEETING

There being no other business, the meeting was adjourned ten minutes past two o'clock. The Committee resolved to hold the next meeting on notice.

SIGNED: for  DATE: 7th 5/2024 .  
(CHAIRPERSON: SEN. JOE NYUTU, M.P.)







**MINUTES OF THE TENTH (10<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE  
ON EDUCATION HELD ON SATURDAY 9<sup>TH</sup> MARCH, 2024 AT 2:00 PM AT  
RONGE ZONE SCHOOLS, TAITA TAVETA COUNTY**

**PRESENT**

- |                                   |               |
|-----------------------------------|---------------|
| 1. Sen. Joe Nyutu, MP             | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member      |
| 3. Sen. James Kamau Murango, MP   | - Member      |
| 4. Sen. Johnes Mwaruma, MP        | - Member      |

**ABSENT WITH APOLOGY**

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

**SECRETARIAT**

- |                         |                           |
|-------------------------|---------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I      |
| 2. Ms. Doris Obure      | - Clerk Assistant III     |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II        |
| 4. Ms. Valarie Chemweno | - Research Officer III    |
| 5. Ms. Njeri Manga      | - Media Relations Officer |
| 6. Mr. Johnstone Simiyu | - Audio recording officer |
| 7. Ms. Hawa Abdi        | - Sergeant-At-Arms        |
| 8. Ms. Jennifer VENZA   | - Accountant              |

**IN ATTENDANCE**

- |                          |  |
|--------------------------|--|
| 1. Dr. Esther Njiru      | - County Director, Teachers Service Commission |
| 2. Mr. Raymond Malo      | - Chairman, KNUT-Taita Taveta                  |
| 3. Mr. Kenox M. Mshila   | - Executive Secretary, KNUT                    |
| 4. Mr. Ismael Kongo      | - Executive Secretary, KUPPET                  |
| 5. Ms. Tarsila Mwashimba | - KNUT Woman Representative                    |
| 6. Ms. Alice Mwaliko     | - Head Teacher, Kironge Primary School         |
| 7. Mr. Samuel Mngodo     | - D/Head teacher, Kironge Primary School       |
| 8. Mr. William Nyange    | - Teacher, Ronge Primary School                |
| 9. Ms. Janeth Mwalandi   | - D/Head teacher, Mwakaleri Primary            |
| 10. Mr. Geanton Malka    | - Teacher, Mwanyambo Secondary School          |
| 11. Ms. Mary Mwandau     | - Teacher, Mwakaleri Primary School            |
| 12. Ms. Pauline Salee    | - Teacher, Mwakaleri Primary School            |
| 13. Ms. Hellen Hakika    | - Teacher, Kironge Primary School              |

MIN/SEN/DSEC/SCE/044/2024

PRELIMINARIES

The meeting was called to order at thirty minutes past two o'clock.

MIN/SEN/DSEC/SCE/045/2024

ADOPTION OF THE AGENDA

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

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with petitioners (Committee Paper No. 050)-
4. Any other business; and
5. Adjournment /Date of the Next Meeting.

MIN/SEN/DSEC/SCE/046/2024

OVERSIGHT VISITS TO RONGE ZONE SCHOOLS

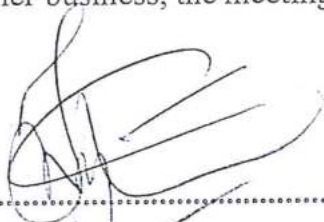
1. The Committee met with petitioners, teachers and the parents to the learners at Mwakaleri Primary School;
2. The teachers expressed their concerns and frustrations to the Committee on the challenges encountered and that neighboring institutions and counties were receiving hardship allowance;
3. It was observed that these challenges resulted to lack of professional development opportunities due to limited access to training and professional development opportunities. This can hinder their ability to update their skills and stay abreast of best practices in teaching and learning;
4. The teachers illustrated the poor living conditions with substandard housing, inadequate healthcare facilities, and limited access to essential services such as clean water and electricity. These conditions affect their overall well-being and job satisfaction. It also leads to limited parental involvement due to the socio-economic challenges; and
5. The Committee observed that the zones had justifiable reasons to be termed and designated as hardship areas hence the teachers are viable to receive hardship allowance.

MIN/SEN/DSEC/SCE/047/2024

ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at twenty-five minutes past four o'clock.

SIGNED: .....



DATE: .....

24/09/2024

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





**MINUTES OF THE NINETH (9<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE  
ON EDUCATION HELD ON SATURDAY 9<sup>TH</sup> MARCH, 2024 AT 10:00 AM AT  
MWAKALERI PRIMARY, TAITA TAVETA COUNTY**

**PRESENT**

- |                                   |               |
|-----------------------------------|---------------|
| 1. Sen. Joe Nyutu, MP             | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member      |
| 3. Sen. James Kamau Murango, MP   | - Member      |
| 4. Sen. Johnes Mwaruma, MP        | - Member      |

**ABSENT WITH APOLOGY**

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

**SECRETARIAT**

- |                         |                           |
|-------------------------|---------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I      |
| 2. Ms. Doris Obure      | - Clerk Assistant III     |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II        |
| 4. Ms. Valarie Chemweno | - Research Officer III    |
| 5. Ms. Njeri Manga      | - Media Relations Officer |
| 6. Mr. Johnstone Simiyu | - Audio recording officer |
| 7. Ms. Hawa Abdi        | - Sergeant-At-Arms        |
| 8. Ms. Jennifer Venza   | - Accountant              |

**IN ATTENDANCE**

- |                          |  |
|--------------------------|--|
| 1. Dr. Esther Njiru      | - County Director, Teachers Service Commission |
| 2. Mr. Raymond Malo      | - Chairman, KNUT-Taita Taveta                  |
| 3. Mr. KenoxM. Mshila    | - Executive Secretary, KNUT                    |
| 4. Mr. Ismael Kongo      | - Executive Secretary, KUPPET                  |
| 5. Ms. Tarsila Mwashimba | - KNUT Woman Representative                    |
| 6. Ms. Alice Mwaliko     | - Head Teacher, Kironge Primary                |
| 7. Mr. Samuel Mngodo     | - D/Head teacher, Kironge Primary              |
| 8. Mr. William Nyange    | - Teacher, Ronge Primary                       |

**MIN/SEN/DSEC/SCE/040/2024**

**PRELIMINARIES**

The meeting was called to order at thirty minutes past ten.

MIN/SEN/DSEC/SCE/041/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Agnes Kavindu, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Oversight visit to Ronge zone schools in Taita Taveta County (Committee Paper No. 050)-
4. Any other business; and
5. Adjournment /Date of the Next Meeting.

MIN/SEN/DSEC/SCE/042/2024

OVERSIGHT VISITS TO RONGE ZONE SCHOOLS

1. The Committee visited schools such as Rahai Primary School and observed that the schools were not fully equipped with learning and playing materials;
2. It was also observed that accessibility to the area was difficult due to poor road infrastructure and limited public transportation options. This in turn makes it difficult for teachers to commute to and from work, especially during adverse weather conditions; and
3. Security of the teachers raised concerns due to the surrounding National Park-Tsavo West which harbour wild animals that are life threatening to the teachers creating a challenging and sometimes unsafe environment for teachers and students.

MIN/SEN/DSEC/SCE/043/2024

ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at twenty minutes past one o'clock.

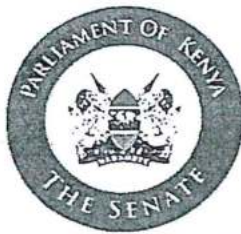
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24/09/2024

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





**MINUTES OF THE EIGHTH (8<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY 8<sup>TH</sup> MARCH, 2024 AT 2:00 PM AT TIMBILA SCHOOLS, TAITA TAVETA COUNTY**

**PRESENT**

- |                                   |               |
|-----------------------------------|---------------|
| 1. Sen. Joe Nyutu, MP             | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member      |
| 3. Sen. James Kamau Murango, MP   | - Member      |
| 4. Sen. Johnes Mwaruma, MP        | - Member      |

**ABSENT WITH APOLOGY**

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

**SECRETARIAT**

- |                         |                           |
|-------------------------|---------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I      |
| 2. Ms. Doris Obure      | - Clerk Assistant III     |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II        |
| 4. Ms. Valarie Chemweno | - Research Officer III    |
| 5. Ms. Njeri Manga      | - Media Relations Officer |
| 6. Mr. Johnstone Simiyu | - Audio recording officer |
| 7. Ms. Hawa Abdi        | - Sergeant-At-Arms        |
| 8. Ms. Jennifer Venza   | - Accountant              |

**IN ATTENDANCE**

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| 1. Dr. Esther Njiru<br>Commission | - County Director, Teachers Service |
| 2. Mr. Raymond Malo               | - Chairman, KNUT-Taita Taveta       |
| 3. Mr. KenoxM. Mshila             | - Executive Secretary, KNUT         |
| 4. Mr. Ismael Kongo               | - Executive Secretary, KUPPET       |
| 5. Ms. Tarsila Mwashimba          | - KNUT Woman Representative         |

**MIN/SEN/DSEC/SCE/036/2024**

**PRELIMINARIES**

The meeting was called to order at thirty minutes past two o'clock.

**MIN/SEN/DSEC/SCE/037/2024**

**ADOPTION OF THE AGENDA**



The agenda of the meeting was adopted having been proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Agnes Kavindu, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the petitioners (Committee Paper No. 050)-
4. Any other business; and
5. Adjournment /Date of the Next Meeting.

MIN/SEN/DSEC/SCE/038/2024

MEETING WITH PETITIONERS AT  
TAMBILA SCHOOLS

1. The County Director informed the meeting on the three major zones that should be classified as hardship areas that is; Ronge, Taita and Taveta sub counties. The meeting also noted that some parts of the county are hard to staff due to the challenges encountered by the teachers stationed in those schools;
2. The challenges encountered include-
  - a) Inaccessibility to the schools due to the poor terrain/road coverage and high cost of transportation;
  - b) Poor connectivity affecting communication as the network could roam to Tanzania making it difficult for digital learning;
  - c) Wildlife-human conflict owing to the bordering national park-Tsavo West National Park that threatens the residents' life;
  - d) Accessibility to health facilities attributed to the long distances covered and also lack of equipped health/social facilities near the schools;
  - e) Flooding during the heavy rains prompting other hazards such as wild animals and loss of lives;
3. It was noted that there was an increasing trend for transfers from one region to another due to the challenges encountered in some parts of Taita Taveta County that are not entailed with hardship allowance.
4. Further, the Committee noted that there some zones such as Ronge Zone was understaffed due to the high transfers making it a hard to staff area.

MIN/SEN/DSEC/SCE/039/2024

ADJOURNMENT AND DATE OF NEXT  
MEETING

There being no other business, the meeting was adjourned at twenty minutes past five o'clock.

SIGNED: ..... DATE: 24/09/2024

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



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

**PRESENT**

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

**ABSENT WITH APOLOGY**

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

**SECRETARIAT**

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

**IN ATTENDANCE**

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

**TEACHERS SERVICE COMMISSION**

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

**MIN/SEN/SCE/256/2023**

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

**PRELIMINARIES**

**MIN/SEN/SCE/257/2023**

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

**ADOPTION OF THE AGENDA**



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

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



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

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

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

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

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

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

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

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

MIN/SEN/SCE/259/2023

ADJOURNMENT AND DATE OF  
NEXT MEETING

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

SIGNED: ..... DATE: 5/14/2023

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





**MINUTES OF THE FIFTY-SECOND (52<sup>ND</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON TUESDAY, 28<sup>TH</sup> NOVEMBER, 2023 AT 12.00 PM AT VIP ANNEX II, FIRST FLOOR, KICC BUILDING.**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT WITH APOLOGY**

- |                                  |          |
|----------------------------------|----------|
| 1. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 2. Sen. James Kamau Murango, MP  | - Member |

**SECRETARIAT**

- |                         |                       |
|-------------------------|-----------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I  |
| 2. Ms. Doris Obure      | - Clerk Assistant III |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II    |
| 4. Ms. Fatuma Abdi      | - Audio Officer       |
| 5. Ms. Hawa Abdi        | - Sergeant-at-arms    |

**MIN/SEN/SCE/250/2023**

**PRELIMINARIES**

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

**MIN/SEN/SCE/251/2023**

**ADOPTION OF THE AGENDA**

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

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the previous meetings-
  - a. *Minutes of the 49th meeting held on 19<sup>th</sup> October, 2023;*
  - b. *Minutes of the 50th meeting held on 2<sup>nd</sup> November, 2023; and*
  - c. *Minutes of the 51st meeting held on 21<sup>st</sup> November, 2023*
4. Matters arising from the Minutes of the Previous Meeting;
5. Consideration of a response by the Teacher Service Commission (TSC) to the petition on the discrimination on payment of hardship allowance and enhanced house allowance to teachers in Kilifi County; (*Committee Paper No. 038 (b)*);



6. Any Other Business; and
7. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/252/2023

CONFIRMATION OF MINUTES OF  
THE PREVIOUS MEETINGS

1. The Minutes of the 49<sup>th</sup> meeting held on 19<sup>th</sup> October, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Joseph Githuku Kamau, MP;
2. The Minutes of the 50<sup>th</sup> meeting held on 19<sup>th</sup> November, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Johnes Mwaruma, MP; and
3. The Minutes of the 51<sup>st</sup> meeting held on 21<sup>st</sup> November, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Peris Tobiko, CBS, MP.

MIN/SEN/SCE/253/2023

MATTERS ARISING FROM THE  
PREVIOUS MEETINGS

EX-MIN/SEN/SCE/244/2023: ANY OTHER BUSINESS

The Committee resolved to conduct county oversight visits to-

1. Taita Taveta and Kilifi County on the week commencing on Monday, 22<sup>nd</sup> January, 2024 to acquaint itself with the issues raised in the petition regarding the discrimination by TSC on payment of hardship allowances and enhanced house allowances to teachers in the two counties;
2. Machakos and Kajiado County on the week commencing on Monday, 29<sup>th</sup> January, 2024 to acquaint itself with the implementation status of the Early Childhood Development Education (ECDE), Technical Vocational Education Training (TVET) and Sector Policy for Learners and Trainees with Disabilities in the two counties; and
3. Murang'a County on the week commencing Monday 5<sup>th</sup> February, 2024 to acquaint itself with the implementation of the Digital Learning Programme being implemented by the EIDU in Murang'a County.

MIN/SEN/SCE/254/2023

CONSIDERATION OF A RESPONSE BY  
TSC REGARDING A PETITION ON  
DISCRIMINATION ON PAYMENT OF  
HARDSHIP AND ENHANCED HOUSE  
ALLOWANCE TO TEACHERS IN  
KILIFI COUNTY

1. The Committee Secretariat presented *Committee Paper No. 38 (b)* on the petition on payment of hardship and enhanced house allowances to teachers in Kilifi and Taita Taveta Counties for consideration. The paper detailed the salient features of the petition, the prayers and the summary of the submissions by the TSC and the Ministry of Public Service;

2. The Committee **observed** that-

- a. There exists discrepancies in designation and payment of hardship areas and hardship allowances amongst different government agencies within the same locality;
- b. Whereas, the Ministry of Public Service, Performance and Delivery Managements submitted an appendix in their report extracted from a Circular dated 2005 designating 44 areas as hardship areas in teaching profession, the TSC listed 34 areas as contained in the Legal Notice No. 534 of 1997 as the basis for payment of hardship allowances in the teaching profession; and
- c. The process of effecting payment of enhanced house allowances following upgrading of municipalities and towns from one category to the other was not clearly spelt out in the written submissions.

3. The Committee **resolved** to seek clarification on the issues raised in the two petitions during scheduled meeting with the TSC on Thursday, 30<sup>th</sup> November, 2023

MIN/SEN/SCE/255/2023

ADJOURNMENT AND DATE OF  
NEXT MEETING

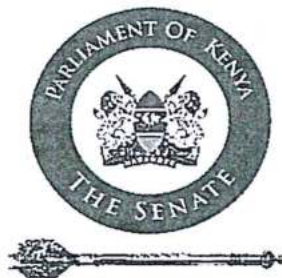
There being no other business, the meeting was adjourned at forty-five minutes past one o'clock. The Committee resolved to hold the next meeting on Thursday, 30<sup>th</sup> November, 2023 at 10:00 am.

SIGNED: ..... DATE: 5/12/2023

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







**MINUTES OF THE FIFTIETH (50<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 2<sup>ND</sup> NOVEMBER, 2023 AT 12:00 PM AT VIP ANNEX II, FIRST FLOOR, KICC BUILDING.**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Peris Tobiko, CBS, MP           | - Vice-Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member           |
| 3. Sen. Lenku Ole Kanar Seki, MP        | - Member           |
| 4. Sen. Agnes Kavindu Muthama, MP       | - Member           |
| 5. Sen. Johnes Mwaruma, MP              | - Member           |

**ABSENT WITH APOLOGY**

- |                                  |               |
|----------------------------------|---------------|
| 1. Sen. Joe Nyutu, MP            | - Chairperson |
| 2. Sen. John Kinyua Nderitu, MP  | - Member      |
| 3. Sen. Joseph Githuku Kamau, MP | - Member      |
| 4. Sen. James Kamau Murango, MP  | - Member      |

**SECRETARIAT**

- |                         |                        |
|-------------------------|------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I   |
| 2. Ms. Doris Obure      | - Clerk Assistant III  |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II     |
| 4. Mr. Dennis Amunavi   | - Research Officer III |
| 5. Ms. Fatuma Abdi      | - Audio Officer        |

**MIN/SEN/SCE/241/2023**

**PRELIMINARIES**

The meeting was called to order at thirty minutes past noon and the proceedings commenced with a word of prayer said by Sen. Agnes Kavindu Muthama, MP.

**MIN/SEN/SCE/242/2023**

**ADOPTION OF THE AGENDA**

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

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Cabinet Secretary, Public Service, Performance and Delivery Management to respond to issues raised in the petitions regarding:
  - a. *Discrimination by the Teachers Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to teachers in Kilifi County; and*

*b. Discrimination in payment of hardship allowance to teachers in Taita Taveta County.*

4. Any other Business; and
5. Adjournment /Date of the Next Meeting.

MIN/SEN/SCE/243/2023

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

1. The Committee was notified of a letter from the Ministry of Public Service, Performance and Delivery Management informing the Committee that the Cabinet Secretary would be away from the office on official duty and unable to attend the scheduled meeting;
2. The Committee considered the written submissions from the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management to the issues raised in the petition regarding payment of hardship allowances;
3. It was **observed** that there was disparity in categorization and provision of hardship and enhanced house allowances in the various government agencies; and the need to establish a formula in designating hardship zones. The Committee further sought for a detailed brief on the Legal Framework and Policy Framework guiding the designation of hardship areas in the Country; and
4. The Committee **resolved** to invite the Cabinet Secretary, the Ministry of Public Service, Performance, and Delivery Management; and the Chief Executive Officer of the Teachers Service Commission (TSC) to a meeting of the Committee to deliberate on the issues raised in the petitions and provide clarification to the written submissions on the issues regarding the payment of hardship and enhanced house allowances.

MIN/SEN/SCE/244/2023

ANY OTHER BUSINESS

The Committee was informed that the oversight visits to Taita Taveta and Kilifi counties regarding the classification of hardship zones was re-scheduled due to the on-going National Examinations and would be scheduled again during the recess in January, 2024.

MIN/SEN/SCE/245/2023

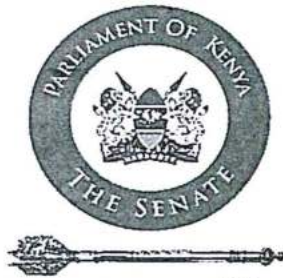
ADJOURNMENT /DATE OF THE NEXT  
MEETING

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

SIGNED: ..... DATE: 28/11/2023

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





**MINUTES OF THE FOURTY-NINETH (49<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 19<sup>TH</sup> OCTOBER, 2023 AT 12.00 PM AT VIP ANNEX II, FIRST FLOOR, KICC BUILDING**

**PRESENT**

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

**ABSENT WITH APOLOGY**

- |                                   |               |
|-----------------------------------|---------------|
| 1. Sen. Joe Nyutu, MP             | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member      |
| 3. Sen. Johnes Mwaruma, MP        | - Member      |
| 4. Sen. James Kamau Murango, MP   | - Member      |

**SENATE SECRETARIAT**

- |                         |                           |
|-------------------------|---------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer I      |
| 2. Ms. Doris Obure      | - Clerk Assistant III     |
| 3. Mr. Jackson Wekesa   | - Legal Counsel II        |
| 4. Mr. Dennis Amunavi   | - Research Officer III    |
| 5. Mr. Kenneth Ndirangu | - Research Officer III    |
| 6. Ms. Fatuma Abdi      | - Audio Officer           |
| 7. Ms. Felistus Mutune  | - Media Relations Officer |

**MIN/SEN/SCE/234/2023**

**PRELIMINARIES**

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

**MIN/SEN/SCE/235/2023**

**ADOPTION OF THE AGENDA**

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

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 48<sup>th</sup> meeting held on 12<sup>th</sup> October, 2023
4. Matters arising from the Minutes;
5. Consideration of the Committee brief on categorization and classification of hardship areas in the country (**Committee Paper No. 37**)



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

MIN/SEN/SCE/236/2023

CONFIRMATION OF MINUTES OF  
THE 48<sup>TH</sup> MEETING HELD ON 12<sup>TH</sup>  
OCTOBER, 2023

The Minutes of the 48<sup>th</sup> meeting held on 12<sup>th</sup> October, 2023 were confirmed as a true record of the deliberations after being proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Lenku Ole Kanar Seki, MP.

MIN/SEN/SCE/237/2023

CONSIDERATION OF THE  
COMMITTEE BRIEF ON  
CLASSIFICATION OF HARDSHIP  
AREAS IN THE COUNTRY

- a) The Secretariat presented Committee Paper No.37 (*attached*) on the classification and categorization of hardship areas in the country as requested during the previous Committee meeting;
- b) The Committee observed that there is need to revise the formula used by the Commission on Revenue Allocation (CRA) in provision of Equalization Fund to counties; and
- c) Following the deliberations, the Committee **resolved** to invite the Cabinet Secretary, Public Service, Performance and Delivery Management to deliberate on the allocation of hardship areas and detailed information in regards to the report of the Inter-Agency Technical Committee that was established to study the prevailing policies, circulars and guidelines on designated hardship areas and the modalities of payment; and apprise the Committee on the allocations and classification of urban-poor areas as hardship areas in cushioning teachers based on harsh living conditions encountered.

MIN/SEN/SCE/238/2023

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

1. The Committee was informed that the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management had sent a letter Ref. No.

MPSG&AA.6 seeking indulgence of the Committee to reschedule the meeting to another day; and

2. The Committee considered and acceded to the request and resolved to invite the Cabinet Secretary to the meeting to be held on Thursday, 2<sup>nd</sup> November, 2023.

MIN/SEN/SCE/239/2023

ANY OTHER BUSINESS

The Committee was informed that the County oversight visit to Taita Taveta regarding the classification of hardship zones was scheduled and the logistics plans would be communicated for the Committee's consideration.

MIN/SEN/SCE/240/2023

ADJOURNMENT /DATE OF THE NEXT MEETING

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

SIGNED: .....

DATE: .....

28/11/2023

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







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

**PRESENT**

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

**ABSENT WITH APOLOGY**

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

**IN ATTENDANCE**

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

**SENATE SECRETARIAT**

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

**IN-ATTENDANCE**

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

**TEACHERS SERVICE COMMISSION**

**MIN/SEN/SCE/220/2023**

**PRELIMINARIES**

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

### MIN/SEN/SCE/221/2023

### ADOPTION OF THE AGENDA

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

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

### MIN/SEN/SCE/222/2023

### CONFIRMATION OF MINUTES OF THE 39<sup>TH</sup> MEETING HELD ON 10<sup>TH</sup> AUGUST, 2023

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

### MIN/SEN/SCE/223/2023

### MATTERS ARISING

There were no matters arising from the minutes.

### MIN/SEN/SCE/224/2023

### MEETING THE TEACHERS SERVICE COMMISSION (TSC)

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



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

MIN/SEN/SCE/225/2023

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

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



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

**MIN/SEN/SCE/226/2023**

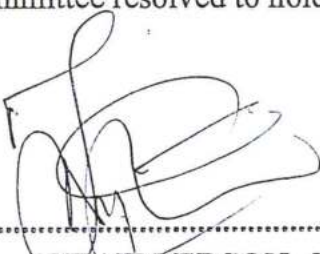
**ANY OTHER BUSINESS**

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

**MIN/SEN/SCE/227/2023**

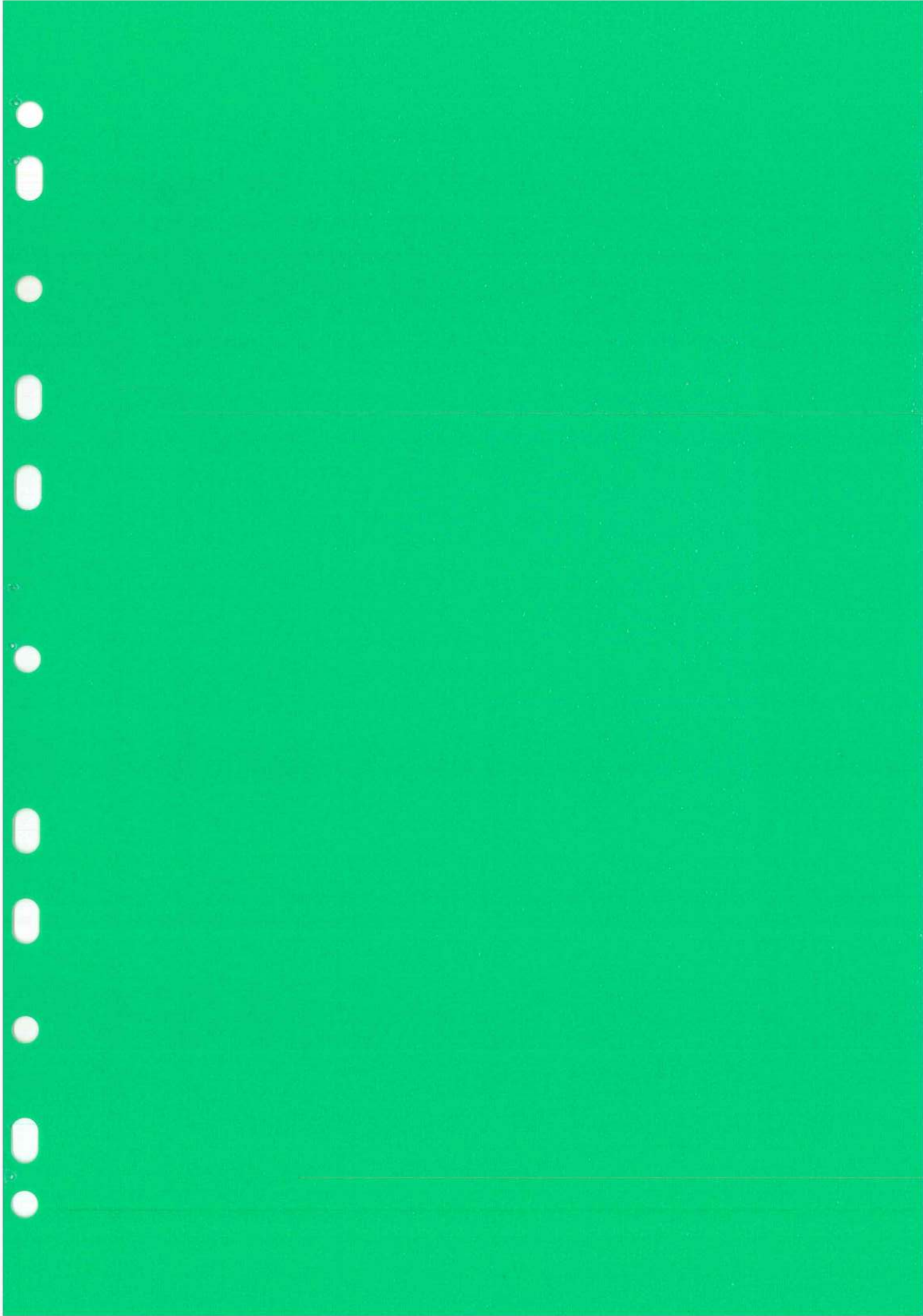
**ADJOURNMENT /DATE OF THE  
NEXT MEETING**

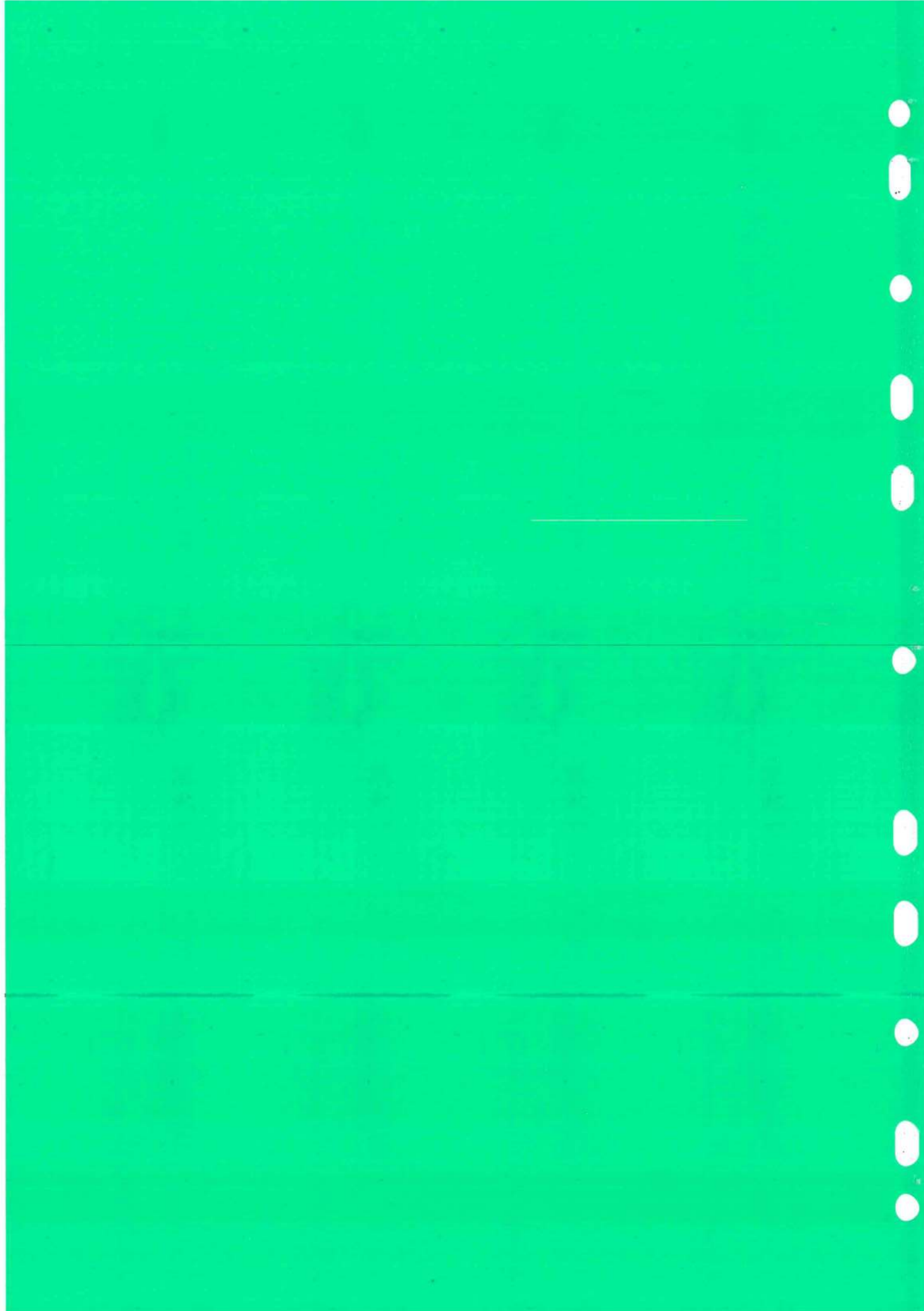
There being no other business, the meeting adjourned at fifty-five minutes past twelve o'clock. The Committee resolved to hold the next meeting on notice.

SIGNED: 

DATE: 12/10/2023

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







## **ANNEX 2**

### **Copy of the Petition**



② Mrs. Chani

Please deal.

KENYA UNION OF POST PRIMARY EDUCATION TEACHERS

(Service, Justice & Integrity)

KUPPET KILIFI BRANCH

P.O. Box 1047- 80108 Kilifi

Email: kuppet.kilifi@gmail.com or

calebmogereto@gmail.com

Website: www.kuppetkilifibranch.co.ke

Office: 0795393885  
0754617214

Executive Secretary  
0727643440 /  
0738 133926

OUR REF: KKB/COR/01/80

YOUR REF.....

TO:

Date: 8/5/2023

THE CLERK OF THE SENATE,

P.O. BOX 41842-00100 PARLIAMENT BUILDINGS,

NAIROBI. EMAIL: [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)

DEAR SIR/MADAM;

**RE: PETITION CONCERNING DISCRIMINATION BY TSC ON ASAL STATUS OF KILIFI COUNTY AND NON-PAYMENT OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO SOME TSC TEACHERS IN KILIFI COUNTY.**

We the undersigned, are the petitioners who are citizens of the Republic of Kenya, residents of Kilifi county and KUPPET KILIFI COUNTY branch governing council writing on behalf of more than 2000 KUPPET members. We will like to draw the attention of the senate to the following;

1.0 THAT, In the Collective Bargaining Agreement (CBA) signed between TSC and the main teachers' unions, the Commission promised to embark on promoting teachers serving in Arid and Semi-Arid Lands (ASAL) and hard to staff areas that hold administrative positions progressively until they reach grades that are commensurate to their respective positions. TSC revealed 18 New Hardship Areas in the 2021 – 2025 CBA. The acronym ASAL stands for Arid and Semi-Arid Land. It is a term used to describe areas that are characterized by low rainfall and high temperatures. These areas are often prone to drought and are considered to be hardship areas. The whole of Kilifi county is ASAL but unfortunately the commission only considered Magarini subcounty and Ganze subcounty other sub counties have been left out. Most of the administrators in schools within Kilifi county are in acting capacity and therefore lowering the morale of this teachers who are supposed to benefit from affirmative action.

Kilifi Branch Office  
3<sup>rd</sup> Floor Room 01

AR-Rayyan Building- Opposite De Coffee / Titanic Hotel - Kilifi Town

PETITION TO THE SANATE BY MOGERE T.O. CALEB-EXECUTIVE SECRETARY KUPPET KILIFI BRANCH CONCERNING DISCRIMINATION IN ASAL, HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO TEACHERS BY TEACHER SERVICE COMMISSION.

① Ms. Mwangi

Please process the  
petition.

A. Macharia  
7/1/2023

③ Mrs. Macharia

Please review and  
let us process within  
timelines. D. Chani  
07/07/2023.



**PETITION CONCERNING DISCRIMINATION BY TSC ON ASAL STATUS OF KILIFI COUNTY AND NON-PAYMENT OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO SOME TSC TEACHERS IN KILIFI COUNTY.**

2.0 THAT, Teachers Service Commission (TSC) pays a monthly hardship allowance to a section of teachers. This is an allowance that is paid to teachers deployed in designated hardship areas. The allowance is meant to compensate teachers working in the Hardship Areas to compensate them for lack of basic social services and amenities, security risk, harsh climatic conditions, isolation and family separation. TSC has designated various areas as hardship. The areas considered as hardship include those that are prone to terrorism, famine and aridity. In Kilifi county most of the parts meet this criterion since they experience famine, aridity, harsh climatic conditions, lack of social amenities and social services hence qualify to be considered as hardship areas. Kaloleni subcounty, Chonyi subcounty, Rabai sub county, Marafiki primary and secondary schools and Uyombo girls fall in the category of hardship areas but teachers in this schools are not enjoying hardship allowance.

3.0 THAT, Teachers Service Commission, TSC, pays house allowance to teachers on a monthly basis. This allowance is only paid to teachers employed on permanent and pensionable terms. Teachers do not, though, get a flat rate of this allowance. Payment of house allowances is based on two criteria: the teacher's job group and work station. Teachers' Workstations have been classified, by the Salaries and Remuneration Commission (SRC), thus;

- I. Nairobi,
- II. Former Major Municipalities (Mombasa, Kisumu, Nakuru, Nyeri, Eldoret, Thika, Kisii, Malindi and Kitale),
- III. Other former Municipalities; Ruiru, Kikuyu, Kitui, Machakos, Mlolongo, Athi River, Vihiga, Wote, Mumias, Bomet, Limuru, Kericho, Kimilili, Kakamega, Kapsabet, Kiambu, Bungoma, Webuye, Busia, Runyenjes, Migori, Embu, Homa Bay, Lodwar, Meru, Nyahururu, Nanyuki, Maua, Voi, Siaya, Chuka and Kerugoya/ Kutus
- IV. Other areas; this include all regions not mentioned in I-III above.

*Kilifi Branch Office  
3<sup>rd</sup> Floor Room 01  
AR-Rayyan Building- Opposite De Coffee / Titanic Hotel - Kilifi Town*

**PETITION TO THE SANATE BY MOGERE T.O. CALEB-EXECUTIVE SECRETARY KUPPET KILIFI BRANCH CONCERNING DISCRIMINATION IN ASAL, HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO TEACHERS BY TEACHER SERVICE COMMISSION.**

**PETITION CONCERNING DISCRIMINATION BY TSC ON ASAL STATUS OF KILIFI COUNTY AND NON-PAYMENT OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO SOME TSC TEACHERS IN KILIFI COUNTY.**

3.1 THAT, Teachers working in Nairobi receive the highest house allowances followed by those working in former municipalities then by other former municipalities and finally the lowest paid are those in reserves (other areas). Similarly, teachers in higher job groups get more house allowances than their counterparts in lower groups.

3.2 THAT, we appreciate that teachers working in Malindi subcounty in Malindi major Municipality receive the enhanced house allowance but some schools within Malindi town are left out; these schools include Sabaki secondary school, Sabaki primary school, Majivuni primary school and Kibokoni primary school. These teachers pay high rates of rent within Malindi major Municipality where they reside though not considered by TSC to be paid enhanced house allowance for major municipalities. These teachers are paid house allowance for the category of others/reserve areas in category 4 above.

3.3 THAT, Teachers working in Kilifi municipality, Mtwapa town and Mariakani town have also been left out from earning enhanced house allowance for major towns. The towns are in tourist areas and rent rates are very high making teachers unable to pay for rent with the small amount of house allowance paid to them for the category of others for reserve areas. The towns are in municipalities but the teachers are paid house allowance with the category of others in number 4 above.

4.0 THAT, we hereby confirm that we have made the best efforts to have these matters addressed by the Teachers service commission but all of which have failed to give a satisfactory response.

5.0 THAT, the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.

*Kilifi Branch Office  
3<sup>rd</sup> Floor Room 01*

*AR-Rayyan Building- Opposite De Coffee / Titanic Hotel - Kilifi Town*

**PETITION TO THE SANATE BY MOGERE T.O. CALEB-EXECUTIVE SECRETARY KUPPET KILIFI BRANCH CONCERNING DISCRIMINATION IN ASAL, HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO TEACHERS BY TEACHER SERVICE COMMISSION.**



**PETITION CONCERNING DISCRIMINATION BY TSC ON ASAL STATUS OF KILIFI COUNTY AND NON-PAYMENT OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO SOME TSC TEACHERS IN KILIFI COUNTY.**

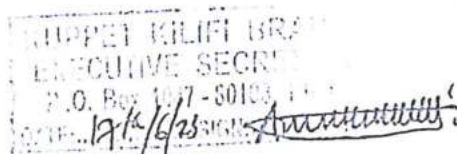
WHEREFORE, your humble petitioners pray that the senate will;

1. Help in accelerating the gazettelement of the following areas as hardship areas; Chonyi subcounty, Rabai subcounty, Kaloleni subcounty, Uyombo area and Marafiki Island all within Kilifi county.
2. Provision to the Teachers service commission to pay hardship allowance to teachers working in the mentioned areas in 1 above.
3. Provision to the Teachers service commission to pay enhanced house allowance to teachers working in Mtwapa town (Kilifi south), Mariakani town, Kilifi town (Kilifi North) and some schools in Malindi town i.e Sabaki secondary school, Sabaki primary school, Majivuni primary school and Kibokoni secondary school.
4. Consideration of the whole of Kilifi county as ASAL (Arid and Semi-Arid Lands and hard to staff areas) so as to assist the teachers benefit from affirmative action and assist in easier promotion of teachers within the county.

AND THE PETITIONER WILL EVER PRAY.

Dated this.....*17<sup>th</sup>*..... day of.....*June*.....2023

**KUPPET KILIFI BRANCH OFFICIAL STAMP;**



**KUPPET KILIFI BRANCH EXECUTIVE SECRETARY-MOGERE T.O. CALEB**

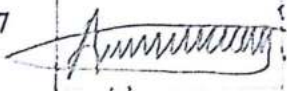
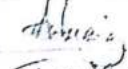
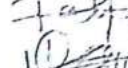

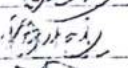

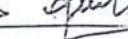

*Kilifi Branch Office  
3<sup>rd</sup> Floor Room 01  
AR-Rayyan Building- Opposite De Coffee / Titanic Hotel - Kilifi Town*

**PETITION TO THE SANATE BY MOGERE T.O. CALEB-EXECUTIVE SECRETARY KUPPET KILIFI BRANCH CONCERNING DISCRIMINATION IN ASAL, HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO TEACHERS BY TEACHER SERVICE COMMISSION.**



PETITION CONCERNING DISCRIMINATION BY TSC ON ASAL STATUS OF KILIFI COUNTY AND NON-PAYMENT OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO SOME TSC TEACHERS IN KILIFI COUNTY.

PETITIONER' DETAILS

NO	NAME	T.S.C NUMBER	I.D.NO	SIGNATURE
01	MOGERE TORAMAN OMWOYO CALEB	525240	24221127	
02	CAREN AUMA OCHIENG	524482	24960252	
03	FAHIMA ABASI	666445	28153489	
04	PHILIP OKINYI	781889	32050440	
05	PUNDO DENIS	580523	24246326	
06	RISPER ANJAWA	558314	25133489	
07	MAE KITSAO	554890	13448815	
08	MORRIS CHIGUBA	557770	25330563	

SECRETARY GENERAL -KUPPET KENYA

SENATOR KILIFI COUNTY

NATIONAL CHAIRMAN-KUPPET KENYA

MP RABAI CONSTITUENCY

MP KILIFI NORTH CONSTITUENCY

MP KILIFI SOUTH CONSTITUENCY

MP KALOLENI CONSTITUENCY

MP GANZE CONSTITUENCY

MP MAGARINI COUNSTITTUENCY

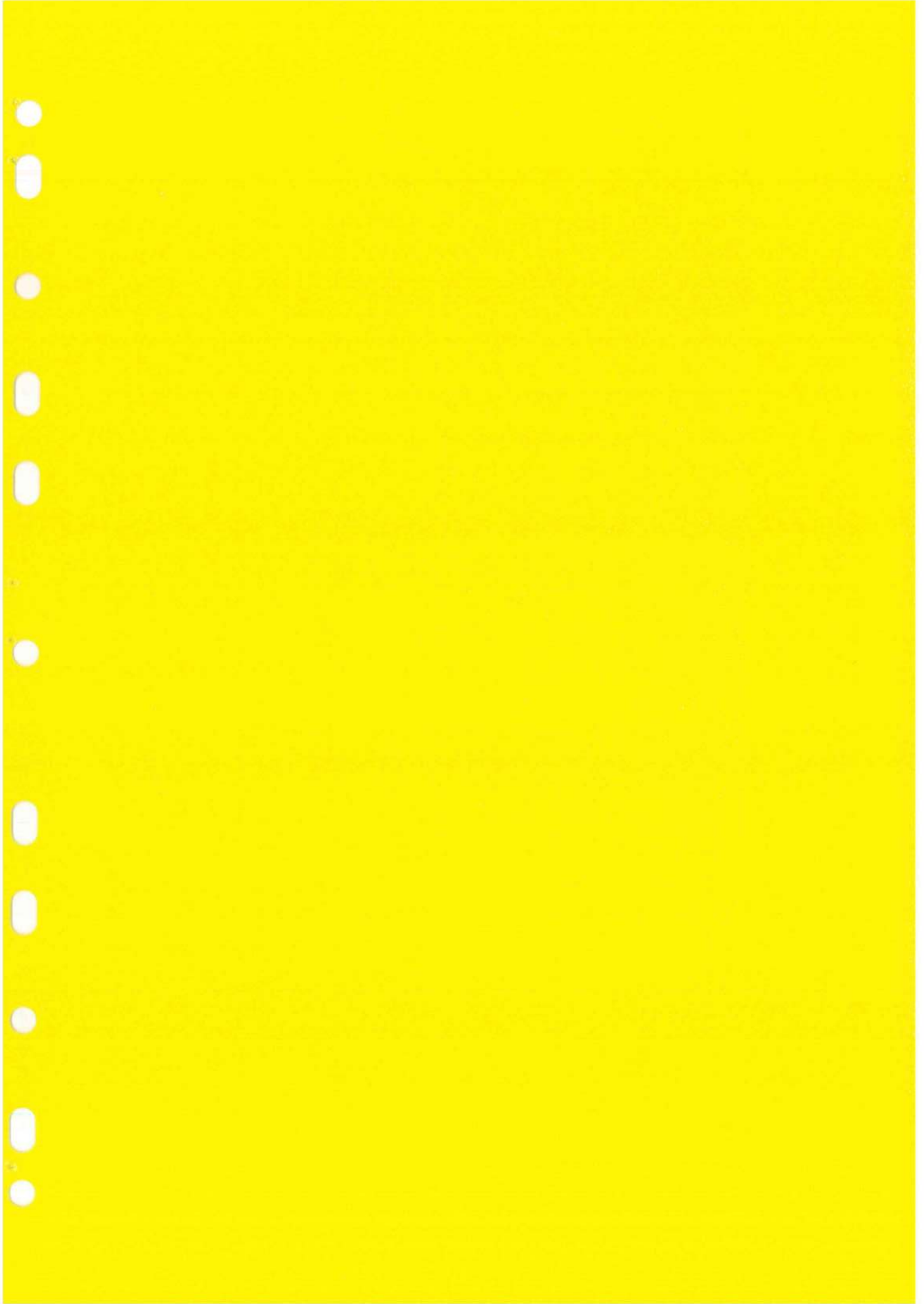
MP KILIFI COUNTY (WOMEN REPRESENTATIVE KILIFI COUNTY)

*Kilifi Branch Office  
3<sup>rd</sup> Floor Room 01*

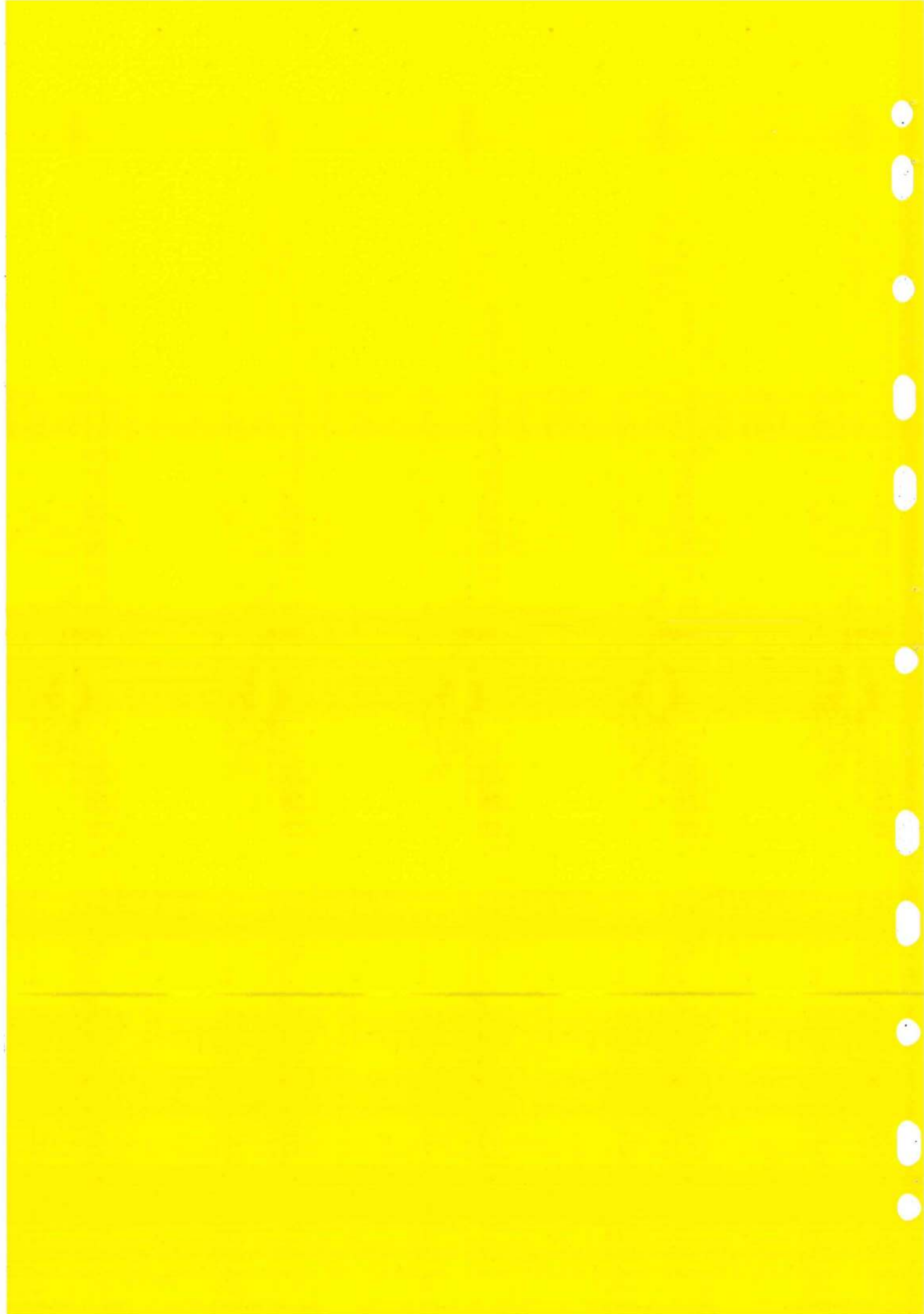
*AR-Rayyan Building- Opposite De Coffee / Titanic Hotel - Kilifi Town*

PETITION TO THE SANATE BY MOGERE T.O. CALEB-EXECUTIVE SECRETARY KUPPET KILIFI BRANCH  
CONCERNING DISCRIMINATION IN ASAL, HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE  
TO TEACHERS BY TEACHER SERVICE COMMISSION.









## **ANNEX 3**

### **Reports from the Cabinet Secretary, Ministry of Public Service and Human Capital Development**







**REPUBLIC OF KENYA**

**MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY  
MANAGEMENT**

**RESPONSE TO PETITIONS BEFORE THE SENATE STANDING COMMITTEE  
ON EDUCATION SUBMITTED BY THE CABINET SECRETARY, MINISTRY OF  
PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT**

**2<sup>nd</sup> NOVEMBER, 2023**

**PETITIONS BY KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET) – KILIFI BRANCH AND KENYA NATIONAL UNION OF TEACHERS (KNUT) – TAITA TAVETA BRANCH**

---

**INTRODUCTION**

**Hon. Chairman,** I take this opportunity to thank you and Hon. Senators of the Senate Standing Committee on Education for inviting me to respond to the following two Petitions:

- 1. Petition by Kenya Union of Post Primary Education Teachers (KUPPET), Kilifi Branch regarding the alleged discrimination by the Teachers Service Commission (TSC) on payment of hardship allowance and enhanced housing allowance to teachers in Kilifi County, reported to the Senate on Thursday, 27<sup>th</sup> July, 2023; and**
  - 2. Petition by Kenya National Union of Teachers (KNUT), Taita Taveta Branch concerning discrimination in the payment of hardship allowance to teachers in Taita Taveta County, reported to the Senate on Wednesday, 20<sup>th</sup> September, 2023.**
- 

**Hon. Chairman,** allow me to respond as follows:

**Background**

- i. Designated hardship areas in the Public Service for purposes of payment of hardship allowance are remote areas categorized as lacking or having inadequate basic social services, amenities and infrastructure.
- ii. Prior to 1997, the Civil and Teaching Services had similar designated Hardship Areas, which included the former North Eastern Province (Wajir, Mandera & Garissa), Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo. This comprised of eleven (11) fairly distinct hardship areas.

**Hon. Chairman,**

- iii. Designation of such areas was undertaken in consultation with the Office of the President - the then Directorate of Personnel Management and Provincial Administration and Internal Security.
- iv. In 1997, the Minister for Education through Legal Notice No. 534 of 11<sup>th</sup> November, 1997 Gazetted an additional twenty-five (25) Hardship Areas for the Teaching Service following a recommendation by the Teachers Service Remuneration Committee. This followed a Collective Bargaining Agreement with the Kenya National Union of Teachers. The recommendation was based on the agreement that teachers work in more remote areas as compared to Civil Servants who are mostly posted to District and Divisional Headquarters.
- v. In 2005, the number of designated Hardship Areas for the Teaching Service was increased from thirty-six (36) to the current forty-four (44) as indicated in **Appendix I** (attached).
- vi. Currently, the Civil Service (National and County Governments) have sixteen (16) Designated Hardship Areas as shown in **Appendix I** (attached), while the Judiciary has twenty-one (21) areas designated as hardship based on location of the law courts as shown in **Appendix I** (attached).

**Constitution of an Inter-Agency Technical Committee to address existing disparities**

**Hon. Chairman,**

- i. The Government in cognizance of the existing disparities in designated hardship areas in the Public Service and in order to address the same, across the Public Service and to promote fairness and parity of treatment of Public Servants, the Ministry of Public Service and Gender vide letter Ref: MPYG.DPSM.HRM/2/1/5/TY (30) dated 21<sup>st</sup> March, 2019 constituted an Inter-Agency Technical Committee.
- ii. The Inter-Agency Committee comprised representatives from the Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National



- iii. Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.

### **Terms of Reference for the Inter- Agency Technical Committee**

The Terms of Reference for the Committee were as follows: -

- i. Study the current policies and applicable Circulars on Designated Hardship Areas and payment of Hardship Allowance in the Civil Service;
- ii. Undertake a comparative analysis of other existing policies on Designated Hardship Areas and payment of Hardship Allowance in the Public Service and other jurisdictions;
- iii. Study the issues in petitions presented to the National Assembly on the matter of Designated Hardship Areas and payment of Hardship Allowance to Public Servants;
- iv. Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding Designated Hardship Areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017;
- v. Address any other issues incidental to the matter on Designated Hardship Areas and payment of Hardship Allowance; and
- vi. Prepare a Report on the study with recommendations and way forward on categorization of Designated Hardship Areas and payment of Hardship Allowance.

### **Status of Country wide data collection exercise on Designated Hardship Areas**

#### **Hon. Chairman,**

The Inter-Agency Technical Committee undertook country wide field visits and surveys and prepared a report awaiting submission to the Cabinet for approval.

## **Status of Kilifi County**

Currently in Kilifi County, Ganze Division is the only area designated as hardship for Teachers under the Teachers Service Commission.

Kilifi County was visited by the Inter Agency Technical Committee during the data collection exercise and will be assessed against the criteria set by the Kenya National Bureau of Statistics to determine whether it qualifies for designation as a hardship area.

## **Status of Taita Taveta County**

Currently, the entire Taita Taveta County, is designated as hardship area for Teachers under the Teachers Service Commission.

## **Criteria used to Categorize Designated Hardship areas**

**Hon. Chairman,**

The Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters in the FY 2008/2009 which were re-examined in FY 2019/2020 to guide the determination and re-categorization of hardship areas.

The parameters are: food, water, transport & communication services, social services, climate & terrain, security and poverty index.

**Hon. Chairman,**

These parameters are explained as follows:

### **a) Food - Unavailability and Inaccessibility**

Food is a basic need for human beings and therefore a necessity. Lack/inadequate food in any working environment demotivates workers and may lead to loss of productivity.

**Hon. Chairman,**

Factors considered under the criteria include: whether the area receives relief food/or not, availability of a market place, agricultural productivity, cost/expense on food and distance to food markets.

### **b) Water - Unavailability and Inaccessibility**

Water is a basic human need and supports the achievement of other basic needs such as health. Any worker therefore requires the availability and accessibility of water in order to perform assigned duties optimally.

**Hon. Chairman,**

The factors used are as follows: availability of piped water, whether area gets water from seasonal rivers/borehole, whether area has permanent river, private water tanks supply water to the area and distance to water points.

### **c) Transport and Communication Services – Inadequacy**

An effective transport system is fundamental in enabling sustainable economic development. Transport facilitates the movement of people, goods, services and resources and improves access to markets. Transport is also essential for providing access to basic public services, such as health and education.

The factors considered under the criteria include: availability of /distance from tarmac roads, availability of /distance from all-weather roads, availability of /reliability of mode of public transport, roads accessibility during rainy season and mobile phones connectivity.

**Hon. Chairman,**

### **d) Social services – Unavailability and Inaccessibility**

Schools and health facilities (among other social services- Electricity, Housing, Banks) are integral part of any community and are best located close to these communities. The factors considered under the criteria include: availability of / distance from schools, availability of /distance from hospitals/health facilities, availability of electricity, availability of housing facilities and availability of /distance from Bank/Postal services.



### **e) Climatic conditions and Terrain**

**Hon. Chairman,**

Factors considered under the criteria include: availability of rainfall, whether the region is arid / semi- arid, hot and dry, terrain of the area and floods during rainy season.

### **f) Security/High possibility security threats**

Factors considered under the criteria include: human and wildlife conflict, banditry/cattle rustling/snakes.

**Hon. Chairman,**

### **g) Severity of Poverty**

Widespread existence of poverty in an area affects the development of the area. The availability of social amenities would be limited if an area is very poor.

**Hon. Chairman,**

### **Regarding the payment of hardship allowance and enhanced housing allowance for teachers in Kilifi County and Taita Taveta County**

Gazettement of the hardship areas and implementation of the designated hardship areas will therefore, be undertaken upon approval by the Cabinet.

The issue of enhancement of house allowance for teachers in Kilifi County falls within the mandate of the Teachers Service Commission (TSC) and the Salaries and Remuneration Commission (SRC). The house allowance rates approved by the SRC are applicable to all public officers as per the region of deployment of the officers.

### **CONCLUSION**

**Hon. Chairman,** once again, I thank you for this opportunity to appear before the Senate Standing Committee on Education to respond to the Petitions regarding payment of hardship allowance and enhanced housing allowance to teachers in Kilifi and Taita Taveta Counties.

**Hon. Chairman,** the Ministry of Public Service, Performance and Delivery Management looks forward to continued partnership with the Senate and will continue undertaking its mandate of guiding the Service and creating the enabling work environment for efficient and effective service delivery to all citizens.

I hereby submit.



**Hon. Moses K. Kuria, HSC**  
**CABINET SECRETARY**

**Designated Areas in the Public Service (Civil Service, Teaching Service and the Judiciary)**

COMPARISON OF HARDSHIP DESIGNATED AREAS IN PUBLIC SERVICE					
Civil Service/ Parastatal	Status	Judicial Service Commission	Status	Teachers Service Commission	Status
1 Tana River	Entire County	1. Daadab	Town/Centre	1 Suba	Mfangano and Rusinga Islands
2 Lamu	Entire County	2. Garissa	Town/Centre	2 Kuria	Kegonga Division
3 Garissa	Entire County	3. Garsen	Town/Centre	3 Busia	Budalangi Division
4 Wajir	Entire County	4. Habaswein	Town/Centre	4 Kajiado	Entire District
5 Mandera	Entire County	5. Hola	Town/Centre	5 Nakuru	Mbogoini and Makongeni Divisions (lower Solai)
6 Marsabit	Entire County	6. Kabarnet	Town/Centre	6 Laikipia	Entire District
7 Isiolo	Entire County	7. Kakuma	Town/Centre	7 Kitui	Entire District
8 Makueni	Entire County	8. Kapenguria	Town/Centre	8 Kilifi	Ganze Division
9 Turkana	Entire County	9. Kehancha	Town/Centre	9 Keiyo	Entire District
10 West Pokot	Entire County	10. Kyuso	Town/Centre	10 Marakwet	Entire District
11 Samburu	Entire County	11. Lamu	Town/Centre	11 Kwale	Kinango and Samburu Divisions
12 Elgeyo	Entire County	12. Lodwar	Town/Centre	12 Trans Mara	Entire District
13 Laikipia	Entire County	13. Mandera	Town/Centre	13 Mwingi	Entire District
14 Baringo	Excludes Koibatek Sub-county	14. Mararal	Town/Centre	14 Tharaka	Entire District
15 Nandi	Tinderet Sub-county only	15. Marimanti	Town/Centre	15 Mbeere	Entire District
16 Taita Taveta	Manyani Area in Ngolia Ward	16. Marsabit	Town/Centre	16 Malindi	Magarini, Marafa and Kakoneni Division
<b>Total: 16 Areas</b>		17. Moyale	Town/Centre	17 Machakos	Yatta and Masinga Division
		18. Mutomo	Town/Centre	18 Nyeri	Kieni Division
		19. Mwingi	Town/Centre	19 Kiambu	Ndeiya and Karai locations
		20. Taveta	Town/Centre	20 Maragwa	Makuyu Division
		21. Wajir	Town/Centre	21 Nyandarua	Nyahururu High school
		<b>Total : 21 Areas</b>		22 Nyandarua	Nyandarua Boarding Primary
				23 Kericho	Divisions
				24 Kisumu	Muhoroni Valley and Sondu Divisions
				25 Thika	Kakuzi Division
				26 Koibatek	Kim'g'om Divisions
				27 Narok	Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions
				28 Makueni	Entire District
				29 Isiolo	Entire District
				30 Moyale	Entire District
				31 Marsabit	Entire District
				32 Garissa	Entire District
				33 Mandera	Entire District
				34 Wajir	Entire District
				35 Lamu	Entire District
				36 Tana River	Entire District
				37 Taita Taveta	Entire District
				38 Baringo	Entire District
				39 Samburu	Entire District
				40 Turkana	Entire District
				41 West Pokot	Entire District
				42 Ijara	Entire District
				43 Nandi	Tinderet Division
				44 Meru North (Nyambene)	Mutuati, Ndoileli and Igembe East Divisions; Buuri, Giika locations; Linjoka, Ankamia Sub-locations; Amung'enti, Thangatha, Mumui, Kiuju line and Akithi zones
<b>Total: 44 Areas</b>					



## Appendix II

### WEIGHTED CRITERIA FOR RE-EXAMINATION OF HARDSHIP AREAS *(edited 2020/03/19)*

Sno	Criterion	How to Give Full Mark	Weight
<b>1.</b>	<b>Food – Unavailability and Inaccessibility</b>		<b>25</b>
	i) Area on (perpetual) relief food	Yes	5
	ii) Availability of market place	None	5
	iii) Average Distance to food markets	Long	5
	iv) Cost of food expensive	High	5
	v) Low agricultural productivity of the area/ supply of food	Low	5
<b>2.</b>	<b>Water – Unavailability and Inaccessibility</b>		<b>15</b>
	i) Availability of piped water	None	3
	ii) Area gets water from seasonal rivers/borehole/springs	Yes	3
	iii) Area has permanent river	None	3
	iv) Private water tanks/vendor supply water to the area	Yes	3
	v) Average Distance to water point	Long	3
<b>3.</b>	<b>Transport and Communication Service - Inadequacy</b>		<b>20</b>
	i) Availability/Distance of tarmac roads	None	4
	ii) Availability/Distance of all-weather roads	None	4
	iii) Mobile-phone connectivity	None	4
	iv) Availability/Reliability of mode of public transport	None	4
	v) Roads impassable during rainy season	Yes	4
<b>4.</b>	<b>Social Services – Unavailability and Inaccessibility</b>		<b>15</b>
	i) Schools are available/Distance	None	3
	ii) Availability/Average Distance of Bank/Postal services	None	3
	iii) Availability/Distance of hospitals/health facilities	None	3
	iv) Electricity available	None	3
	v) Housing for Public Servants / Availability of housing facilities	None	3
<b>5.</b>	<b>Climate and Terrain - Harshness</b>		<b>15</b>
	i) Area dries with erratic rainfall	Yes	5
	ii) Area gets flooding during rainy season	Yes	2.5
	iii) The region is hot and dry	Yes	2.5
	iv) The region is semi- arid	Yes	2.5
	v) Difficult terrain (mountainous with deep gullies)	Yes	2.5
<b>6.</b>	<b>Security – High Possibility of Threats</b>		<b>5</b>
	i) Human wildlife conflict	Yes	2.5
	ii) Banditry / cattle rustling	Yes	2.5
<b>7.</b>	<b>Poverty – Severity</b>	<b>High Index</b>	<b>5</b>
	<b>TOTAL</b>		<b>100</b>



**REPUBLIC OF KENYA  
MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY  
MANAGEMENT**

**RESPONSE TO A PETITION BEFORE THE SENATE STANDING  
COMMITTEE ON EDUCATION SUBMITTED BY THE CABINET  
SECRETARY, MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND  
DELIVERY MANAGEMENT**

**7<sup>th</sup> May, 2024**

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## **PETITION CONCERNING PAYMENT OF HARDSHIP ALLOWANCE TO TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES**

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### **INTRODUCTION**

**Hon. Chairman,** I take this opportunity to thank you and Hon. Senators of the Senate Education Committee for once again inviting me to respond to this Petition regarding payment of Hardship Allowance to teachers in Kilifi and Taita Taveta Counties.

Following the Ministry's earlier submission on 1<sup>st</sup> November, 2023, I take note that your Committee has requested for additional information to provide further clarifications on the following four issues:

1. The list of all designated hardship areas for the teaching service, the current legal and policy framework used to pay hardship allowance and the criteria used and considered for an area to be classified as a hardship area;
2. Explain why areas in Taveta sub-county, Taita sub-county and Rong'e Zone are not designation as hardship areas for teachers in the area to be eligible for hardship allowance despite satisfying the conditions to be designated as such;
3. Enumerate efforts and strategies employed by the Ministry for Public Service to ensure public servants deployed in Taveta sub-county, Taita sub-county and Rong'e Zone benefit from hardship allowance;
4. The implementation status of the report of the Inter-Agency Technical Committee established in March 2019 to study the prevailing policies, circulars and guidelines on designated hardship areas and payment of hardship allowance.

**Hon. Chairman,** allow me to respond as follows:



# 1. a) The list of all designated hardship areas for the teaching service

The list of all designated hardship areas for the teaching service are as follows:

## DESIGNATED HARDSHIP AREAS FOR TEACHERS SERVICE COMMISSION

S/No.	Area	Status
1	Suba	Mfangano and Rusinga Islands
2	Kuria	Kegonga Division
3	Busia	Budalangi Division
4	Kajiado	Entire District
5	Nakuru	Mbogoini and Makongeni Divisions (Lower Solai)
6	Laikipia	Entire District
7	Kitui	Entire District
8	Kilifi	Ganze Division
9	Keiyo	Entire District
10	Marakwet	Entire District
11	Kwale	Kinango and Samburu Divisions
12	Trans Mara	Entire District
13	Mwingi	Entire District
14	Tharaka	Entire District
15	Mbeere	Entire District
16	Malindi	Magarini, Marafa and Kakoneni Division
17	Machakos	Yatta and Masinga Division
18	Nyeri	Kieni Division
19	Kiambu	Ndeiya and Karai Locations
20	Maragwa	Makuyu Division
21	Nyandarua	Nyandarua High School
22	Nyandarua	Nyandarua Boarding Primary
23	Kericho	Muhoroni, Fort Ternan, Soin and Sondu Divisions
24	Kisumu	Muhoroni Valley and Sondu Divisions
25	Thika	Kakuzi Divisions
26	Koibatek	Kim'g'orom Divisions
27	Narok	Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions
28	Makueni	Entire District
29	Isiolo	Entire District
30	Moyale	Entire District
31	Marsabit	Entire District
32	Garissa	Entire District
33	Mandera	Entire District
34	Wajir	Entire District
35	Lamu	Entire District
36	Tana River	Entire District
37	Taita Taveta	Entire District
38	Baringo	Entire District
39	Samburu	Entire District
40	Turkana	Entire District
41	West Pokot	Entire District
42	Ijaara	Entire District
43	Nandi	Tinderet Division
44	Meru North (Nyambene)	Mutuati, Ndoleli and Igembe East Divisions Buuri, Giika Locations Linjoka, Ankamia Sub Locations Amung'enti, Thangatha, Mumui, Kiujuline and Akithi Zones
Total : 44 Areas		

**Hon. Chairman,**

**b) The current legal and policy framework used to pay hardship allowance**

The current legal and policy framework used to pay hardship allowance is Salaries and Remuneration Commission (SRC) Circular Ref No. SRC/ADM/CIR/1/13 Vol. III (126) of 10<sup>th</sup> December 2014 which stipulates the rates of payment of hardship allowance in the Public Service ***Appendix III.***

**Hon. Chair,**

**c) The criteria used and considered for an area to be classified as a hardship area**

The Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas.

The criteria used and considered for an area to be classified as a hardship area are food, water, transport & communication services, social services, climate & terrain, security and poverty index as shown in ***Appendix II.***

**2. Explain why areas in Taveta sub-county, Taita sub-county and Rong'e Zone are not designation as hardship areas for teachers in the area to be eligible for hardship allowance despite satisfying the conditions to be designated as such.**

**Hon. Chair,**

The process of reviewing Designated Hardship Areas and rates of Payment for Hardship Allowance has not been finalized. The Inter-Agency Technical Committee Report has been submitted to the Salaries and Remuneration Commission (SRC) for concurrence and subsequent approval by the Cabinet.

**3. Enumerate efforts and strategies employed by the Ministry for Public Service to ensure public servants deployed in Taveta sub-county, Taita sub-county and Rong'e Zone benefit from hardship allowance.**



**Hon. Chairman,**

### **Background**

- i. Designated hardship areas in the Public Service for purposes of payment of hardship allowance are remote areas categorized as lacking or having inadequate basic social services, amenities and infrastructure.
- ii. Prior to 1997, the Civil and Teaching Services had similar designated Hardship Areas, which included the former North Eastern Province (Wajir, Mandera & Garissa), Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo. This comprised of eleven (11) fairly distinct hardship areas.

**Hon. Chairman,**

- iii. Designation of such areas was undertaken in consultation with the Office of the President - the then Directorate of Personnel Management and Provincial Administration and Internal Security.
- iv. In 1997, the Minister for Education through Legal Notice No. 534 of 11<sup>th</sup> November, 1997 Gazetted an additional twenty-five (25) Hardship Areas for the Teaching Service following a recommendation by the Teachers Service Remuneration Committee. This followed a Collective Bargaining Agreement with the Kenya National Union of Teachers. The recommendation was based on the agreement that teachers work in more remote areas as compared to Civil Servants who are mostly posted to District and Divisional Headquarters.
- v. In 2005, the number of designated Hardship Areas for the Teaching Service was increased from thirty-six (36) to the current forty-four (44) as indicated in **Appendix I**.
- vi. Currently, the Civil Service (National and County Governments) have sixteen (16) Designated Hardship Areas while the Judiciary has twenty-one (21) areas designated as hardship based on location of the law courts as shown in **Appendix I**.

### **Constitution of an Inter-Agency Technical Committee to address existing disparities**

**Hon. Chairman,**

- i. The Government in cognizance of the existing disparities in designated hardship areas in the Public Service and in order to address the same, across the Public Service and to promote fairness and parity of treatment of Public Servants, the Ministry of Public Service and Gender vide letter



Ref: MPYG.DPSM.HRM/2/1/5/TY (30) dated 21<sup>st</sup> March, 2019 constituted an Inter-Agency Technical Committee.

- ii. The Inter-Agency Committee comprised representatives from the Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.

### **Terms of Reference for the Inter- Agency Technical Committee**

The Terms of Reference for the Committee were as follows: -

- i. Study the current policies and applicable Circulars on Designated Hardship Areas and payment of Hardship Allowance in the Civil Service;
- ii. Undertake a comparative analysis of other existing policies on Designated Hardship Areas and payment of Hardship Allowance in the Public Service and other jurisdictions;
- iii. Study the issues in petitions presented to the National Assembly on the matter of Designated Hardship Areas and payment of Hardship Allowance to Public Servants;
- iv. Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding Designated Hardship Areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017;
- v. Address any other issues incidental to the matter on Designated Hardship Areas and payment of Hardship Allowance; and
- vi. Prepare a Report on the study with recommendations and way forward on categorization of Designated Hardship Areas and payment of Hardship Allowance.

### **Status of Country wide data collection exercise on Designated Hardship Areas**

**Hon. Chairman,**

The Inter-Agency Technical Committee undertook country wide field visits and surveys and prepared a report awaiting submission to the Cabinet for approval.

**Hon. Chairman,**

**Regarding the payment of hardship allowance for public servants deployed in Taveta Sub-County, Taita Sub-County and Rong'e Zone.**

Determination of designation of the specified areas as hardship and payment of hardship allowance shall be done upon approval by Salaries and Remuneration Commission (SRC) and the Cabinet.

- 4. The implementation status of the report of the Inter-Agency Technical Committee established in March 2019 to study the prevailing policies, circulars and guidelines on designated hardship areas and payment of hardship allowance.**

**Hon. Chairman,** the report on the review of designated hardship areas and rates for hardship allowances has been submitted to the Salaries and Remuneration Commission (SRC) for consideration. Once a response is received from SRC, the report will then be forwarded to Cabinet for approval.

#### **CONCLUSION**

**Hon. Chairman,** once again, I thank you for this opportunity to respond to the Petitions regarding payment of hardship allowance and enhanced housing allowance to teachers in Kilifi and Taita Taveta Counties.

I hereby submit.



**Hon. Moses K. Kuria, HSC**  
**CABINET SECRETARY**



**Designated Areas in the Public Service (Civil Service, Teaching Service and the Judiciary)**

COMPARISON OF HARDSHIP DESIGNATED AREAS IN PUBLIC SERVICE

Civil Service/ Parastatal	Status	Judicial Service Commission	Status	Teachers Service Commission	Status
1 Tana River	Entire County	1. Daadab	Town/Centre	1 Suba	Mfangano and Rusinga Islands
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4 Wajir	Entire County	4. Habaswein	Town/Centre	4 Kajiado	Entire District
5 Mandera	Entire County	5. Hola	Town/Centre	5 Nakuru	Mbogoini and Makongeni Divisions (lower Solai)
6 Marsabit	Entire County	6. Kabarnet	Town/Centre	6 Laikipia	Entire District
7 Isiolo	Entire County	7. Kakuma	Town/Centre	7 Kitui	Entire District
8 Makueni	Entire County	8. Kapenguria	Town/Centre	8 Kilifi	Ganze Division
9 Turkana	Entire County	9. Kehancha	Town/Centre	9 Keiyo	Entire District
10 West Pokot	Entire County	10. Kyuso	Town/Centre	10 Marakwet	Entire District
11 Samburu	Entire County	11. Lamu	Town/Centre	11 Kwale	Kinango and Samburu Divisions
12 Elgeyo	Entire County	12. Lodwar	Town/Centre	12 Trans Mara	Entire District
13 Laikipia	Entire County	13. Mandera	Town/Centre	13 Mwingi	Entire District
14 Baringo	Excludes Koibatek Sub-county	14. Mararal	Town/Centre	14 Tharaka	Entire District
15 Nandi	Tinderet Sub-county only	15. Marimanti	Town/Centre	15 Mbeere	Entire District
16 Taita Taveta	Manyani Area in Ngolia Ward	16. Marsabit	Town/Centre	16 Malindi	Magarini, Marafa and Kakoneni Division
		17. Moyale	Town/Centre	17 Machakos	Yatta and Masinga Division
		18. Mutomo	Town/Centre	18 Nyeri	Kieni Division
		19. Mwingi	Town/Centre	19 Kiambu	Ndeiya and Karai locations
		20. Taveta	Town/Centre	20 Maragwa	Makuyu Division
		21. Wajir	Town/Centre	21 Nyandarua	Nyahururu High school
				22 Nyandarua	Nyandarua Boarding Primary
				23 Kericho	Divisions
				24 Kisumu	Muhoroni Valley and Sondu Divisions
				25 Thika	Kakuzi Division
				26 Koibatek	Kim'orom Divisions
				27 Narok	Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions
				28 Makueni	Entire District
				29 Isiolo	Entire District
				30 Moyale	Entire District
				31 Marsabit	Entire District
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				33 Mandera	Entire District
				34 Wajir	Entire District
				35 Lamu	Entire District
				36 Tana River	Entire District
				37 Taita Taveta	Entire District
				38 Baringo	Entire District
				39 Samburu	Entire District
				40 Turkana	Entire District
				41 West Pokot	Entire District
				42 Ijara	Entire District
				43 Nandi	Tinderet Division
				44 Meru North (Nyambene)	Mutuati, Ndoleli and Igembe East Divisions; Buuri, Giika locations; Linjoka, Ankamia Sub-locations; Amung'enti, Thangatha, Mumui, Kiujuine and Akithi zones



**WEIGHTED CRITERIA FOR RE-EXAMINATION OF HARDSHIP AREAS***(edited 2020/03/19)*

Sno	Criterion	How to Give Full Mark	Weight
<b>1.</b>	<b>Food – Unavailability and Inaccessibility</b>		<b>25</b>
	i) Area on (perpetual) relief food	Yes	5
	ii) Availability of market place	None	5
	iii) Average Distance to food markets	Long	5
	iv) Cost of food expensive	High	5
	v) Low agricultural productivity of the area/ supply of food	Low	5
<b>2.</b>	<b>Water – Unavailability and Inaccessibility</b>		<b>15</b>
	i) Availability of piped water	None	3
	ii) Area gets water from seasonal rivers/borehole/springs	Yes	3
	iii) Area has permanent river	None	3
	iv) Private water tanks/vendor supply water to the area	Yes	3
	v) Average Distance to water point	Long	3
<b>3.</b>	<b>Transport and Communication Service - Inadequacy</b>		<b>20</b>
	i) Availability/Distance of tarmac roads	None	4
	ii) Availability/Distance of all-weather roads	None	4
	iii) Mobile-phone connectivity	None	4
	iv) Availability/Reliability of mode of public transport	None	4
	v) Roads impassable during rainy season	Yes	4
<b>4.</b>	<b>Social Services – Unavailability and Inaccessibility</b>		<b>15</b>
	i) Schools are available/Distance	None	3
	ii) Availability/Average Distance of Bank/Postal services	None	3
	iii) Availability/Distance of hospitals/health facilities	None	3
	iv) Electricity available	None	3
	v) Housing for Public Servants / Availability of housing facilities	None	3
<b>5.</b>	<b>Climate and Terrain - Harshness</b>		<b>15</b>
	i) Area dries with erratic rainfall	Yes	5
	ii) Area gets flooding during rainy season	Yes	2.5
	iii) The region is hot and dry	Yes	2.5
	iv) The region is semi- arid	Yes	2.5
	v) Difficult terrain (mountainous with deep gullies)	Yes	2.5
<b>6.</b>	<b>Security – High Possibility of Threats</b>		<b>5</b>
	i) Human wildlife conflict	Yes	2.5
	ii) Banditry / cattle rustling	Yes	2.5
<b>7.</b>	<b>Poverty – Severity</b>	<b>High Index</b>	<b>5</b>
	<b>TOTAL</b>		<b>100</b>



**Salaries & Remuneration  
Commission**

*Rewarding productivity*

**Ref. No: SRC/ADM/CIR/1/13 Vol. III (126)**

**10th December, 2014**

Attorney General

Controller of Budget

Auditor General

All Principal Secretaries/Accounting Officers

Chief Registrar of Judiciary

Director of Public Prosecutions

Clerk, of the Senate;

Clerk, National Assembly

Secretaries, Constitutional Commissions

Vice-Chancellors of all Public Universities

Secretaries County Public Service Boards

Secretary, State Corporation Advisory Committee

Chief Executives of All State Corporations and Statutory Bodies

Clerk, County Assembly Service Boards

County Secretaries, County Governments

**REVIEW OF ALLOWANCES IN THE PUBLIC SERVICE**

The Salaries and Remuneration Commission in fulfillment of its mandate of reviewing remuneration and benefits for public officers embarked on a study of all allowances payable in the Public Service. The study was concluded in September 2014 and the Commission has analyzed the report and adopted positions as a way forward.

The results of the study on allowances revealed that there exist significant variations on allowances payable across Public Service institutions in Kenya. The variations range from duplications and wide disparities (both vertical and horizontal) to varied eligibility criteria for payments that hamper harmonization and standardization.

- Arising from the study findings therefore, the Commission adopted the following positions; the Commission will consolidate allowances that perform similar functions but have different names, abolish allowances whose rationale is redundant or the purpose of paying them overlaps with that of the basic salary and restructure allowances whose attached economic value/rates are not commensurate with the intended purpose and opt for a better method of compensation. However, for purposes of rationalization, harmonization, standardization, equity, fairness, compensation for the cost of living adjustment and regulation in the Public Service, some allowances have been reviewed.

### **Critical Allowances**

From the results of the study, the following critical allowances with high levels of disparities in the Public Service were identified for review to; harmonize them (both vertically and horizontally) across the Service, to compensate for the cost of living that has appreciated considerably and to standardize and regulate their application.

These allowances include; House Allowance, Hardship Allowance and Subsistence Allowances. Details of the reviews are as follows.



## 1 Hardship Allowance

In an effort to compensate for the cost of living and for attraction of skills to Hardship areas in the Republic, the Commission has reviewed hardship allowance to be paid at a flat rate for all equivalent grades across the Public Service both at National and County Governments. Subsequently, The Commission has abolished pegging the allowance as a percentage of basic salary. The approved rates of Hardship Allowance are shown in **Table 1**.

**Table 1: New Rates of Hardship Allowance**

Civil Service Job Groups and Equivalent Grades	Rate of hardship Allowance P.m.
A	2,800
B	3,000
C	3,000
D	3,300
E	3,700
F	4,300
G	5,700
H	6,600
J	8,200
K	10,900
L	12,300
M	14,650
N	17,100
P	27,300
Q	31,500
R	38,100
S	45,000
T	60,000

**NB: An elected or nominated State officer shall not be in receipt of any Hardship Allowance**

## 2. House Allowance

The Commission has reviewed house allowance payable to all public Servants. This review has been done to eliminate the existing disparities (both vertically and horizontally) in the payment of house allowance and to compensate for the cost of housing that has appreciated considerably since the last review of the allowance in the year 2001. The Public Servants whose existing rates of house allowances are above the rates provided shall retain at existing levels until or unless otherwise reviewed by the Commission while Public Servants whose existing house allowances are below the approved rates to adopt the new rates. The reviewed rates of house allowance are shown in **Table 2**.



Table 2: New House Allowance Rates

1	2		3		4		5	6
Job Group	Nairobi		County Headquarters Only		County Headquarters Only		Other County Headquarters and all other areas	
			Mombasa, Kisumu, Malindi, Kilifi, Lamu, Kwale & Naivasha		Nyeri, Eldoret, Kericho, Kakamega, Kisii, Embu, Nanyuki,			
	Current	New	Current	New	Current	New	Current	NEW
A	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
B	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
C	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
D	3,300	4,125	2,700	3,375	2,200	2,750	1,900	2,375
E	3,500	4,500	2,900	3,730	2,300	2,960	2,100	2,700
F	3,500	4,500	2,900	3,730	2,300	3,000	2,100	2,700
G	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
H	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
J	6,000	10,000	4,500	7,500	3,500	5,800	3,000	4,200
K	10,000	16,500	8,000	12,800	6,000	9,600	5,000	7,500
L	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
M	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
N	24,000	35,000	17,000	25,500	13,000	18,000	11,000	15,400
P	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
Q	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
R	40,000	50,000	20,000	35,000	15,000	25,000	12,000	20,000
S	60,000	60,000	56,000	56,000	52,000	52,000	-	-
T	80,000	80,000	-	-	-	-	-	-

NB: This review does not apply to State officers

### 3 Daily Subsistence Allowance (Local Travel)

The Commission noted from the results of study that there were different circulars in the Public Service providing different rates for subsistence allowance. Subsequently, for purposes of standardization and regulation of the application of this facilitative allowance in the Public Service, the Commission has decided that all the allowances in the Public Service that are paid to facilitate officers to attend to official assignments away from their duty stations within the country be renamed Daily Subsistence Allowance (Local travel) and be paid at the rates shown in Table 3.

Table 3: New Rates of Daily Subsistence Allowance (Local travel)

Jog Group (Civil Service &	State Officers Grades'	Cluster 1	Cluster 2	Cluster 3
		Nairobi, Mombasa, Kisumu, Malindi, Kilifi, Lamu, Kwale &	Nyeri, Eldoret, Kericho, Kakamega, Kisii, Embu, Nanyuki, Nakuru Lodwar&	All Other Towns
	F4	22,000	18,000	12,000
U-V	FI, F2, E5	18,200	12,600	10,500
S-T	E 3,	16,800	12,600	10,500
P-R	E2,E1, D5	14,000	10,500	8,400
K-N	D4	11,200	8,400	7,000
F-J		6,300	4,900	4,200
A-E		4,200	3,500	2,100

See Table 5 for definition of State Officer Grading.



#### 4 Daily Subsistence Allowance (Foreign Travel)

Similarly, the Commission has decided that all the allowances in the Public Service that are paid to facilitate officers to attend to official assignments out of the country be renamed and called Daily Subsistence Allowance (Foreign Travel) and be paid at the rates shown in **Table 4**

**Table 4: New Rates of Daily Subsistence Allowance (Foreign Travel)**

Proposed new rates for foreign travel (USD)							
Civil Service grading <sup>2</sup>		JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
State Officer Grading <sup>2</sup>	F4	F2, F1, E5	E3, E4	E2, E1, D5	D4		
Country	Rates ( US\$ )						
Afghanistan	575	523	369	293	243	208	179
Albania	572	520	382	311	264	239	223
Algeria	669	608	437	350	294	256	234
Angola	788	716	529	436	386	360	345
Antigua & Barbuda	627	570	448	387	348	321	300
Argentina	615	559	443	386	352	332	321
Armenia	949	862	546	386	301	253	224
Aruba	747	679	504	416	363	330	306
Australia	730	663	480	387	131	301	285
Austria	787	715	519	420	359	323	304
Azerbaijan	949	862	578	436	356	310	281
Bahamas	898	816	598	488	415	360	312
Bahrain	601	547	438	383	352	333	320
Bangladesh	558	507	370	301	264	243	231
Barbados	732	666	484	394	332	295	274
Belarus	612	557	409	334	292	263	243
Belgium	843	767	591	502	437	399	376
Belize	530	482	358	296	261	240	227
Benin	615	559	398	318	271	245	230
Bermuda	779	708	515	417	353	305	272
Bhutan	500	454	284	198	152	127	111
Bolivia	456	415	298	239	207	189	179
Bosnia & Herzegovina	612	557	363	266	213	184	164
Botswana	567	516	373	301	263	240	227
Brazil	644	585	474	418	372	331	297
Brunei	1027	934	608	444	356	305	273
Bulgaria	456	415	352	321	301	287	277
Burkina Faso	601	547	387	308	257	220	194
Burundi	554	504	377	314	278	259	247
Cambodia	476	432	325	271	241	223	211
Cameroon	659	600	429	344	289	256	238
Canada	772	702	536	452	406	378	362
Cape Verde	509	463	370	323	295	277	265
Central African Republic	643	584	416	331	277	237	207
Chad	674	613	498	439	406	383	369
Chile	500	454	342	285	254	238	228
China	643	584	457	393	344	317	301
Colombia	537	488	371	312	270	237	212
Comoros	749	681	493	399	337	290	260
Congo	647	589	420	337	282	252	235

2

See Table 5 for definition of State Officer Grading.



Proposed new rates for foreign travel

Civil Service grading & State Officer Grading <sup>2</sup>	F4	F2, FI, E5	JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
Country	Rates ( US\$ )							
Costa Rica	537	488	371	312	270	246	232	
Cote d'Ivoire	653	594	435	354	299	259	231	
Croatia	612	557	448	393	356	331	310	
Cuba	457	416	336	295	272	256	249	
Cyprus	474	431	362	327	306	293	284	
Czech Republic	552	502	444	416	397	385	374	
Denmark	699	636	498	430	392	372	359	
Djibouti	574	522	384	314	276	255	242	
Dominica	473	430	336	288	259	238	222	
Dominican Republic	627	570	403	318	271	241	221	
DRC Congo	820	746	543	442	374	323	289	
Ecuador	513	466	347	286	252	232	220	
Egypt	529	481	381	331	303	284	266	
El Salvador	457	416	325	279	252	235	224	
Equatorial Guinea	500	454	376	338	314	297	284	
Eritrea	724	658	385	248	177	139	117	
Estonia	612	557	407	331	287	260	240	
Ethiopia	809	736	536	435	367	318	286	
Fiji	546	496	359	289	250	229	215	
Finland	914	831	609	498	424	366	321	
France	796	724	586	517	418	366	337	
French Guiana	626	569	417	341	289	251	224	
Gabon	656	596	466	402	358	314	283	
Gambia	518	471	363	0	270	237	210	
Georgia	949	862	541	381	295	246	218	
Germany	922	838	616	504	429	372	341	
Ghana	505	459	331	266	230	209	195	
Greece	541	492	425	391	371	358	348	
Grenada	509	463	424	403	389	377	367	
Guadeloupe	639	581	415	331	277	244	224	
Guatemala	509	463	339	277	242	220	206	
Guinea	603	548	389	310	259	221	197	
Guinea Bissau	627	570	418	341	250	198	169	
Guyana	484	440	323	264	232	212	201	
Haiti	469	427	356	321	299	285	274	
Honduras	572	520	367	292	249	224	209	
Hungary	741	673	506	422	364	318	289	
Iceland	635	578	447	381	344	323	311	
India	626	569	430	361	322	301	290	
Indonesia	615	559	398	318	271	246	232	
Iran	949	862	635	521	443	385	345	
Iraq	1245	1132	846	702	603	525	472	
Ireland	727	661	492	406	361	334	319	
Israel	1105	1004	745	614	525	457	391	
Italy	924	840	647	549	477	430	398	
Jamaica	622	565	428	360	321	299	288	
Japan	1111	1010	749	619	529	470	439	
Jordan	787	715	519	421	355	314	290	
Kazakhstan	949	862	579	436	358	311	282	
Kiribati	770	700	454	331	264	226	202	
Korea	600	546	425	363	330	310	299	
Kosovo	612	557	407	331	287	260	240	



Proposed new rates for foreign travel (USD)							
Civil Service grading&		JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
State Officer Grading <sup>2</sup>	F4	F2, FI, E5	E3,E4	E2, E1, D5	D4		
Country	Rates ( US\$ )						
Kuwait	1162	1056	787	652	559	486	435
Kyrgyzstan	949	862	520	350	260	210	182
Laos	391	355	256	207	179	162	153
Latvia	612	557	428	364	323	297	277
Lebanon	1077	979	726	600	513	446	399
Lesotho	445	405	277	213	174	154	141
Liberia	699	636	468	384	337	311	296
Libya	854	777	568	463	393	354	331
Liechtenstein	1111	1010	749	586	505	453	418
Lithuania	612	557	400	322	277	249	229
Luxembourg	666	605	435	349	303	278	264
Macedonia	770	700	440	309	240	201	177
Madagascar	699	636	458	369	310	267	235
Malawi	554	504	388	330	298	278	266
Malaysia	759	690	501	405	342	296	264
Maldives	461	419	309	254	223	206	194
Mali	613	558	424	356	310	286	272
Malta	749	681	494	399	348	319	303
Marshall Islands	770	700	465	348	283	245	221
Mauritania	577	525	384	314	266	231	207
Mauritius	509	463	398	365	345	334	328
Mexico	572	520	473	450	432	420	413
Micronesia	770	700	514	420	365	330	305
Moldova	612	557	428	364	323	297	277
Monaco	1100	1000	743	613	525	455	409
Mongolia	598	543	385	306	255	218	194
Montenegro	612	557	455	404	370	344	323
Morocco	928	844	619	507	416	366	331
Mozambique	505	459	332	270	233	213	202
Myanmar	444	404	276	212	173	150	136
Namibia	473	430	309	248	208	179	162
Nauru	770	700	427	290	219	178	155
Nepal	500	454	316	245	202	173	155
Netherlands	747	679	518	438	395	370	354
New Zealand	983	893	659	541	461	400	359
Nicaragua	627	570	409	329	273	233	206
Niger	630	573	409	327	274	234	208
Nigeria	796	724	526	427	370	339	320
North Korea	600	546	377	293	245	217	197
Norway	606	551	420	354	317	296	284
Oman	964	877	673	572	497	437	395
Pakistan	610	554	402	326	284	256	240
Palau	770	700	493	388	330	294	268
Panama	541	492	374	316	282	263	253
Papua New Guinea	770	700	508	413	349	300	268
Paraguay	584	531	376	298	255	230	217
Peru	702	638	460	370	312	279	261
Philippines	666	605	433	347	292	250	222
Poland	627	570	429	359	320	298	284
Portugal	674	613	465	391	350	327	314
Puerto Rico	444	404	323	283	260	244	234
Qatar	745	678	491	396	334	296	268







Vietnam	440	400	300	250	219	201	190
Yemen	813	739	539	438	371	320	287
Zambia	664	604	432	347	277	241	220
Zimbabwe	482	438	330	275	244	228	208

## 5. Scope of Application


1. The reviews shall apply to all State and other Public officers both at National and County Government as appropriate.
2. The rates that have been set by the Commission for Daily Subsistence Allowance (Local and Foreign travel) shall apply to all State and other Public officer in all public service institutions in Kenya. All other existing Circulars on the same subject therefore, cease to apply forthwith and the respective Accounting officer is personally responsible for prudent management of this facilitative allowance.
3. The new rates of House Allowance shall apply to all public officers other than State officers at the National and County Government including State Corporations from the scheduled effective date of implementation.
4. **The respective employers in the civil service should initiate Collective Bargaining Agreements with the relevant Unions in the implementation of the reviewed/harmonized allowances herein.**

## 6. Implementation Schedule

Please note that subject to budgetary provisions, implementation of all the reviewed allowances takes effect as follows:

- (i) **Daily Subsistence Allowance (Local & Foreign Travel) to be implemented with effect from the date of this Circular; and**
- (ii) **All the other Allowances reviewed will be implemented in a phased approach commencing in the Financial Year 2015/2016 as guided by the National Treasury through Budgetary provisions.**

Your Office is hereby requested to ensure compliance with the contents of this Circular and bring it to the attention of all employees in your organization for information



**Sarah J. C. Serem (Mrs.), EBS  
CHAIRPERSON**

All Cabinet Secretaries

Chief of Staff and Head of Public Service Chairpersons, Constitutional  
Commissions Chairperson, Council of Governors

Chairpersons County Public Service Boards

Registrar, Industrial Court of Kenya

Clerk, National Assembly

All County Governors

All Speakers, County Assemblies

Inspector General, Inspectorate of State Corporations Secretary, State Corporations  
Advisory Committee

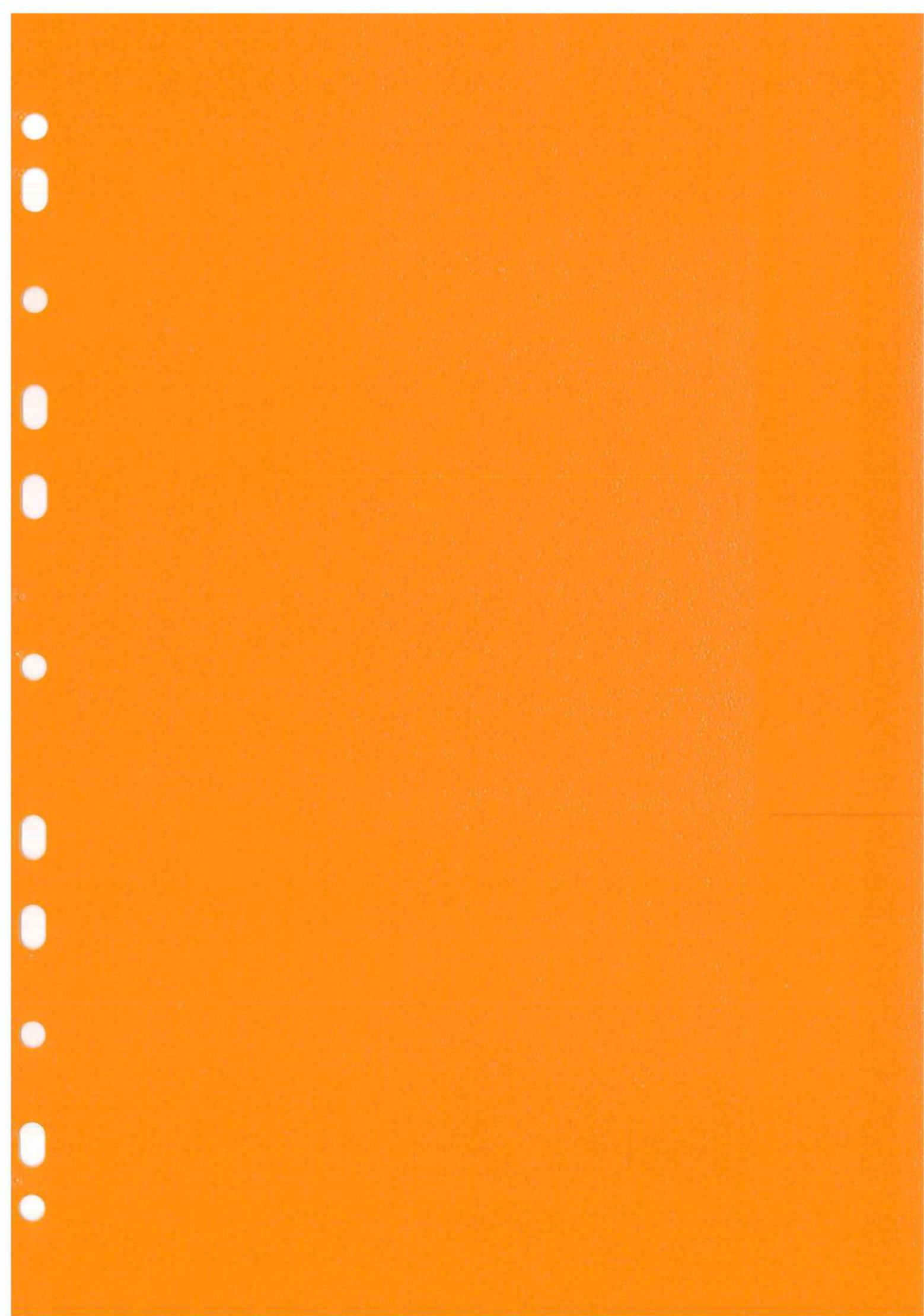
# APPENDIX

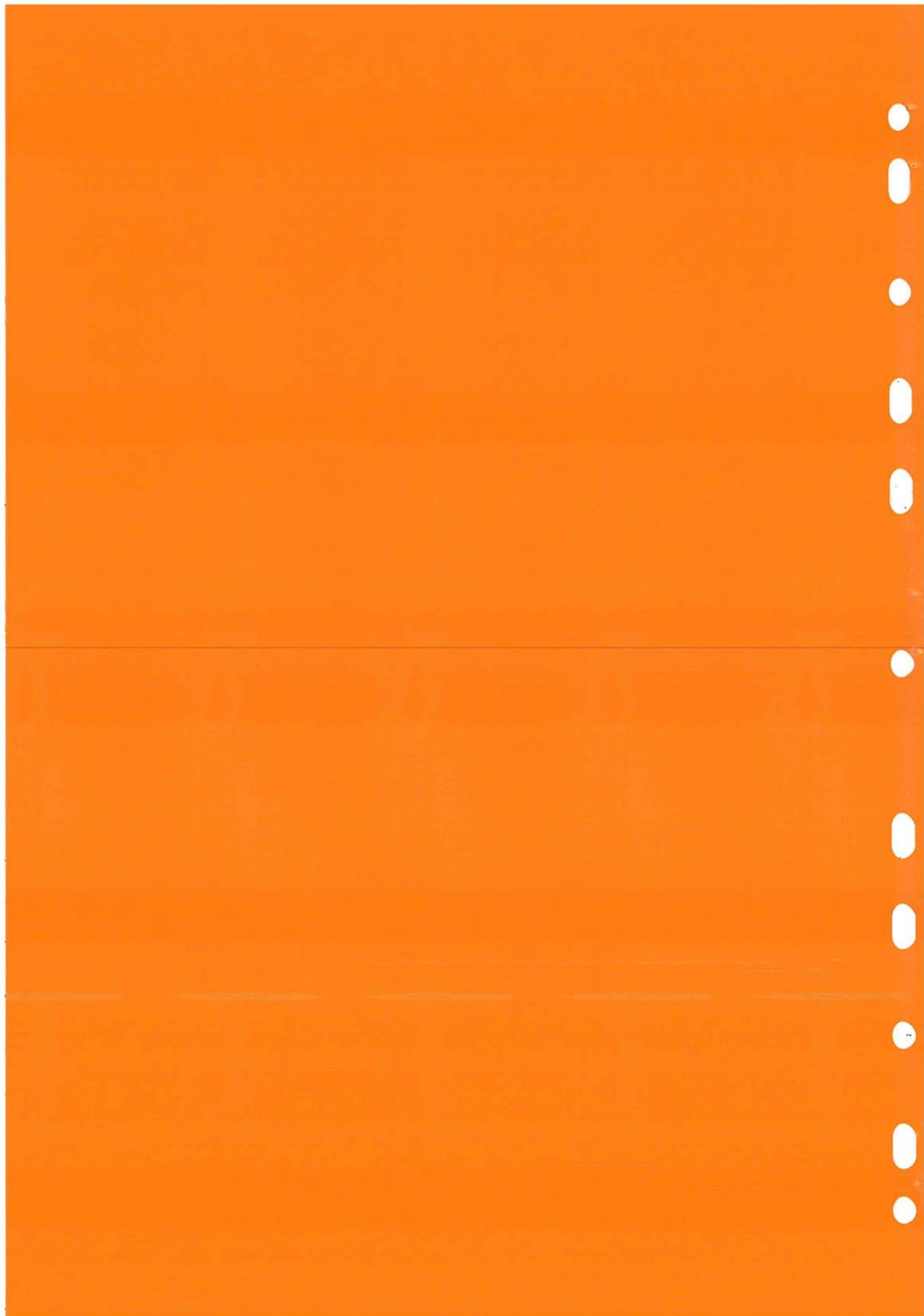
The Grading and Equivalent Job Groups of All State officers shall be used when applying General Government Circulars as Shown in **Table 5**.

**Table 5: The grades and Equivalent Job Groups for all State Officers**

State Officer	Job Grade	Job Group Equivalent
Speaker of the National Assembly Speaker of the Senate, Chief Justice	F4	
Deputy Chief Justice, Cabinet Secretary, Secretary to the Cabinet, Deputy Speaker of the Senate, Deputy Speaker of the National Assembly, Attorney General, Auditor General, Judge of the Supreme Court, Chairman, IEBC,	F2	V
Principal Secretary, Controller of Budget ,Judge of the Court of Appeal County Governor Director of Public Prosecution, Vice Chair IEBC, Vice Chair CIC, Chairpersons, other Constitutional Commission	F1	
Member of the National Assembly, Member of the Senate, Members of Independent Constitutional Commissions, Judge of the High Court, Register of Political parties	E5	U
Secretaries of Independent Constitutional Commissions, Deputy County Chief Magistrate	E3	S
Senior Principal Residence Magistrate Principal Residence Magistrate	E2	R
Speaker, County Assembly, County Executive Committee Member	E1	Q
Senior Resident Magistrate	D5	P
Resident Magistrate	D4	N
Member of County Assembly		







## **ANNEX 4**

# **Report from the Chief Executive Officer of the Teachers Service Commission**





# TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000

Email: [ceo@tsc.go.ke](mailto:ceo@tsc.go.ke)

Web: [www.tsc.go.ke](http://www.tsc.go.ke)

When replying please quote

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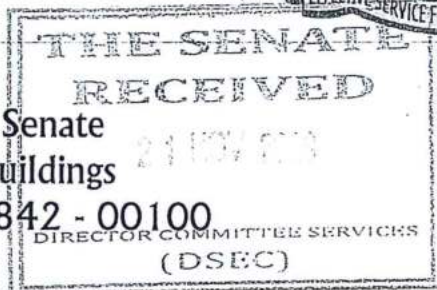
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TSC HOUSE  
KILIMANJARO ROAD  
UPPER HILL  
PRIVATE BAG- 00100  
NAIROBI, KENYA

20<sup>th</sup> November, 2023.

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



## PETITION CONCERNING THE DISCRIMINATION BY THE TEACHERS SERVICE COMMISSION ON PAYMENT OF HARDSHIP ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO TEACHERS IN KILIFI COUNTY

The above captioned matter and your letter Ref: SEN/SCE/CORR/2023/058 dated 3<sup>rd</sup> November, 2023 refers.

Attached, herewith, is the detailed response to the questions raised for your further action.

*Kla.*  
C.O. ANYUOR  
FOR: SECRETARY/CHIEF EXECUTIVE  
TEACHERS SERVICE COMMISSION

① DSEC  
Kindly deal -

*Eg*  
21/11/2023

③ Mr. Rongera  
Kindly deal  
Kibach  
22/11/2023

② HOD-VK  
Kindly deal  
21/11/2023





TEACHERS SERVICE COMMISSION



RESPONSE TO PETITION CONCERNING THE DISCRIMINATION BY THE  
TEACHERS SERVICE COMMISSION ON PAYMENT OF HARDSHIP  
ALLOWANCE AND ENHANCED HOUSE ALLOWANCE TO TEACHERS IN  
KILIFI COUNTY.

17<sup>TH</sup> NOVEMBER 2023

## 1.0. BACKGROUND

- 1.1 The Teachers Service Commission is established under Article 237 (1) of the Constitution with its primary functions set out in Article 237 (2) and (3) to include teacher management functions and regulation of the teaching sector.
- 1.2 Further, the Commission draws powers necessary for the execution of its constitutional functions from the Teachers Service Commission Act. Section **47** and **48** of the Act empowers the Commission to publish a Code of Regulations and Code of Conduct for Teachers to assist the Commission in regulating the teaching service. In this regard, the Commission published the two codes which came into effect on **1<sup>st</sup> July 2016**.
- 1.3 Further in compliance with the provisions of **Article 41** of the Constitution the Commission has negotiated and signed **Collective Bargaining Agreement 2021-2025 (CBA)** with the teacher unions.
- 1.4 Accordingly, the constitution of Kenya, the Teachers Service Commission Act, the Code of Regulations and Code of Conduct for Teachers, Collective Bargaining Agreement (CBA) 2021-2025 forms the legal framework underpinning the Commission's operations.

## 2.0. COULD THE COMMISSION PROVIDE FURTHER CLARIFICATION AND INFORMATION ON THE LIST OF ALL DESIGNATED HARDSHIP AREAS FOR THE TEACHING SERVICE AND THE CURRENT POLICY USED BY THE TEACHERS SERVICE COMMISSION (TSC) TO PAY HARDSHIP ALLOWANCES.

- 2.1 The mandate to designate an area as hardship area vests with the Ministry of Public Service, Gender, and Affirmative Action. Accordingly, the designated hardship areas were gazetted in Legal Notice **534 of 1997** annexed herein as **annexure 1**.



2.2 **Regulation 91** of the Code of Regulations for Teachers requires the Commission to pay hardship allowance to a teacher assigned to teach in a school situated in a designated and gazetted hardship area.

2.3 To this end the designated hardship areas are as shown in Table 1 below.

**Table 1: Designated hardship areas**

No.	County	Designated hardship area
1	Baringo	Former Baringo District and Kisanana, Mogotio, Emining, Sirwa and Kimng'orom Divisions in previous Koibatek District
2	Elgeyo Markwet	Former Marakwet & Keiyo districts
3	Embu	Former Mbeere District
4	Garissa	Entire County
5	Homa Bay	Mfangano and Rusinga Islands in former Suba District
6	Isiolo	Entire County
7	Kajiado	Entire County
8	Kericho	Muhoroni, Fort Ternan, Soin and Sondu Divisions in previous Kericho District
9	Kiambu	Ndeiya Division
10	Kilifi	Ganze Division in former Kilifi District and Magarini, Marafa and Kakoneni Divisions in former Malindi District.
11	Kisumu	Muhoroni Valley and Sondu Divisions
12	Kitui	Former Kitui and Mwingi District
13	Kwale	Kinango and Samburu Divisions
14	Laikipia	Entire County
15	Lamu	Entire County
16	Machakos	Masinga and Yatta Divisions in former Machakos District.
17	Makueni	Entire County
17	Mandera	Entire County
18	Marsabit	Entire County



No.	County	Designated hardship area
19	Meru	Mutuati, Ndoleli and Igembe East Division, Buuri and Giika Locations, Amung'enti and Thangatha zones; Muimui, Kiujuline, Akithi zone Linjoka and Ankamia sub-locations in former Meru North District
20	Migori	Kegonga Division in former Kuria District
21	Murang'a	Makuyu Division, Maragwa District and Kakuzi Divisions former Thika District
22	Nakuru	Mbogoini Division and Makongeni Zone
23	Nandi	Tinderet Division
24	Narok	Former Trans Mara District, Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions in former Narok District
27	Nyeri	Kieni Division in previous Nyeri District
28	Samburu	Entire County
29	Taita Taveta	Mbololo, Mwatate and Voi Divisions
30	Tana River	Entire County
31	Tharaka Nithi	Former Tharaka District
32	Turkana	Entire County
33	Wajir	Entire County
34	West Pokot	Entire County

**3.0. COULD THE COMMISSION PROVIDE FURTHER CLARIFICATION AND INFORMATION ON THE REASONS WHY ALL TEACHERS IN TAITA TAVETA COUNTY DO NOT BENEFIT FROM HARDSHIP ALLOWANCE DESPITE THE COUNTY BEING AMONG AREAS DESIGNATED AS HARDSHIP AREAS FOR TEACHING.**

3.1. The designated hardship areas were gazetted in Legal Notice **534 of 1997**. In Taita Taveta County, the gazetted areas are **Mbololo, Mwatate and Voi Divisions in former Taita Taveta District** and not the entire County.

- 3.2. Notably, since the gazettment of hardship areas in 1997, the Legal Notice 534 has not been revised to date.

**4.0. COULD THE COMMISSION PROVIDE FURTHER CLARIFICATION AND INFORMATION ON THE CRITERIA USED IN DETERMINING AND CLASSIFYING TOWNS FOR PURPOSES OF PAYING HOUSE ALLOWANCE FOR THE TEACHING SERVICE.**

- 4.1. Pursuant to Article 230 of the Constitution, the Salaries and Remuneration Commission (SRC) has the mandate to advice on remuneration and benefits of Public officers including the teaching service. In exercise of this mandate, SRC issued an advisory vide letter **ref: SRC/TS/MDP/3/1/2 (2)** dated **11<sup>th</sup> August, 2015** on the payment of House Allowance for public officers. ***Annexure 2 is a copy of the letter.***
- 4.2. In the said advisory, the SRC categorized the Country into **4 clusters** for purposes of payment of House Allowance namely **Nairobi, former Major Municipalities, other former municipalities and other areas.**
- 4.3. Accordingly, Honorable Members, the Commission has no mandate to classify/categorize towns for purposes of payment of House Allowance. This mandate is a preserve of the SRC.
- 5.0. COULD THE COMMISSION PROVIDE FURTHER CLARIFICATION AND INFORMATION ON THE LIST OF ALL AREAS WITHIN KILIFI COUNTY WHERE TEACHERS RECEIVE ENHANCED HOUSE ALLOWANCES AND THE RESPECTIVE CATEGORIES**
- 5.1. In accordance with Article 230 of the Constitution, the SRC has the mandate to advice on remuneration and benefits of Public officers including the teaching service.
- 5.2. In exercise of this mandate, SRC issued an advisory vide letter **ref: SRC/TS/MDP/3/1/2 (2)** dated **11<sup>th</sup> August, 2015** on the payment of House Allowance for public officers.



- 5.3. At the time the advisory was issued, Kilifi was a township and was gazetted as such as per **Gazette Notice Number 10557 of 2007** hence fell under Cluster 4. Cluster 4 rates are payable to teachers stationed in townships and rural areas. ***Appendix 3 is a copy of the Gazette Notice Number 10557 of 2007.***
- 
- 5.4. Accordingly, in compliance with the advisory of the SRC teachers in Kilifi have been receiving House Allowance under cluster 4.
- 5.5. While the Commission is aware that Kilifi Township was gazetted as a Municipality in **March, 2019**, the SRC did not review or render an advisory on the review of House allowance payable to teachers in Kilifi town until **31/7/2023**.
- 5.6. The Commission has now received an advisory from SRC recommending the review of **cluster 4** House Allowances payable to teachers. to this end, House Allowance for **cluster 3** and **cluster 4** shall be harmonized in two phases with full harmonization to be realized on **1<sup>st</sup> July 2024**.
- 5.7. On **29/8/2023**, the Commission signed an addendum to the 2021-2025 CBA with teacher unions effective **1<sup>st</sup> July 2023** as per the SRC advisory. Accordingly phase 1 of the harmonization has already been effected.

\*\*\*THANK YOU\*\*\*



# LEGAL NOTICE 534

## APPENDIX I

1234

Kenya Subsidiary Legislation, 1997

LEGAL NOTICE No. 534

### THE TEACHERS SERVICE COMMISSION ACT (Cap. 212)

IN EXERCISE of the powers conferred by section 14 (3) of the Teachers Service Commission Act, the Minister for Education makes the following Order:—

#### THE TEACHERS SERVICE COMMISSION (REMUNERATION OF TEACHERS) ORDER, 1997

1. This Order may be cited as the Teachers Service Commission (Remuneration of Teachers) Order, 1997.

2. The remuneration of teachers in the teaching service, of the grades specified in the first column of the Schedule shall be in accordance with the salary scales specified in columns 2, 3, 4, 5, 6 and 7 with effect from the date specified under each column.

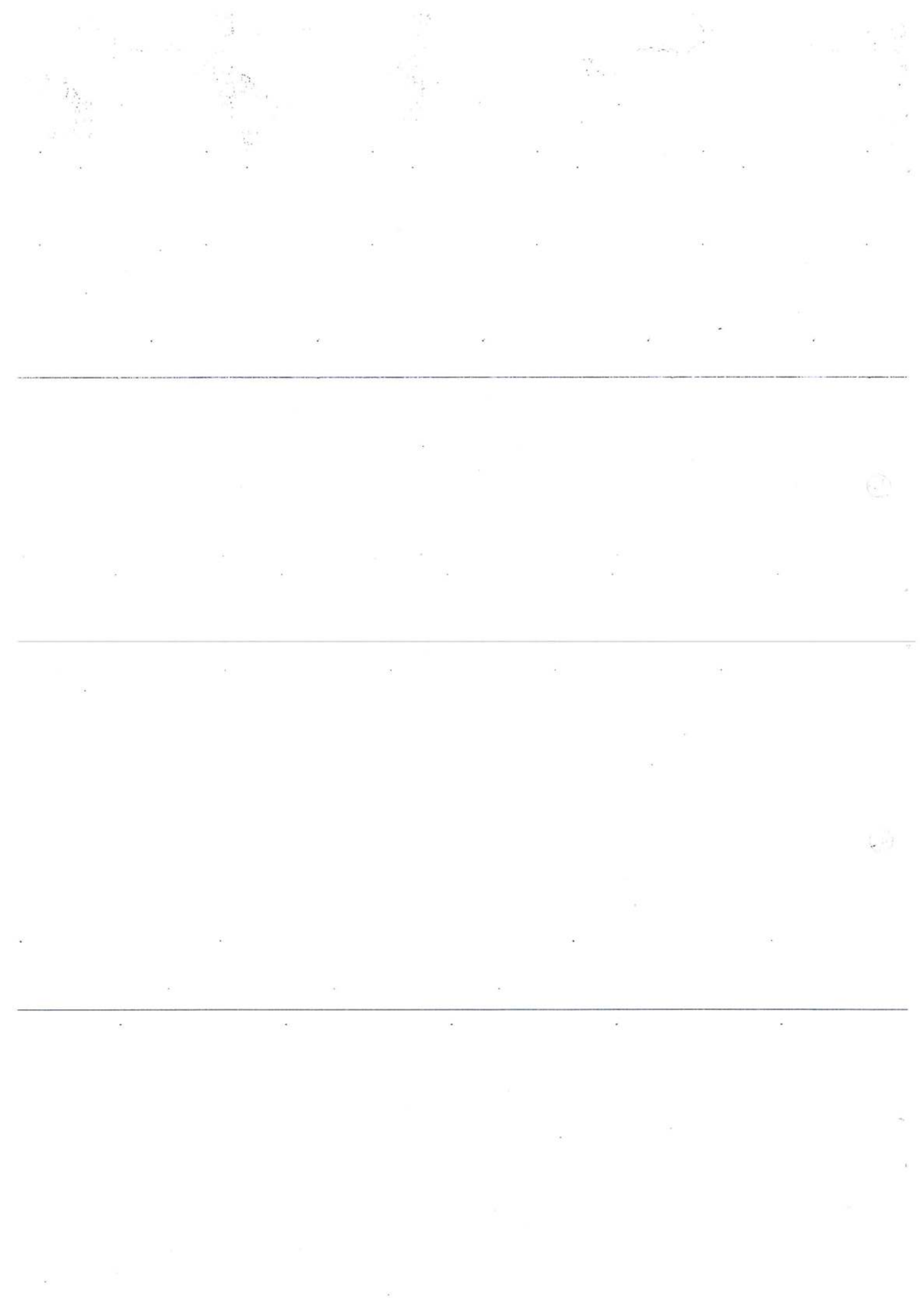
3. The automatic house allowance payable to teachers in the teaching service shall be at the rate of 35 per cent of the minimum basic salaries specified in the second column of the First Schedule for the financial year 1997/98; at 45 per cent of the minimum basic salaries specified in the second column of the First Schedule for the year 1998/99 and at 50 per cent of the minimum basic salaries specified in second column of the First Schedule for the year 1999/2000 and the subsequent years.

4. Medical allowances payable to teachers in the teaching service shall be at the rate of 15 per cent of the minimum basic salaries specified in column 2 of the First Schedule for the financial year 1997/98 and at 20 per cent of the minimum basic salaries specified in the second column of the First Schedule for the financial year 1998/99 and the subsequent years.

5. Responsibility allowances payable to teachers in the teaching service shall be payable at the rate of 100 per cent of the current rates contained in the code of regulations for teachers (Code of Regulations for Teachers Revised 1986) for the financial year 1997/98; 250 per cent for the financial year 1998/99; 400 per cent for the financial year 1999/2000 and 500 per cent for the financial year 2000/2001 and the subsequent years.

6. Special allowance payable to teachers in the teaching service who are deployed to teach in special schools/institutions and teachers who possess diplomas or certificates in special education deployed to teach in special units shall be at the rate of 10 per cent of the minimum basic salary with effect from 1st July, 1997.

7. Hardships allowance payable to teachers in the teaching service shall be at the rate of 30 per cent of the minimum basic salary specified in the second column of the first schedule with effect from 1st July, 1997. All the teachers serving in the districts/areas gazetted as hardship areas and those teachers in the areas listed below will qualify for this allowance irrespective of their marital status—





- (a) Mfangano and Rusinga Islands in Suba District.
- (b) Nyamutiro Division, Kuria District.
- (c) Osiyeko Division, Busia District.
- (d) Musiro Division, Busia District.
- (e) Kajiado District.
- (f) Lower Solai, Koibatek District.
- (g) Laikipia District.
- (h) Kitui District.
- (i) Nganze Division, Kilifi District.
- (j) Kerio Valley Division, Keiyo District.
- (k) Marakwet District.
- (l) Kinango and Samburu Divisions, Kwaie District.
- (m) Trans Mara District.
- (n) Mwingi District.
- (o) Tharaka Division, Tharaka/Nithi District.
- (p) Mbeere District.
- (q) Kiqa Division, Nyambene District.
- (r) Magarini, Mafara and Kakoeni Divisions, Malindi District.
- (s) Masinga and Yatta Divisions, Machakos District.
- (t) Kieni Division, Nyeri District.
- (u) Ndeiya Division, Kiambu District.
- (v) Makuyu Division, Maragua District.
- (w) Muhoroni, Fortenani Soini and Sondu, Kericho District.
- (x) Muhoroni Valley and Sondu Divisions, Kisumu District.
- (y) Kakuzi Division in Thika District.

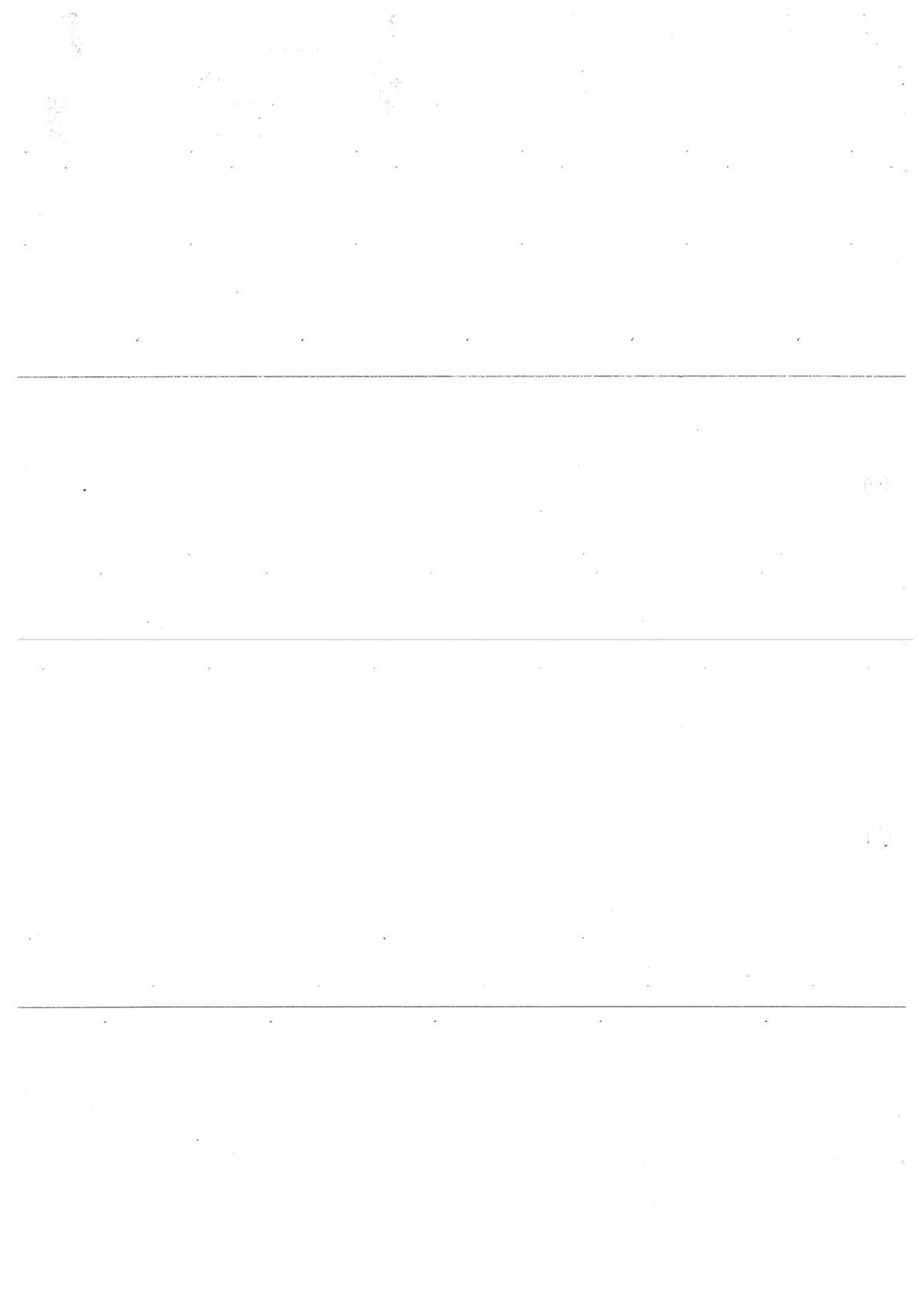
8. Automatic commuter allowance payable to teachers in the teaching service shall be at the rate of 10 per cent of the minimum basic salaries with effect from 1st July, 1998.

9. Accommodation allowance payable to teachers in the teaching service shall be in accordance with the rates specified in the Second Schedule, with effect from 1st July, 1998.

10. Transfer allowances payable to teachers in the teaching service shall be equivalent to one month's gross basic salary with effect from 1st July, 1998. For the purpose of payment of this allowance the working station of a teacher shall be taken to be the teacher's home district and this allowance will only be payable to teachers transferred from one station (district) to another station (district) on the initiative of the employer (the Teachers Service Commission).

11. Advances for purchase of motor vehicles for teachers in the teaching service with effect from 1st July, 1998, will be in accordance with governing regulations on such advances issued by the Treasury from time







APPENDIX 7

SRC 027/08/2015

Salaries & Remuneration  
Commission

Rewarding productivity

Ref. No: SRC/TS/MDP/3/1/2 (2)

11<sup>th</sup> August, 2015

Mrs. Grace A. Otieno, MBS  
Principal Administrative Secretary  
Directorate of Public Service Management  
Ministry of devolution and planning  
NAIROBI

Dear Mrs. Otieno

## IMPLEMENTATION OF THE REVISED HOUSE ALLOWANCE IN THE PUBLIC SERVICE

Reference is made to your letter Ref. No. MDP/DPSM/2/6/4A VOL.X (47) dated 8<sup>th</sup> July, 2015 on the above subject.

The Salaries and Remuneration Commission deliberated on the issue during its Commission meeting held on 5<sup>th</sup> August, 2015 and acknowledged the challenges raised in the implementation of the Circular Ref. No: SRC/ADM/CIR/1/13 Vol. III (126) dated 10<sup>th</sup> December, 2014 through the IPPD System. Subsequently, the Commission decided that to enable effective implementation of the reviewed rates of House Allowance, the clustering of regions revert back to the former clustering and be implemented as shown in Table 1.

Table 1: New Rates of House Allowance

JG	Nairobi		Former Major Municipalities (Mombasa, Kisumu, Nakuru, Nyeri, Eldoret, Thika, Kisii Malindi, Kitale)		Other former Municipalities		Other Areas	
	Current	New	Current	New	Current	New	Current	New
A	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
B	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
C	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
D	3,300	4,125	2,700	3,375	2,200	2,750	1,900	2,375
E	3,500	4,500	2,900	3,730	2,300	2,960	2,100	2,700
F	3,500	4,500	2,900	3,730	2,300	3,000	2,100	2,700
G	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
H	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
J	6,000	10,000	4,500	7,500	3,500	5,800	3,000	4,200
K	10,000	16,500	8,000	12,800	6,000	9,600	5,000	7,500
L	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
M	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
N	24,000	35,000	17,000	25,500	13,000	18,000	11,000	15,400
P	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
Q	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
R	40,000	50,000	20,000	35,000	15,000	25,000	12,000	20,000
S	60,000	60,000	56,000	56,000	52,000	52,000	-	-
T	80,000	80,000	70,000	70,000	60,000	60,000	-	-
U	-	80,000	-	70,000	-	-	-	-
V	-	100,000	-	-	-	-	-	-

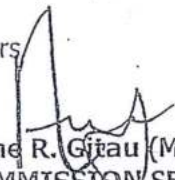
Note: All the other terms remain as per the provisions on the Circular of 10<sup>th</sup> December, 2014





The purpose of this letter therefore, is to convey the decision and advice of the Commission on the request for clarification on the implementation of the revised house allowance in the public service, for your further necessary action.

Yours

  
Anne R. Gitau (Mrs.)  
COMMISSION SECRETARY

CC:

Eng. Peter O. Mangiti  
Principal Secretary  
Ministry of Devolution and Planning  
NAIROBI

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Dr. Kamau Thugge, EBS  
Principal Secretary  
National Treasury  
NAIROBI

Mr. Edward R. Ouko  
Auditor General  
Kenya National Audit Office  
NAIROBI

Mrs Agnes Odhiambo  
Controller of Budget  
BIMA House  
NAIROBI

Mrs. Alice A. Otawala, CBS  
Secretary/CEO  
Public Service Commission  
NAIROBI

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**THE PRESIDENCY**

**MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER**

**REPORT ON REVIEW OF HARDSHIP AREAS AND PAYMENT OF HARDSHIP  
ALLOWANCE IN TAITA TAVETA COUNTY**

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**DECEMBER, 2019**



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## CHAPTER ONE:

### REVIEW OF DESIGNATED HARDSHIP AREAS IN TAITA TAVETA COUNTY

#### 1.0 INTRODUCTION

##### 1.1 Background

Designated hardship areas in the Public Service for purposes of payment of hardship allowance are remote areas categorized as lacking basic social services, amenities and infrastructure. In the Public Service, various institutions have employees stationed in different areas designated as hardship and they are currently paid Hardship Allowance.

The Government policy on designated hardship areas and payment of hardship allowance has undergone a number of changes before and after independence. Before independence, European officers were paid an allowance which was known as Family Separation Allowance. Other Public Servants working in the designated hardship areas were also paid the same but was known as Frontier Allowance. In post-independence period, Hardship Allowance was introduced to partially compensate Public Servants working in the Designated Hardship Areas. It was paid to officers as an inducement to work in Hardship Areas due to resultant isolation and separation from families.

Determination of designated hardship areas is currently not harmonized across the Public Service. This has created disparities and led to inequity in payment of Hardship Allowance among Public Servants deployed in the same geographical area. These discrepancies have created discontent among the public officers deployed in such areas giving rise to enquiries and petitions by Teachers, Civil Servants and Unions representing the Teachers and Civil Servants and also members of Parliament from the affected areas.

The Clerk to the National Assembly invited the Cabinet Secretary, Ministry of Public Service, Youth and Gender to appear before the Departmental Committee on Education and Research on 26th November, 2019 to respond to a petition submitted by teachers serving in parts of Taita Taveta County.

The teachers sought to know the following issues that were raised in the petition:



- i. The criteria used to identify and consequently gazette hardship areas and a list of such areas in Taita Taveta County;
  - ii. Rationale for discrepancies in the criteria of gazetting the areas as hardship areas as exemplified by the fact that Kungu Primary School and Elijah Mzee Secondary School both in Mwatate Constituency, share the same compound but only teachers in Elijah Mzee Secondary School are paid hardship allowance; and
  - iii. Why hardship allowance for teachers in Rong'e Ward in Mwatate Constituency was withdrawn when Rong'e Ward's educational administrative boundaries were transferred from Voi Constituency to Mwatate Constituency.
- 

## **1.2 Presentations by the Cabinet Secretary – Ministry of Public Service Youth and Gender**

The Cabinet Secretary appeared before the Departmental Committee and made presentations as follows:

### **A. Criteria for Determination of designated Hardship Areas in the Civil Service**

- I. A taskforce constituted in 2007, comprising of Teachers Service Commission (TSC), Ministry of Finance, Ministry of State for Public Service, Ministry of Planning, and Permanent Public Service Remuneration Review Board (PPSRRB) developed weighted criteria for re-examining hardship areas after visiting the areas that were contested as hardship (Areas designated by TSC and Civil Service as proposed by the Provincial Administration and Internal Security and some proposed by members of Parliament).
  - II. The weighted criteria was based on the following parameters:
    - a) Non/limited availability and accessibility to food;
    - b) Non availability/limited access to portable water;
    - c) Non/inadequate transport and communication services;
    - d) Non/limited availability of social services and amenities;
    - e) Harsh climatic conditions;
    - f) Insecurity and high possibility of security threats; and
    - g) Socio economic indicators such as poverty index from the Kenya National Bureau of Statistics.
- 

The taskforce submitted its recommendations to the Cabinet in 2008 vide a Cabinet Memo No. 19 recommending de-gazettement and gazetting of some hardship areas and regular

reviews of areas categorized as hardship and gazettelement or de-gazettelement as appropriate by the Minister responsible for Public Service among other recommendations.

### **B. Designated hardship areas for the Civil Service.**

There are currently sixteen (16) regions which have so far been designated as hardship areas in the Civil Service according to the Head of Public Service vide Circular Ref. No. OP/CAB/1/31A of 7th December 2015. (Appendix 1).

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### **C. Criteria for Determination of designated hardship areas in the Teaching Service**

- (i) Prior to 1997, the Civil and Teaching services had similar designated Hardship Areas, which included North Eastern Province (Wajir, Mandera & Garissa), Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo. This comprised of eleven (11) fairly distinct hardship areas.
- (ii) In 1997, the Minister for Education through legal Notice No. 534 of 11<sup>th</sup> November, 1997 gazetted an **additional twenty-five (25) Hardship Areas** for the Teaching Service following a recommendation by the Teachers Service Remuneration Committee. This followed a Collective Bargaining Agreement with the Kenya National Union of Teachers. The recommendation was based on the agreement that teachers work in more remote areas as opposed to Civil Servants who are mostly posted to District and Divisional Headquarters only. In 2005, the number of designated hardship areas for the Teaching Service was increased from thirty - six (36) to the current forty - four (44) as indicated in the Code of Regulation for Teachers (CORT) 2005. (Appendix II)
- (iii) The Civil Service currently (National and County Governments) has sixteen (16) Designated Hardship Areas. Hardship allowance is paid based on the prevailing categorization and rates guided by the Salaries and Remuneration Commission.

---

In order to address the challenges relating to the categorization and payment of hardship allowance with a view to eliminating the existing disparities across Public Service, the Ministry vide letter Ref: MPYG.DPSM.HRM/2/1/5/TY (30) dated 21st March, 2019 constituted an Inter-Agency Technical Committee comprising of representatives from the Ministries of



Public Service, Interior and Co-ordination of National Government, Education, The National Treasury and Planning, Public Service Commission, Teachers Service Commission and Kenya National Bureau of Statistics to study the prevailing policies, circulars and guidelines on designated hardship areas and payment of hardship allowance and make appropriate recommendations.

The Interagency technical committee studied the various policies, circulars and current practices on determination of hardship areas and payment of hardship allowance across the Public Service and came up with modalities of accomplishing the assignment. To facilitate the exercise, the Ministry of Public Service vide letter Ref.No. MPYG.DPSM.2/7/3A dated 13<sup>th</sup> September, 2019 requested the Kenya National Bureau of Statistics to review unit of analysis from current County/sub county/Division/location//town/urban center/ zone to sub location level and study the development levels of current designated hardship areas to inform areas to be gazetted as hardship and those to be de-gazetted based on the levels of development to enable the Team finalize the assignment. Kenya Bureau of Statistics is yet to undertake the study.

### **1.3 Recommendations of the Parliamentary Committee**

The Parliamentary Committee on Education and Research recommended as follows: -

- i. The Inter-Agency Technical Committee to visit Taita Taveta (Mwatate) to observe and ascertain the actual condition of the specified areas where the Kungu Primary School and Elijah Mzae Secondary School both in Mwatate constituency are located;
- ii. Status Review of designated hardship areas in Taita Taveta County;
- iii. The Inter-Agency committee to undertake a nationwide exercise and submit a report covering the entire nation and which should be county based and the parameters to be reviewed and the scope broadened.
- iv. The Inter-Agency Committee to provide an official government list of the designated hardship areas after the exercise.
- v. The unit of analysis for designated hardship areas to be harmonised.

### **1.4 Field Visit**

A sub Committee of the Inter-Agency Committee comprising of officers from State Department for Public Service, Ministry of Interior and Coordination of National Government, Teachers Service Commission and Kenya National Bureau of Statistics visited Taita Taveta County from 2nd to 4th December, 2019 to:-



- i. Ascertain the actual condition of the specified areas where the Kungu Primary School and Elijah Mzae Secondary School both in Mwatate constituency are located;
- ii. Undertake a status review of the designated hardship areas in Taita Taveta County; and
- iii. Prepare report on the status of Taita Taveta County in respect of hardship areas,

## 1.5 Overview of Taita Taveta County

- i. Taita Taveta County is one of the six counties in Coast Region. It borders Kitui, Makueni, Kajiado, Kwale and Kilifi Counties. It shares an international boundary with Tanzania. Tsavo East and West National Park is in Taita Taveta County and covers over sixty percent (60%) of the total land mass of the county.
- ii. The county has 4 sub counties, 9 divisions, 33 locations and 89 sub locations as indicated in the table 1.

**Table 1: Summary of Administrative Units in Taita Taveta County**

S/NO	Sub County	Division	Location	Sub Location
1.	Mwatate	2	9	27
2.	Taita	1	7	23
3.	Taveta	3	11	23
4.	Voi	3	6	16
Total	4	9	33	89

A list of Divisions, locations, and sub locations is as indicated in (Appendix III)

## CHAPTER II

### METHODOLOGY

## 2.0 Introduction

The Inter-Agency Team developed a weighted criterion for re-examining hardship areas in general. The weighted criteria comprised economic indices used to assess the level of

development of a given area to ensure objectivity and parity in classification of hardship areas. The weighted criteria for rating the hardship areas is as shown in Table 2.

**Table 2: Criteria for Weighting**

<b>S/No.</b>	<b>Criteria</b>	<b>Score</b>
<b>1.</b>	<b>Non/limited availability and accessibility of food (each 5 points)</b>	<b>25</b>
	i) Area on relief food	5
	ii) Availability of market place	5
	iii) Low agricultural productivity of the area/ supply of food	5
	iv) Area dry with erratic rainfall	5
	v) Cost of food expensive	5
	vi) Distance to food markets	
<b>2</b>	<b>Non/Availability limited access to portable water (each 5 points)</b>	<b>20</b>
	i) Availability of piped water	5
	ii) Area gets water from seasonal rivers/borehole	5
	iii) Area has permanent river	5
	iv) Private water tanks supply water to the area	5
<b>3.</b>	<b>Non/Inadequate transport and communication services (each 5 points)</b>	<b>20</b>
	i) Availability/Distance of tarmac roads	5
	ii) Availability/Distance of all-weather roads	5
	iii) Availability/Reliability of mode of public transport	5
	iv) Roads impassable during rainy season	5
<b>4.</b>	<b>Non/Limited availability of social services (each 3 points)</b>	<b>15</b>
	i) Schools are available/Distance	3
	ii) Availability/Distance of hospitals/health facilities	3
	iii) Electricity available	3
	iv) Housing for Public Servants/ Availability of housing facilities	3
	v) Availability/Distance of Bank/Postal services	3
<b>5.</b>	<b>Harsh Climate conditions an Terrain (each 2.5 points)</b>	<b>10</b>
	i) The regions is semi- arid	2.5
	ii) The region is hot and dry	2.5
	iii) Difficult terrain (mountainous with deep gullies)	2.5
	iv) Area gets flooding during rainy season	2.5
<b>6.</b>	<b>Insecurity and high possibility of security threats (each 2.5 points)</b>	<b>5</b>
	i) Human-wildlife-conflict	2.5
	ii) Tribal/inter-clan conflicts	2.5
<b>7.</b>	<b>High Poverty Index</b>	<b>5</b>
	<b>TOTAL</b>	<b>100</b>

## 2.1 Sources of Information

The sub-committee used the following as sources of information:

- i) Petition by the Member of Parliament for Mwatate and submissions by the Ministry of Public Service, Youth and Gender and Teachers Service Commission;
- ii) Face to face interviews with officers from Ministry of Interior and Coordination of National Government, County Director of Education and Teachers Service Commission (TSC) County Director who assisted the team to identify areas perceived to experience harsh climatic conditions and therefore would be considered as hardship areas;
- iii) Field observations;
- iv) Submitted reports from Deputy County Commissioners of the respective Sub-Counties;
- v) Literature review on poverty indices in the Country as indicated in annual reports by the Commission on Revenue Allocation and Equalization Fund, Economic Survey 2019 report; and
- vi) The ratings by the Team on application of the Weighted Criteria on specific identified areas visited in the four sub-counties of Taita-Taveta County.

## 2.2 Grading of the Areas

- i. Based on the interviews, submissions by the Deputy County Commissioners and observations made during the visits, the Team awarded scores as per the weighted criteria to all identified areas.
- ii. The weighted scores for the areas were aggregated and a cut-off point of 50 agreed for determining an area as **"Moderate Hardship Area"** and a score of 75 points and above as **"Extreme Hardship Area"**. Details of the areas and weighted scores are shown in **Appendix II**.

## CHAPTER III

### DATA COLLECTION

## 3.0 Introduction:

The team visited the County and paid courtesy call to the Deputy County Commissioners who gave overview of each of the Sub Counties.



### **3.1 Mode of data collection:**

The team visited the County Headquarter of Taita Taveta at Mwatate and all the Sub-Counties offices at Taita, Voi and Taveta. The team also sampled specific divisions, locations and sub-locations considered hardship areas as guided by the Deputy County Commissioners and collected information through: -

- i. Interviews with the local Administration –Deputy/Assistant County Commissioners, Chiefs and Assistant Chiefs, TSC and Ministry of Education field officers and KNBS field officer; and
  - ii. Observations by visiting specific areas/locations.
- 

### **3.2 Findings and Observations**

The following were the observations and findings from each of the Sub Counties.

#### **3.2.1 Mwatate Sub County**

Mwatate Sub County has two (2) Divisions: Mwatate and Mwambirwa.

The following are the findings and observations.

##### **a) Non /Limited availability and Accessibility of Food**

- i. The area receives but does not rely on relief food. School feeding programme is available in some areas especially schools in Ronge location;
- i. Most residents depend on small scale farming for their agricultural produce;
- ii. The area experiences erratic rainfall;
- iii. shopping centers /markets are available in the areas; and
- iv. The cost of food is average since there are agricultural activities in the area and others travel to Wundanyi town for their food supplies.

##### **b) Non/Limited Availability access to portable water**

- i. Mwatate Location has piped water supplied by Tavevo Water and Sewerage Co. limited;
  - ii. Other areas get water from boreholes, springs and streams;
  - iii. The area has no permanent rivers though seasonal rivers are available during the rainy season; and
  - iv. Private Water boozers also supply water to the residents of Mwatate Sub County.
- 

##### **c) Non/Inadequate transport and communication services**

- i. Mwatate Division is connected to all sub counties headquarters by tarmac road;

- ii. The rest of the division is served by all-weather roads except for some areas of Ronge and Kishau roads are impassable during the rainy season
- iii. Mobile phone technology and network is also available in the division; and
- iv. Public transport in the division is by few scheduled matatus and motorcycles to reach the remote areas;

**d) Non/limited availability of social services**

- i. Primary and Secondary schools are evenly distributed in the division
- ii. dispensaries and health centers are available in the division;
- iii. Electricity is available in most areas of the Division;
- iv. Rental houses are not available in most sub-locations; Public-Servants-live rented houses in Mwatate town and commute to work stations daily;
- v. Banking services and Postal services are available in Mwatate town.

**e) Harsh Climatic conditions and terrain (Score 5)**

- i. Kidaya/Ngerenyi, Mwachabo and Ronge Juu locations are hilly and mountainous;
- ii. Areas of Ronge Nyika occasionally gets flooded during the rainy season;

**f) Insecurity and high possibility of security threats**

- i. Security is generally good in most areas of the Sub- County
- ii. There are few cases of Human wildlife conflict.

**g) High Poverty Index**

- i. The area residents mainly rely on small scale agricultural activities including such as livestock keeping; macadamia farming in Kidaya Ngerenyi location for their income; and
- ii. Employment in the sisal plantations and mines as laborers are also other forms on economic activities in the area.

**3.2.2 Taita Sub-County**

Taita Sub- County has only (1) Division called Wundanyi. Currently, there is no administrative region or sub location in Taita Sub County designated as hardship for both Teaching service, civil service and the disciplined service.

**a) Non-limited availability and accessibility of food**

- i. Some areas such as Kishushe location receive relief food during the dry season;
- ii. There is small scale farming in the highlands and livestock keeping in lowlands areas;



- iii. The area receives fairly reliable rainfall in most areas. However, some areas such as Kishushe that are classified as semi-arid;
- iv. The sub county relies on the market in Wundanyi and Voi towns for food supplies which is mainly sourced from Taveta; and
- v. Cost of food is average.

**b) Non-availability limited access to portable water**

- i) The Sub-County is well served by piped water in most sub locations;
- ii) The area has one (1) permanent river Weso-Wundanyi river; and
- iii) Residents also rely on seasonal rivers, springs and boreholes.

---

**c) Non/ Inadequate transport and communication services**

- i. Taita Sub County is connected to the county headquarters by tarmac road;
- ii. All-weather roads serve the rest of the sub county. Some parts of the roads are impassible during rainy season;
- iii. Mobile phone network communication is available in most parts of the sub county;
- iv. The transport in the sub locations is fairly reliable;

**d) Non/Limited availability of social services**

- i. Schools are fairly distributed and adequate throughout the sub- county;
- ii. Health centers are fairly distributed in the sub county. The main hospitals are Weso and Wundanyi hospitals;
- iii. Electricity is available in most parts of the sub county and;
- iv. Rental housing for public servants is available;
- v. Shopping centers/shops available, however banking and postal services are only available in Wundanyi town.

**e) Harsh Climate conditions and Terrain**

- i. The sub county has highland areas which are mountainous and with forests cover. Other parts of the sub county such as Kishushe are lowlands and classified as semi - arid;
- ii. Flooding is occasionally experienced in some parts of the lowlands during rainy season;

---

**f) Insecurity and high possibility of security threats**

- i. There is generally no major insecurity;
- ii. Human wildlife conflict is experienced in some parts of the sub-county;



**g) High Poverty Index**

- i. The area residents mainly rely on small scale agricultural activities including such as livestock keeping; and subsistence farming for their income; and
- ii. Employment in the mines as laborers are also other forms on economic activities in the area.

**3.2.3 Voi Sub-County**

---

Voi Sub-County comprises of three (3) divisions Tausa, Voi and Nyangala.

The following are the findings and observations on the sub-county.

**a) Non/limited availability and accessibility to food**

- i. Voi has one of the largest market centers in Taita Taveta County;
- ii. Food is accessed from the market in Voi town which is supplied from Taveta Sub County;
- iii. Rains are erratic and there is small scale agricultural activity;
- iv. The cost of food is moderately high;
- v. The division occasionally receives relief food especially areas like Ngolia, Mbololo, Kasigua and Sagalla locations.

**b) Non - availability limited access to portable water**

- i. There is adequate supply of piped water in the Voi division while Tausa division has no piped water
- ii. Private water tankers supply water to the sub location
- iii. The sub county has one permanent river River Voi; and
- iv. Residents also depend on water from Seasonal rivers and Mzima Springs;

**c) Non/Inadequate transport and communication services**

- i. Voi Sub County is connected to the county headquarters by tarmac road;
- ii. All-weather roads serve the rest of the sub county;
- iii. Some parts of the roads in Ngolia and Mbololo locations are impassible during rainy season;
- iv. Public is fairly reliable however, in Wongonyi sub location there is unreliable public transport due to rough terrain.

**d) Non/ limited availability of social services**

- i. Schools are adequate and well distributed in the sub county;
- ii. Health facilities are adequate and are well spread;

- iii. supply of electricity is available in most areas;
- iv. Rental houses are available and most public servants commute daily to their work stations;
- v. Postal and Banking services are available in Voi town. Residents from other locations travel to Voi town for these services;

**e) Harsh Climatic conditions and Terrain**

- i. The area is semi- arid;
- ii. Tausa Division is hot and dry with difficult terrain in Wongonyi sub locations (steep hills with deep gullies);
- iii. Sagalla location in Voi Division is hilly and rough terrain;
- iv. River Voi sometimes floods during rainy season.

**f) Insecurity and high possibility of security threat**

- i. There is minimal insecurity in the division.
- ii. Human wildlife conflict in Tausa and Nyangala are common during dry season due to proximity to Tsavo National Park.

**g) Poverty Index.**

- i. Residents rely on small scale agricultural activities and livestock keeping for their income; and
- ii. Employment in the gemstone mines as laborers are also other forms on economic activities in the area.

### ***3.2.4 Taveta Sub County***

The team visited the sub county on 4th December 2019. The team was received and briefed by the Deputy County Commissioner (DCC) for Taveta Sub County, later visited Mata location in Jipe Division and Njukini location in Chala division.

The following are findings and observations for Taveta Sub County.

**a) Non/limited availability and accessibility of food**

- i. Agricultural activities especially banana farming by irrigation in Bomeni Division and Livestock rearing in some parts of the division;
- ii. Chala Division has reliable rainfall with agricultural activities including horticultural farming – tomatoes and onions and livestock farming;
- iii. Low agricultural activities in Jipe Division, however the area relies on livestock keeping and fishing;
- iv. The area receives food from Taveta Market and neighboring Tanzania;

- v. The cost of food is fair in the Sub county and the rest of county sources their food from Taveta;

**b) Non/availability limited access to portable water**

- i. Bomeni and Chala Division have piped water however, there is no piped water in the Jipe division;
  - ii. Chala Division has two permanent rivers, Njukini and Lumi River.
  - iii. Some parts of the Sub county have boreholes and residents of Jipe Division also use water from lake Jipe;
  - iv. There are seasonal rivers in the sub county; and
  - v. Private water supply was reported in the ranches.
- 

**c) Inadequate transport and communication services**

- i. Taveta sub county is connected to the county headquarter by tarmac roads. The rest of the sub county is served by all-weather roads;
  - ii. Some roads in the sub county are impassable during the rainy season such as the road from Taveta to Lake Jipe;
  - iii. Flooding is noted in some areas bordering Lumi River and also Kitobo location that borders Tanzania;
  - iv. Public transport on the main tarmac road is available and also Boda boda is available in the other areas.
- 

**d) Non/limited availability of social services**

- i. Schools are available and well distributed in the sub county;
- ii. Health facilities such as Taveta Hospital and health centers/dispensaries are available;
- iii. Electricity is available in most parts of the sub county;
- iv. Housing is available for Public Servants. However, in Mata location is scarce and offered by the community; and
- v. Banking and Postal services are only found in Taveta Town and some shopping centers have Agency banking

**e) Harsh Climatic conditions and Terrain**

- i. The terrain is flat and gently lying;
  - ii. Some areas in Jipe division are hot and dry
  - iii. Flooding is experienced in some parts during heavy rains;
- 

**f) Insecurity and high possibility of security threats**

- i. Security is generally good in the Sub County;



- ii. Human wildlife conflict was reported especially the elephants from the Tsavo East National Park and hippos from lake Jipe.

**g) Poverty index**

- i. Residents rely on agricultural activities crop and horticultural farming as well as livestock keeping for their income;
- ii. Banana farming through irrigation for subsistence as well as commercial purposes;
- iii. The sub county is a source of food stuff for the entire Taita Taveta county; and
- iv. There is cross border trading in the sub county with neighboring Tanzania.

**Table 3: Aggregated scores for the Visited areas**

S/NO.	Criteria	weight	Mwatate Sub county			Wunda Sub county	Taveta Sub	Voi Sub county	
			Ronge location	Ronge Juu location	Kidaya/Ngerenyi location	Kishushe location	Mata location	Mbololo location	Ngolia locatio

1.	Non/ Limited availability of Food	25	13	13	8	13	12.5	15	15
2.	Non/ Limited access availability of potable water	20	8	7	8	10	10	12	12
3.	Non/inadequate transport and communication services	20	11	14	10	8	12	9	9
4.	Non/Limited availability of social services and amenities	15	12	13	10	12	10	10	10
5.	Harsh Climatic Conditions	10	7	6.5	5	7	6	6	6
6.	Insecurity and high possibility of Security Threat	5	2	2	2	2	3	3	3
7.	High Poverty Index	5	3	2	2	3	2	2.5	2.5
	<b>TOTAL</b>	<b>100</b>	<b>56</b>	<b>57.5</b>	<b>45</b>	<b>55</b>	<b>55.5</b>	<b>57.5</b>	<b>57.5</b>

## CHAPTER IV

### SUMMARY OF FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

#### 4.0 Introduction

Based on the field visit, discussions with the area administrative officers and County Directors of Education, representatives of the Teachers Service Commission in Taita Taveta County, the following are the team's general findings and observations.

#### **4.1 Findings and Observations**

1. Changes in administrative boundaries are not harmonized with registration of schools. For example, Elijah Mzae Secondary school is registered under Mwatate Sub County a classified hardship area by TSC while Kungu Primary school which shares the same compound with the secondary school was registered under Wundanyi Sub County an area which is not a classified hardship area.
2. Some areas currently classified as hardship are no longer hardship given the prevailing conditions on the ground while some that should be designated as hardship are not. For example, under TSC the entire Voi sub county including Voi town is designated as hardship while locations such as Ronge in Mwatate, Mata in Taveta and Kishushe in Taita sub counties are not.
3. The team observed that there are inconsistencies in implementation of the circular on designated hardship areas where gazzeted areas like Manyani in Ngolia location under the Civil Service are not paid hardship allowance. Under TSC, some areas in Mwatate Sub County which is designated as hardship are not receiving hardship allowance for example Ronge location;
4. The county receives most of its food from Taveta sub county which has banana farming under irrigation and also receives food supplies from Tanzania;
5. The water supply within the county is from boreholes, seasonal rivers, piped water from springs and private water tankers. The county receives long rains between October and December and short rains between April and May.
6. All sub counties headquarters are connected by tarmac roads where as there are some pockets that are impassible during rainy season. The rest of the county are served by all-weather roads;
7. The county is well served with social amenities including, schools, health facilities electricity and mobile communication network;
8. The county is home to Tsavo West and Tsavo East National Parks which accounts for over 60% of the total area and as a result, some parts of the county is exposed to Human Wildlife Conflict.

#### **4.2 RESPONSE FROM KENYA NATIONAL BUREAU OF STATISTICS**

1. The Inter-Agency Committee recommended that Kenya National Bureau of Statistics (KNBS) undertake the following: -
  - a) Review unit of analysis from the current County/Sub-county/Division/Location/Town/Urban Center/Zone so as to have a uniform criteria for identifying, classifying and designating hardship areas for the entire Public Service



- b) Study on development levels of current designated hardship areas to inform areas to be gazetted as hardship and those to be de-gazetted base on the levels of development.
2. A report on the above exercise was to be used by the Inter-Agency Committee to make appropriate recommendations on the prevailing policies, circulars and guidelines on designated hardship areas and payment of hardship allowance.
- 4.3. The Ministry vide a letter Ref. No MPYG.DPSM.2/7/3A dated 13<sup>th</sup> September, 2019 requested KNBS to undertake the task as recommended. A response from KNBS dated 13<sup>th</sup> December, 2019 indicated that: -
  - i. The unit of analysis can be reviewed to sub-location subject to availability of data at sub-location level which can be availed using the 2009 Census.
  - ii. In applying the weighted parameters provided by the Inter-Agency Committee, the Bureau is only able to provide data on access to piped water, access to sewer system, electricity, and poverty levels.
  - iii. The Bureau does not maintain data on the following parameters which the Committee identified as significant in designating hardship areas; Non/limited availability and access to food, Non/inadequate transport and Communication services, Harsh Climatic conditions, Insecurity and high possibility to threats. The Bureau therefore recommended that; a team be constituted to collect data on these parameters.
- 4.5 On the study of development levels of current designated areas in order to inform either gazettement or de-gazettement of the existing areas, the Bureau recommended that jointly a taskforce be formed to carry out the evaluation of the development levels in the sub locations. However according to the Bureau, they do not have a budget to carry out the exercise.

#### **4.6 RECOMMENDATIONS**

In view of the above findings and observations, the following are the team's recommendations: -

1. The Ministry of Interior should gazette all changes in administrative boundaries so that all Government Agencies including TSC align their operations appropriately.
2. Payment of Hardship allowance for teachers in Kungu Primary school and Elijah Mzae Secondary School be handled administratively by TSC for parity of treatment.
3. The hardship areas under TSC and the entire Public Service should be reviewed and harmonized for gazettelement and de-gazettelement.

4. Inconsistencies in implementation of circulars on designated hardship areas and payment of hardship allowance to be handled administratively by state Department for Public Service and TSC.
  5. The lowest unit of assessment for designated hardship areas to be a location as opposed to the entire county or sub county. In addition, the classification should be categorized into two: moderate and extreme hardship areas.
  6. Based on the response received from KNBS, the team is working on modalities to undertake the exercise.
-

## LIST OF DESIGNATED HARDSHIP AREAS FOR THE CIVIL SERVICE

*(OP/CAB/1/31A of 7<sup>th</sup> December, 2015)*

S/No.	Counties
1.	Tana River
2.	Lamu
3.	Garissa
4.	Wajir
5.	Mandera
6.	Marsabit
7.	Isiolo
8.	Makueni
9.	Turkana
10.	West Pokot
11.	Samburu
12.	Elgeyo Markwet
13.	Laikipia
14.	Baringo (Excluding Koibatek Sub-county)
15.	Tinderet Sub-county in Nandi County
16.	Manyani Area in Ngolia Ward in Taita Taveta County



**LIST OF HARDSHIP AREAS FOR THE TEACHING SERVICE**

S/No	District	Hardship Areas
1.	Suba	Mfangano and Rusinga Islands
2.	Kuria	Kegonga Division
3.	Busia	Budalangi Division
4.	Kajiado	Entire District
5.	Nakuru	Mbogoini Division and Makongeni Zone (Part of Lower Solai)
6.	Laikipia	Entire District
7.	Kitui	Entire District
8.	Kilifi	Ganze Division
9.	Keiyo	Entire District
10.	Marakwet	Entire District
11.	Kwale	Kinango and Samburu Divisions
12.	Trans Mara	Entire District
13.	Mwingi	Entire District
14.	Tharaka	Entire District
15.	Mbeere	Entire District
16.	Malindi	Magarini, Marafa and Kakoneni Divisions
17.	Machakos	Masinga and Yatta Divisions
18.	Nyeri	Kieni Division
19.	Kiambu	Ndeiya Division and Karai Location

S/No	District	Hardship Areas
20.	Maragwa	Makuyu Division
21.	Nyandarua	Nyandarua Boarding Primary School
22.	Nyandarua	Nyahururu High School
23.	Kericho	Muhoro, Fort Ternan, Soin and Sondu Divisions
24.	Kisumu	Muhoroni Entire District and Sondu Divisions
25.	Thika	Kakuzi Division
26.	Koibatek	Kisanana, Mogotio, Emining, Sirwa and King'orom Divisions
27.	Narok	Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions
28.	Makueni	Entire District
29.	Isiolo	Entire District
30.	Moyale	Entire District
31.	Marsabit	Entire District
32.	Garissa	Entire District
33.	Mandera	Entire District
34.	Wajir	Entire District
35.	Lamu	Entire District
36.	Tana River	Entire District
37.	TaitaTaveta	Mbololo, Mwatate and Voi Divisions
38.	Baringo	Entire District
39.	Samburu	Entire District
40.	Turkana	Entire District

S/No	District	Hardship Areas
41.	West Pokot	Entire District
42.	Ijara	Entire District
43.	Nandi	Tinderet Division
44.	Meru North	-Mutuati, Ndoileli and Igembe East Divisions
45.		-Buuri and Giika Locations
46.		-Amung'enti and Thangatha Zones
47.		-Mumui, Kiujuline, Akithi Zones
48.		-Linjoka, Ankamia Sub-Locations



# Appendix: III

## List of Administrative Units in Taita Taveta County

Sub County	Division	Location	Sub Location
Taveta	Bomeni	Mboghoni	Njoro
			Mboghoni
		Kimorigo	Eldoro
			Kimorigo
		Mahoo	Malukiloriti
			Mahoo
		Kitobo	Mrabani
			Kitobo
		Ngarighashi	Lesesia
			Mjini
	Chala	Nakruto	Kidong'u
			Nakruto
		Chala	Chala
			Mahandakini
		Njukini	Chumvini
			Njukini
			Lumi
	Jipe	Kimala	Rekeke
			Kimala
		Timbila	Msengoni
			Timbila
		Mata	Kachero
			Mata
Voi	Voi	Voi	Kaloleni
			Mwangea
		Sagalla	Ndara
			Kishamba
			Teri
			Talio
	Tausa	Ngolia	Ghazi
			Ndome
			Wongonyi
		Mbololo	Tausa

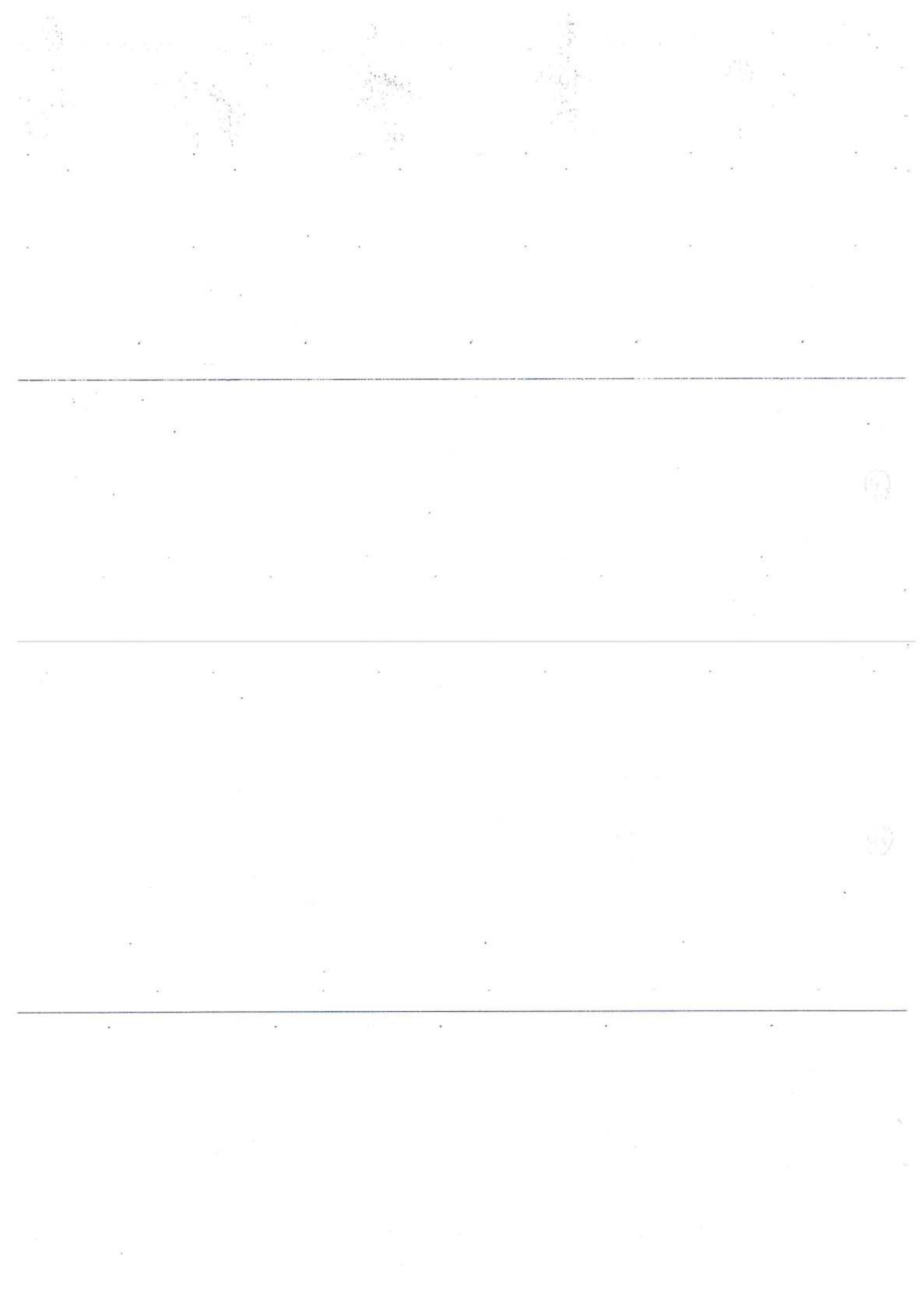
			Mraru
	Nyangala	Marungu	Maungu
			Miasenyi
		Kasigau	Buguta
			Makwasinyi
			Rukanga
Mwatate	Mwatate	Bura	Ilole
			Mnamu
			Saghaighu
			Nyolo
			Mrughua
		Mwatate	Mwatate
			Modambogho
			Sembe
		Kishamba	Kishamba
			Mwachawaza
			Kaya Ilole
			Mengo
		Mwachabo	Mwachabo
			Mruru Manganga
			Wumari Sechu
		Kidaya/Ngerenyi	Kidaya
		Chawia	Chawia
			Wusi
		Mwakitau	Mwakitau
			Mlughi/Mwashuma
			Godoma
	Mwambirwa	Rong'e	Msau/Rahai
			Kighombo/Marumbenyi
			Rong'e Nyika
		Rong'e Juu	Kishau/Kiweto
			Ndembonyi/Baghau
			Kironge/Makaleri
Taita	Wundanyi	Wundanyi	Wundanyi
			Shigharo
			Sungululu
			Mteni
		Mbale	Mbale
			Choke
			Mlechi
			Mogho
		Werugha	Werugha

			Mlondo
			Saghasa
			Marumange
		Wumingu	Wumingu
			Mghambonyi
			Nyache
		Kishushe	Kishushe
			Paranga
		Mgange	Lushangonyi
			Mwaroko
			Mgange Dawida
			Mgange Nyika
		Mwanda	Mwanda
			Njawuli



**Members of the Inter-Agency Sub Committee**

S/No.	Name	Ministry/Department		SIGN
1.	Mary Maungu	Public Service, Youth and Gender	Team Leader	
2.	Samuel Kipruto	Kenya National Bureau of Statistics	Member	
3.	Jennifer Ndege	Teachers Service Commission	Member	
4.	Erick Kipkorir	Interior & Coordination of National Government	Member	
5.	Beatrice Adieri	Public Service, Youth and Gender	Member	
6.	Florence Kigo	Public Service, Youth and Gender	Member	
7.	Joyce Nkoru	Public Service, Youth and Gender	Member	



(b) Commuter Allowance

37. Hardship Allowance in a designated hardship area

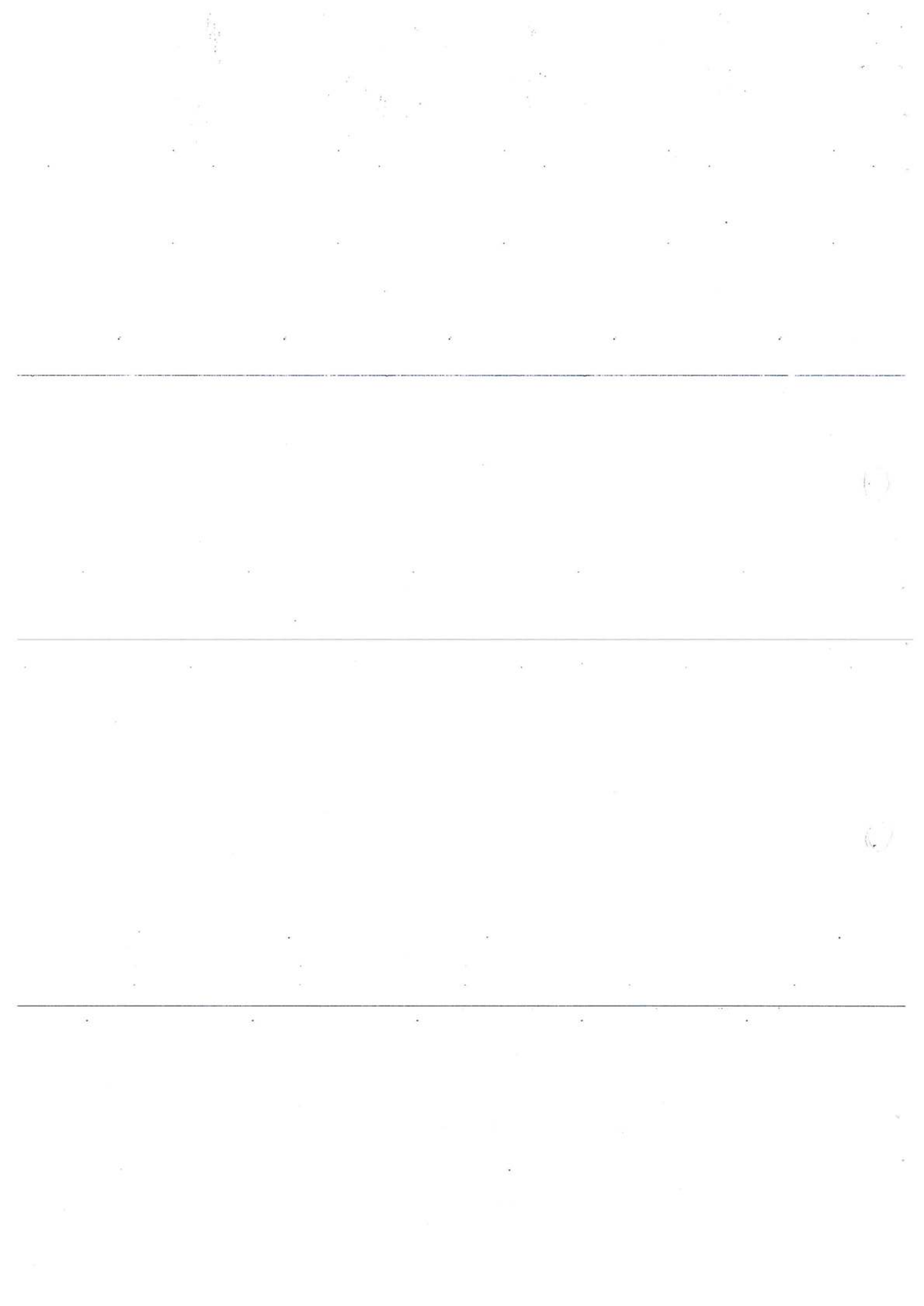
A teacher who is assigned by the Commission to teach in a school in a designated hardship area shall be paid a Hardship Allowance at the rate of thirty percent of his/her basic salary irrespective of his/her marital status and whether or not he/she is a resident of the area.

The Gazetted hardship areas are listed below:

1. Mfangano and Rusinga Islands in Suba District
2. Kegonga Division in Kuria District
3. Budalangi Division in Busia District
4. Kajiado District
5. Mbogoini Division and Makongeni Zone in Nakuru District
6. Laikipia District
7. Kitui District
8. Ganze Division, Kilifi District
9. Keiyo District
10. Marakwet District
11. Kinango and Samburu Divisions, Kwale District
12. Trans Mara District
13. Mwingi District
14. Tharaka District
15. Mbeere District
16. Magarini, Mafara and Kakoneni Divisions, Malindi District.
17. Masinga and Yatta Divisions, Machakos District
18. Kieni Division, Nyeri District

19. Ndeiya Division, Kiambu District
20. Makuyu Division, Maragwa District
21. Nyandarua Boarding Primary
22. Nyahururu High School
23. Muhoroni, Fort Ternan, Soin and Sondu Divisions, Kericho District
24. Muhoroni Valley and Sondu Divisions, Kisumu District
25. Kakuzi Division, Thika District
26. Kisanana, Mogotio, Emining, Sirwa and Kimng'orom Divisions, Koibatek District
27. Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions in Narok District
28. Makueni District
29. Isiolo District
30. Moyale District
31. Marsabit District
32. Garissa District
33. Mandera District
34. Wajir District
35. Lamu District
36. Tana River District
37. Mbololo, Mwatate and Voi Division in Taita Taveta District
38. Baringo District
39. Samburu District
40. Turkana District
41. West Pokot District





42. Ijara District

43. Tinderet Division in Nandi District

44. Mutuati, Ndoleti and Igembe East Divisions; Buuri and Giika Locations; Amung'enti and Thangatha Zones; Mumui, Kiujuline, Akithi Zone Linjoka and Ankamia Sub-locations in Meru North District.

### 38. Acting Allowance

Acting Allowance shall be payable to a teacher whose Acting Appointment has been made and approved by the Commission to hold and act in a higher post, referred to in Regulation 33(1), for more than thirty days as follows:-

- the full responsibility payment (referred to in Regulation 39) for the post; or
- the full difference between the teacher's salary and the minimum of the salary scale attached to the higher administrative post for which a substantive scale, and not an allowance is given.

### 39 (a). Responsibility Allowance

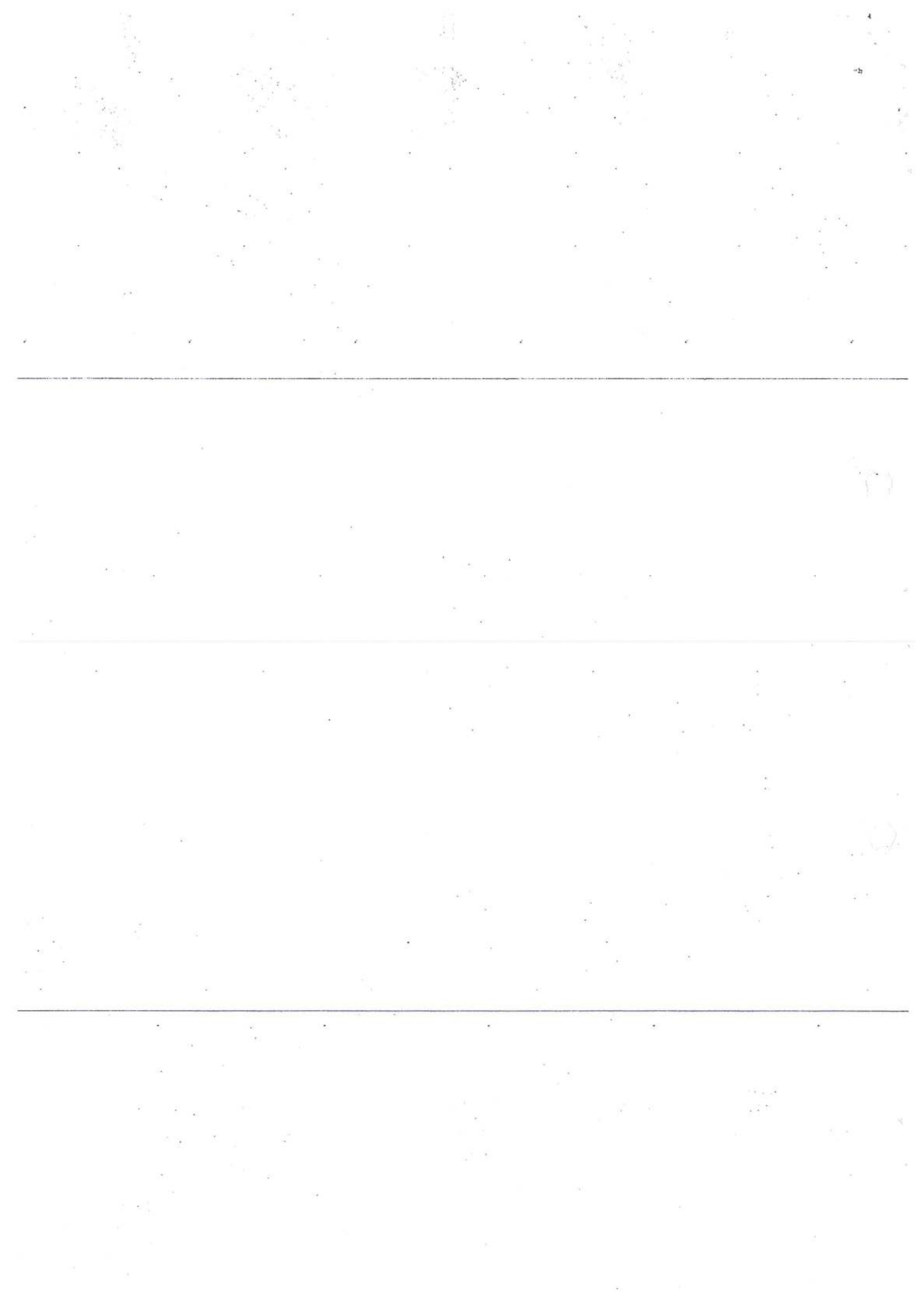
Responsibility Allowance will be paid to a Graduate teacher II/ Approved Teacher II on Job Group 'K' and below who is deployed on administrative duties in a teaching institution. Responsibility Allowance is pensionable only if a teacher is in receipt of the allowance on the day immediately before retirement. The allowance ceases once a teacher is no longer performing administrative duties.

Table 1.1: Responsibility Allowance for Day Primary Schools

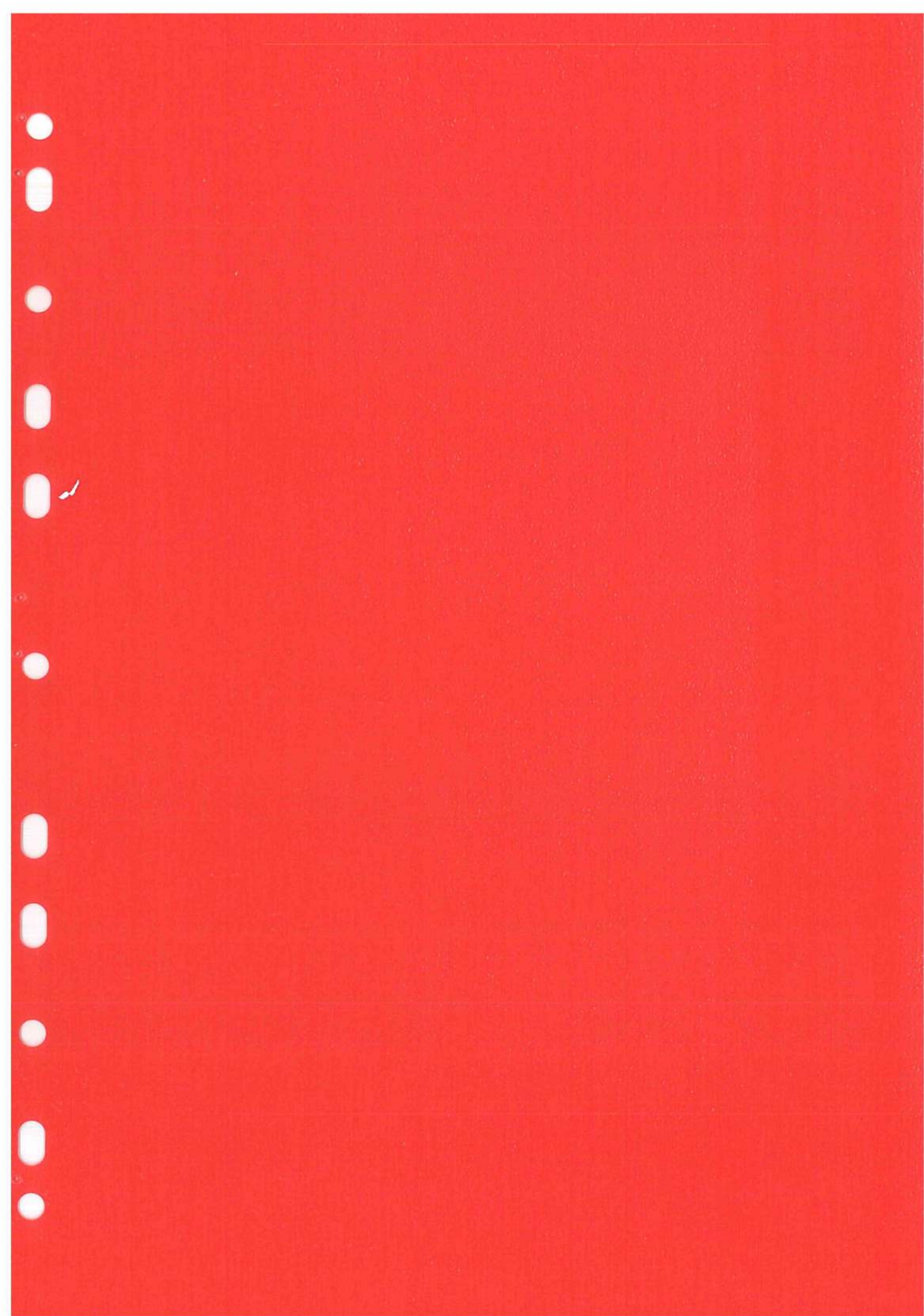
Streams	Headteacher	Deputy Headteacher	Senior Teacher
	KSh P.M	KSh P.M	KSh P.M
Single	338	90	68
Double	675	180	135
Triple	1013	270	135
Four	1350	360	135
Five	1688	450	135
Six	2025	540	135
Seven	2363	630	135
Eight	2700	720	135
Nine	3038	810	135
Ten	3375	900	135

Table 1.2: Responsibility Allowance for Approved Boarding Primary Schools

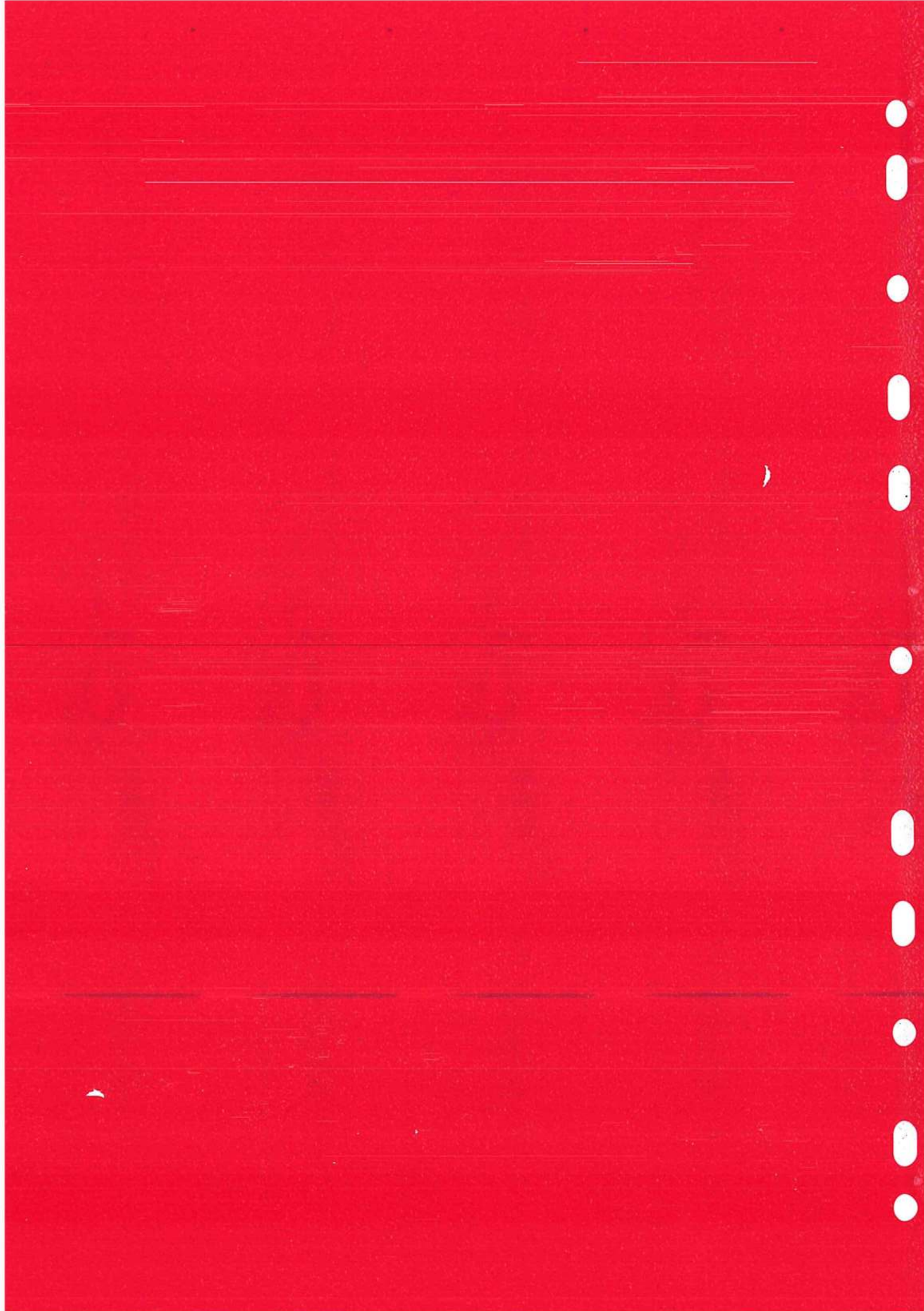
Type	Headteacher	Deputy Head	Senior Teacher
KSh P.M		KSh P.M	KSh P.M
(a) With upto 60 boarders	360	120	60
(b) For additional group of 60 boarders or part thereof	225	75	38











## **ANNEX 5**

**Sessional Paper No. 8 of 2012**







**REPUBLIC OF KENYA**

**OFFICE OF THE PRIME MINISTER**

**MINISTRY OF STATE FOR DEVELOPMENT OF  
NORTHERN KENYA AND OTHER ARID LANDS**

**Sessional Paper No. 8 of 2012**

**on**

**National Policy for the Sustainable Development of  
Northern Kenya and other Arid Lands**

**'Releasing Our Full Potential'**

*Final, 11 October 2012*

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## Glossary

Term	Definition
Climate change adaptation	Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.
Climate-proofing	Identifying risks to a project or asset from climate change, and ensuring that those risks are reduced to acceptable levels through changes introduced at different stages in the project cycle.
Human capital	The resources and capabilities that enable people to be economically and socially productive. Investments in human capital can be made through education, training or health care.
Non-equilibrium environments	Rangeland environments characterised by unstable and non-uniform distribution of nutrients as a result of variable and patchy rainfall.
Northern Kenya and other Arid Lands	This phrase is used throughout the document and reflects the title of the Ministry (Ministry of State for Development of Northern Kenya and other Arid Lands). The Ministry's geographical coverage extends across the arid and semi-arid lands of Kenya.
Pastoralism	The term refers to both an economic activity and a cultural identity, but the latter does not necessarily imply the former. As an economic activity, pastoralism is an animal production system which takes advantage of the characteristic instability of rangeland environments, where key resources such as nutrients and water for livestock become available in short-lived and largely unpredictable concentrations. Crucial aspects of pastoralist specialisation are: 1. The interaction of people, animals and the environment, particularly strategic mobility of livestock and selective feeding; and 2. The development of flexible resource management systems, particularly communal land management institutions and non-exclusive entitlements to water resources.
Sustainable development	Development that advances social progress, economic growth and environmental protection.

## **List of Acronyms**

ASALs	Arid and Semi-Arid Lands
CBAHW	Community-Based Animal Health Worker
GDP	Gross Domestic Product
HDI	Human Development Index
ICT	Information and Communication Technology
MDGs	Millennium Development Goals
NER	Net Enrolment Ratio
TIVET	Technical, Industrial, Vocational and Entrepreneurship Training



## **FOREWORD**

The title of this policy is a deliberate echo of the influential Sessional Paper No. 10 of 1965, which perpetuated the biased distribution of public investment established under colonial rule. Resources were directed towards the so-called 'high potential' areas of crop production, overlooking the wealth of lowland livestock-based economies and creating the deep inequalities in human development which we see in Kenya today.

The Government, under Agenda 4 of the 2008 National Accord, recognises both the threat posed by regional inequality and the potential that exists in all peoples and production systems. Kenya Vision 2030 acknowledges the special circumstances of previously marginalised communities, and in its first Medium Term Plan lays emphasis on poverty reduction and the re-balancing of regional development. Accelerated investment in previously neglected regions is essential if all Kenyans are to have an equal chance of sharing in the promise and benefits of Vision 2030.

This paper does not duplicate national policies with universal relevance across Kenya. Rather, it addresses three distinct policy challenges which are particular to Northern Kenya and other arid lands: first, how to close the developmental gap between Northern Kenya and the rest of the country, which is a product of its historical experience, and in so doing strengthen national cohesion; second, how to protect and promote the mobility and institutional arrangements which are so essential to productive pastoralism; and third, how to ensure food and nutrition security across the arid and semi-arid lands, where unpredictability is certain to increase as the impact of climate change deepens.

By addressing these three policy challenges, the Government will release the latent potential of the arid and semi-arid lands. In livestock, tourism, and renewable energy, and in its strategic location as Kenya's bridgehead to the markets of North Africa and the Middle East, the region has a major comparative advantage.

This policy has benefited from the insights of numerous stakeholders, including community representatives, elected leaders, development partners, and technical specialists, and I take this opportunity to thank them all. Since the role of my Ministry is to amplify the work of Government in the region, the commitments in this policy will be implemented in close partnership with other Ministries.

The arid and semi-arid lands of Kenya have much to offer our country. It is time that we looked at them differently, recognising their strengths and resources and understanding what makes them distinct. By doing so, we will remove the injustices from which they have suffered for too long, contribute to achieving our national development goals, and act in accordance with the spirit and commitments of our new Constitution.

**Hon. Mohamed Ibrahim Elmi, E.G.H., M.B.E., M.P.**  
**Minister of State for Development of Northern Kenya and other Arid Lands**



## CHAPTER ONE

### INTRODUCTION

- 1.1 The Arid and Semi Arid Lands (ASALs) make up more than 40% of the earth's surface and are home to 35% of its population.<sup>1</sup> In Kenya, the ASALs occupy 89% of the country and are home to about 14 million people and approximately 70% of the national livestock herd.
- 1.2 The ASALs have the lowest development indicators and the highest incidence of poverty in the country. This is partly the result of conscious public policy choices taken in Kenya's past. Under the heading 'Provincial Balance and Social Inertia', Sessional Paper No. 10 of 1965 stated the following: *One of our problems is to decide how much priority we should give in investing in less developed provinces. To make the economy as a whole grow as fast as possible, development money should be invested where it will yield the largest increase in net output. This approach will clearly favour the development of areas having abundant natural resources, good land and rainfall, transport and power facilities, and people receptive to and active in development.*
- 1.3 For many years this statement guided the direction of Government resources, with the result that the social and physical infrastructure of the arid districts was neglected. Many analysts also argued that the region's main livelihood strategy, mobile pastoralism, was irrational and environmentally destructive, and that the ASALs contributed little to the national economy.
- 1.4 The Government recognises that these arguments are not based on sound socio-economic analysis but stem from a lack of appreciation of the region's potential and a lack of understanding of its production systems. The ASALs have hidden strengths and enormous resources that can be harnessed not only to sustain themselves but to contribute to national development. Recent research estimates the contribution of livestock to agricultural GDP to be Kshs. 320 billion, only slightly less than that from crops and horticulture.<sup>2</sup>
- 1.5 Since 2003 the Government has demonstrated renewed commitment to the ASALs, for example through the Economic Recovery Strategy launched in 2003, which recognised 'the important contribution [the ASALs] can make to national development'. It has now gone further and created the Ministry of State for Development of Northern Kenya and other Arid Lands. The Ministry wishes to put in place a holistic policy framework to facilitate and fast-track sustainable development in the region, reducing levels of inequality with the rest of Kenya and releasing its potential for the benefit of the nation as a whole.

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<sup>1</sup> Michael Mortimore, 2009. 'Dryland Opportunities: A New Paradigm for People, Ecosystems and Development'

<sup>2</sup> Roy Behnke and David Muthami, 2011: 'The Contribution of Livestock to the Kenyan Economy', FAO & IGAD

- 1.6 The Government recognises that Kenya will not achieve sustained growth in her economy and progress as a nation if the ASALs are not appropriately factored into national planning and development. Trickle-down approaches from areas which already have more favourable investment climates have not worked; moreover, the potential for significant growth in these areas is now limited. The Government also recognises that Kenya will not achieve the goals of Vision 2030 or meet international commitments such as the Millennium Development Goals (MDGs) if regional inequalities are not addressed. Poverty, inequality and insecurity in one part of the country diminish the whole. Accelerated investment in previously neglected regions is necessary if all Kenyans are to have an equal chance of sharing in the promise and benefits of Vision 2030.
- 1.7 Experience from other parts of the world suggests that the right institutional framework has often been key to success in addressing regional under-development – particularly one which harnesses high-level political leadership to ensure strong partnerships across sectors and between different levels of Government, and which provides a clear legal framework for implementing institutions. The solutions to regional under-development are only partly economic; they may also be achieved through changes in social attitudes and in the distribution of power and authority, for example through enhanced devolution.
- 1.8 This policy does not duplicate national policies which have universal relevance across Kenya. Rather, it focuses on issues which are distinctive to Northern Kenya and other Arid Lands, on which a more nuanced policy response is required. Its provisions are consistent with the African Union Policy Framework for Pastoralism in Africa, which was approved in January 2011.



## CHAPTER TWO

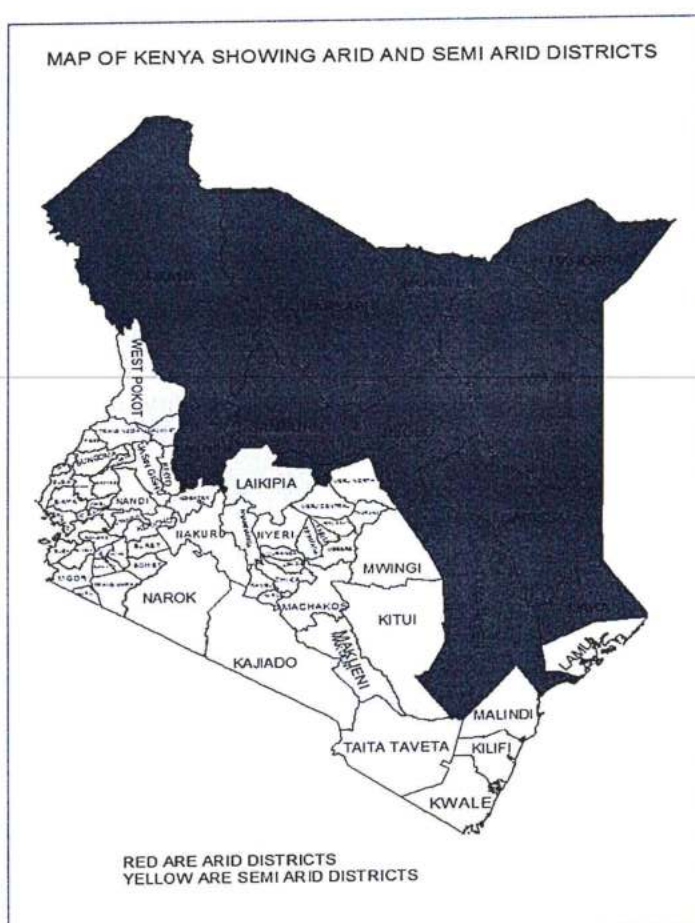
### GEOGRAPHICAL COVERAGE

## 2.1 Introduction

2.1.1 The phrase 'Northern Kenya and other Arid Lands' in the title of the Ministry refers to an area that is commonly called the ASALs (arid and semi-arid lands), and that covers nearly 90% of the country. Inevitably there is significant diversity within such a large region, which this chapter seeks to explain.

2.1.2 Three distinct but related terms are used in this document: the ASALs, pastoralism, and Northern Kenya. The three are interconnected. The arid counties are geographically synonymous with the concept of 'Northern Kenya', which refers to the area once known as the *Northern Frontier District* (NFD). Pastoralism is the dominant production system in the arid counties, and in some semi-arid counties as well.

2.1.3 However, there are also important differences between the three terms. Not everyone in the north is a pastoralist. Nor are the inequalities between the north and the rest of Kenya primarily a consequence of its ecology – hence the use of the term 'Northern Kenya' as well as 'arid lands'. All three terms are important because they raise different policy concerns, which are summarised in the next three sections.



## 2.2 Arid and Semi-Arid Lands (ASALs)

2.2.1 The defining feature of the ASALs is their aridity. Annual rainfall in arid areas ranges between 150mm and 550mm per year, and in semi-arid areas between 550mm and 850mm per year. Temperatures in arid areas are high throughout the year, with high rates of evapotranspiration. The primary policy challenge is how to ensure food



and nutrition security in a sustainable manner in environments that are prone to drought, where people's access to and control over critical livelihood resources such as land is insecure, and where unpredictability is set to increase as climate change takes hold. In this respect some semi-arid areas face challenges equal to or greater than those in arid. In the semi-arid counties of Kilifi and Taita Taveta, for example, the level of stunting in children under five, which is an indicator of chronic malnutrition, is higher than in the arid counties of Turkana, Marsabit and Mandera – three places with the highest levels of poverty in the country.<sup>3</sup>

2.2.2 There are important differences between arid and semi-arid areas. The economy of arid areas is dominated by mobile pastoralism, while in the better-watered and better-served semi-arid areas a more mixed economy prevails, including rain-fed and irrigated agriculture, agro-pastoralism, bio-enterprise, and conservation or tourism-related activities. Other groups within the ASALs depend on fishing, hunting and gathering for their subsistence. The ecology of semi-arid areas allows for the intensification of production in a way that the ecology of arid areas does not. Nevertheless, both arid and semi-arid areas experience chronic food insecurity and face critical challenges such as population increase, degraded ecosystems, and climate change.

2.2.3 Population density ranges from 1 or 2 people per km<sup>2</sup> in parts of Turkana and Marsabit to 358 people per km<sup>2</sup> in parts of Kilifi.<sup>4</sup> Population growth rates in the ASALs are generally higher than in other parts of the country. This is partly the result of in-migration, and partly because fertility rates are falling faster elsewhere in Kenya. As much as 54% of the population in Mandera, for example, is aged 0-14.<sup>5</sup> Access to infrastructure and services in semi-arid areas – with the exception of those with significant pastoral populations – is comparable with the national average, while in arid areas it is far below. For example, in 2006 the ratio of public schools to secondary students in semi-arid Kitui was 1:831, while in arid Garissa it was over four times higher, at 1:3,774.<sup>6</sup>

## **2.3 Pastoralism**

2.3.1 Pastoralists in Kenya are found in all the arid counties and in some of the semi-arid. Pastoralism is the extensive production of livestock in rangeland environments. It takes many forms, but its principal defining features are livestock mobility and the communal management of natural resources. These are regulated by sophisticated governance systems within pastoral societies. The primary policy challenge is how to protect and promote mobility and, in line with the Constitution, support the customary institutions which underpin pastoralism in a society which is otherwise sedentary and tending towards more individualised modes of organisation and production.

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<sup>3</sup> Republic of Kenya, 2007: 'Kenya Integrated Household Budget Survey, 2005-06'

<sup>4</sup> Republic of Kenya, District Development Reports, 2002-2008

<sup>5</sup> Republic of Kenya, 2010: Kenya Population and Housing Census, 2009

<sup>6</sup> Number of schools: EMIS School Census data returns. School-age population: District Development Plans 2002-2008



- 2.3.2 A policy focus on pastoralism is justified for two main reasons. First, pastoralists are among the groups most marginalised from socio-economic services and infrastructure. Successful achievement of national and international development targets will depend on the extent to which attention is given to the distinct challenges facing pastoral communities. The second reason is that, until recently, most governments viewed pastoral areas as net consumers of national wealth that offered poor prospects of return on investment. Pastoralism was therefore less valued than other forms of land use and less well-supported. Recent studies have shown that these views were misplaced. As a result, Governments in several countries, including Kenya, now recognise the strengths of pastoralism and have formed ministries or other authorities to enhance the contribution of pastoralism to food security, environmental stewardship, and economic growth.

## **2.4 Northern Kenya**

- 2.2.1 The defining feature of Northern Kenya is its separation from the rest of the country, which is evident not just in the wide developmental gap between the region and the rest of Kenya but in socio-cultural attitudes and perceptions. The primary policy challenge is how to close this gap and achieve national integration on terms that benefit the people of the region and the country as a whole.
- 2.2.2 This separation has its roots deep in Kenya's past, in the creation of the NFD by the colonial regime. The NFD was used as a buffer against hostile neighbours – an expansionist Abyssinian empire to the north and an unstable Jubaland to the east. Governance of the NFD was characterised by restrictions on movement, collective punishment, and the use of extensive non-accountable executive powers. Emergency laws were not repealed until the advent of multi-party rule in the 1990s, by which time the region had fallen far behind the rest of Kenya in levels of investment, infrastructure, and human development.
- 2.2.3 Northern Kenya displays many of the characteristics of remote rural areas caught in chronic poverty traps, which face multiple and interlocking forms of disadvantage. Isolation, insecurity, weak economic integration, limited political leverage, and a challenging natural environment combine to produce high levels of risk and vulnerability. Eighteen of the 20 poorest constituencies in Kenya, where 74% - 97% of people live below the poverty line, are in Northern Kenya.<sup>7</sup> The highest rates of poverty are observed among those who are no longer directly involved in pastoralism, particularly those without livestock who depend on casual labour or petty trade in towns.

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<sup>7</sup> Republic of Kenya, 2008: 'Constituency Report on Well-Being in Kenya'

2.2.4 The geographical coverage of these three policy challenges is as follows:

	<b>Northern Kenya</b>	<b>Pastoralism</b>	<b>ASALs</b>
<b>Counties covered</b>	Turkana, parts of Baringo, West Pokot, Samburu, Isiolo, Marsabit, Mandera, Wajir, Garissa, Tana River, Lamu	Turkana, Baringo, West Pokot, Samburu, Isiolo, Marsabit, Mandera, Wajir, Garissa, Tana River, Narok, Kajiado, parts of Laikipia	Turkana, Baringo, West Pokot, Samburu, Isiolo, Marsabit, Mandera, Wajir, Garissa, Tana River, Narok, Kajiado, Lamu, Kilifi, Kwale, Taita Taveta, Kitui, Makueni, Meru, Tharaka-Nithi, Embu, Laikipia, Nyeri

2.2.5 In summary, the remit of this policy extends across the entire arid and semi-arid lands. The policy acknowledges and responds to the specific ecological, social, economic and political realities in the ASALs that distinguish them from the rest of Kenya. However, within such a large region different areas inevitably have their own distinct policy challenges which are reflected in its specific provisions.



## CHAPTER THREE SITUATION ANALYSIS

### 3.1 Introduction

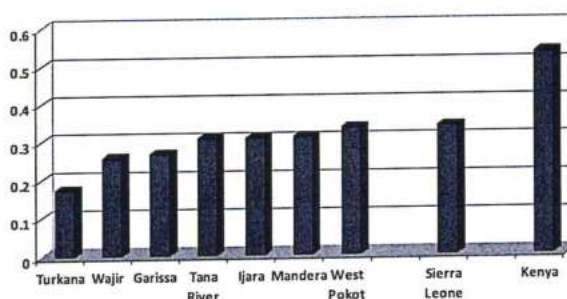
As the introduction suggested, there are two themes running through this policy. One is the challenge of regional inequality, which primarily affects the arid north. The other is the latent potential of the ASALs and their economic, environmental and cultural wealth, which is rarely captured in conventional methods of analysis. Underlying inequalities must be removed before this potential can be realised. For the most part these inequalities concern what Vision 2030 calls the foundations for development, and specifically the poor economic and social infrastructure in Northern Kenya. This chapter addresses both these broad themes, by illustrating the extent of regional inequality and by highlighting the potential gains for the region and the nation as a whole were these inequalities to be removed.

### 3.2 The extent of regional inequality

In the arid north of Kenya, the basic foundations of development are inadequate or lacking. Access to education, health, water, diverse dietary intake, infrastructure, energy, and ICTs are all well below the national average. These are critical enablers of growth and their absence is holding the region back. The consequences for human development are evident in Figure 1: in 2005 seven districts in the north had a Human Development Index that was half the national average; it was also lower than that of Sierra Leone, which at that time was the lowest-ranked country in the world.<sup>8</sup>

One indicator of vulnerability is the pattern of formal credit use. For example, only 5% of households in Samburu seek credit, against a national average of 30.7%. Nearly 65% of these borrow for subsistence rather than investment, against a national average of 37.4%.<sup>9</sup> However, these figures do not reflect the substantial level of inter-household borrowing that often keeps pastoralist families afloat.

Fig. 1 Human Development Indices



#### 3.2.1 Infrastructure: access to transport, water, energy and ICTs

<sup>8</sup> UNDP, 2006 'Kenya National Human Development Report, 2006: Human Security and Development: A Deliberate Choice'. The HDI for Sierra Leone in 2005 was 0.336. The Human Development Index is a composite measure of four indices: life expectancy, adult literacy, gross enrolment (primary, secondary, tertiary), and GDP per capita.

<sup>9</sup> Republic of Kenya, 2007: 'Kenya Integrated Household Budget Survey, 2005-06'

- 3.2.1.1 Northern Kenya covers close to 400,000km<sup>2</sup> of land but has less than 700km of tarmac road, most of which is in disrepair.<sup>10</sup> Figure 2 shows the differentials in road density by province, with the lowest density in those provinces which stretch across the arid north, i.e. North Eastern, Eastern, Coast and Rift Valley.<sup>11</sup>
- 3.2.1.2 Water and sanitation infrastructure is poor and badly maintained. Nearly 43% of people in arid areas take more than one hour to reach water in the dry season; 24% take more than two hours (Figure 3).<sup>12</sup>
- 3.2.1.3 Only one county, Isiolo, is currently connected to the national electricity grid. Mobile telephone operators are expanding their networks, but coverage is still limited to the major towns. The ICT infrastructure is inadequate and expensive. Although the fibre-optic cable has now reached several locations in the north, for the most part communication remains heavily reliant on satellite.

Fig. 2 Road density by province (length/sq.km)

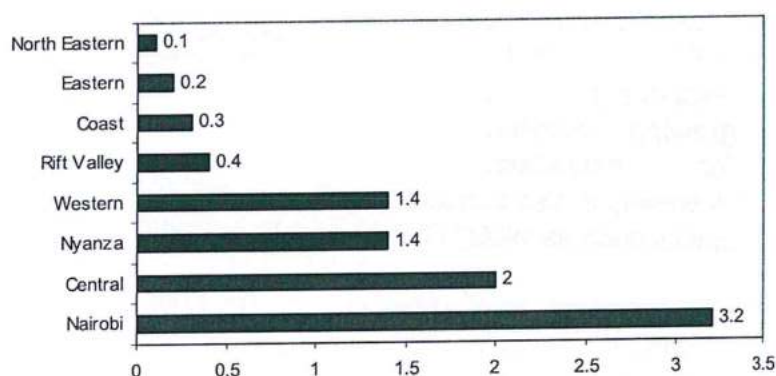
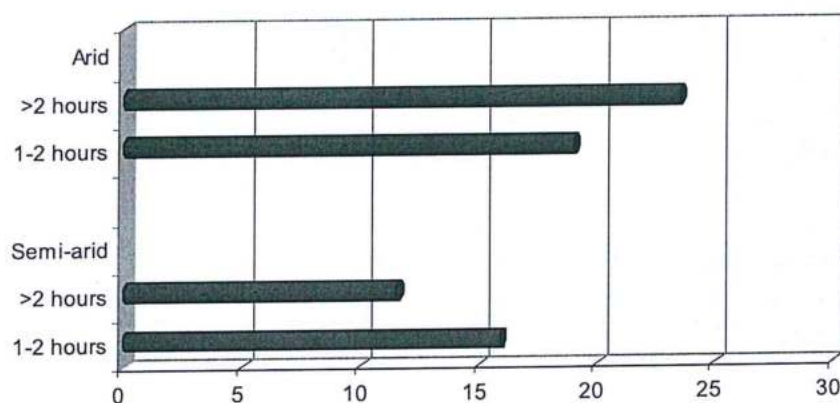


Fig. 3 Time taken to reach water in dry season



<sup>10</sup> Calculated from District Development Plans 2002-2008

<sup>11</sup> Republic of Kenya, 2007: 'Kenya Integrated Household Budget Survey, 2005-06'

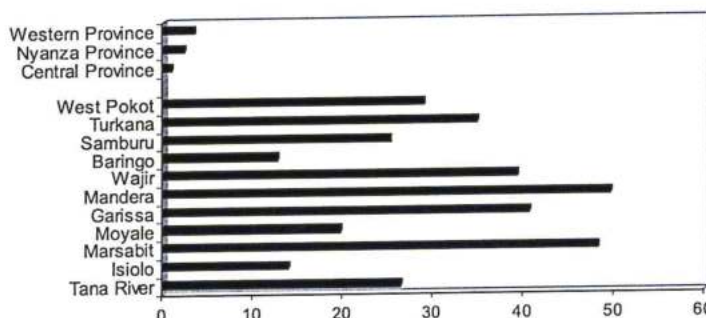
<sup>12</sup> ALRMP II Baseline Survey, 2006



### 3.2.2 Education

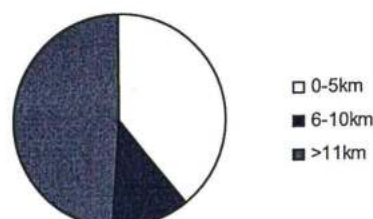
- 3.2.2.1 A significant proportion of the population aged 6-17 in Northern Kenya has never been to school (Figure 4).<sup>13</sup> Four years after the introduction of free primary education in 2003, the average net enrolment ratio in public primary schools across arid areas was 51.1% (2007), against a national average of 91.6%. This was an increase of nearly 45% on the 2003 NER, suggesting a growing demand for education. However, it also conceals significant differentials within the region; enrolment in places such as Wajir, Garissa and Ijara is still below 30%.<sup>14</sup>

Fig: 4 Percentage of population 6-17 who have never attended school



- 3.2.2.2 At secondary level, the NER in arid areas in 2007 was 5.52%, against a national average of 24.2%. For 60% of students in Northern Kenya there is no school within 6km; for nearly 50% there is no school within 11km (Figure 5).<sup>15</sup>

Fig. 5 Distance to secondary schools: arid districts



- 3.2.2.3 Rates of retention, survival and completion in Northern Kenya are also very low. The primary completion rate in the north in 2007 was 42.3%, compared with 81% nationally. More specifically, 56.4% of boys completed but only 27.6% of girls.<sup>16</sup> Northern Kenya also has the lowest ratios of trained teachers to pupils, low performance in the national examinations, and low rates of transition to university. With some notable exceptions – such as Moyale at primary level and Turkana and Tana River at secondary level – there is also a significant gender gap in enrolment, to the disadvantage of girls.

<sup>13</sup> Ibid.

<sup>14</sup> Sara Ruto, 2009: 'Education on the Margins', unpublished background study for UNESCO

<sup>15</sup> ALRMP II Baseline Survey, 2006

<sup>16</sup> Sara Ruto, 2009: 'Education on the Margins', unpublished background study for UNESCO



3.2.2.4 Similar inequalities are evident in adult literacy. Only 18.5% of adults in Mandera and 19.1% of adults in Turkana are formally literate, compared with the national average of 79%.<sup>17</sup> Again, the figures are worse for women: for every five literate men in Mandera there is only one literate woman.<sup>18</sup>

### 3.2.3 Health

3.2.3.1 Health indicators in Northern Kenya are generally poor, but particularly so for women and children, with high maternal, infant and child mortality, high levels of acute malnutrition, and low immunisation coverage. Figure 6 shows that there are significant differentials between the northern arid areas and other parts of Rift Valley and Eastern Provinces in the percentage of children delivered with trained care.<sup>19</sup> Sanitation coverage is also low. Toilet coverage for North Eastern Province in 2003 was 19.1%, the lowest in the country, against a national average of 83.8%.<sup>20</sup>

3.2.3.2 The health service infrastructure is poorly distributed and inadequately staffed. The average distance to a health facility in Northern Kenya is 52km, ten times further than the national target of 5km.<sup>21</sup> At the time of an assessment by the APHIA II programme in North Eastern Province in late 2007, nearly one-third of the province's health facilities (49 out of 153) were closed due to lack of personnel.<sup>22</sup> The doctor-patient ratio in North Eastern Province is nearly six times higher than

Fig. 6 Percentage of children under five delivered with trained care

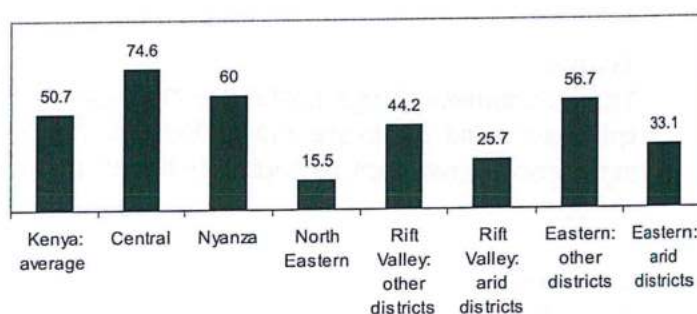
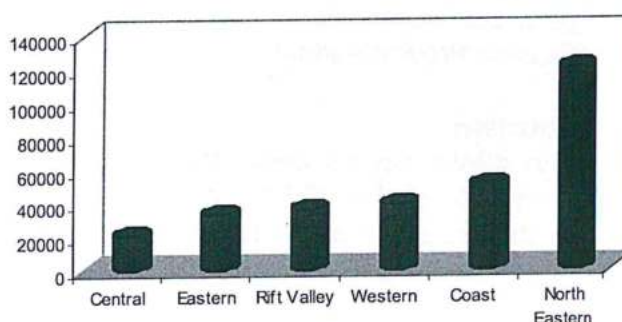


Fig. 7 Number of patients per doctor by province



<sup>17</sup> Republic of Kenya, 2007: 'Kenya Integrated Household Budget Survey, 2005-06', table 4.6

<sup>18</sup> Ibid.

<sup>19</sup> Republic of Kenya, 2007: 'Kenya Integrated Household Budget Survey, 2005-06'

<sup>20</sup> Republic of Kenya, 2004: 'Demographic and Health Survey, 2003'

<sup>21</sup> UNICEF data

<sup>22</sup> USAID, 2008: 'Report of Human Resources for Health (HRH) Rapid Assessment in North Eastern Province (NEP) Kenya'

that in Central Province (1:120,823 as against 1:20,715 – Figure 7).<sup>23</sup> Of the six Rural Health Training and Demonstration Centres in Kenya, none are in arid areas, meaning that trainees have inadequate exposure to the particular health challenges of mobile pastoralist communities.

### **3.3 The potential of the region**

#### **3.3.1 Strategic position**

The location of the region and its socio-cultural attributes make it well-positioned to benefit from surplus capital in the Gulf, one of the fastest-growing parts of the world. It is also the bridgehead to a regional economy of more than 100 million people. Countries such as Ethiopia, South Sudan and Somalia need outlets for their products, imports of manufactured goods and, in the case of South Sudan and Somalia, materials for reconstruction.

#### **3.3.2 Trade**

The economies of the lowlands and highlands are complementary. Opening up the north will generate more demand for Kenyan products. There is already significant movement of capital between parts of the north and Nairobi, which is set to grow.

#### **3.3.3 Livestock**

The ASALs host about 70% of the national livestock herd with an estimated value of Kshs. 70 billion. As populations increase, urbanise and become richer, they demand more meat and other livestock products. Kenya is a meat-deficit country. Research suggests that 400,000 jobs could be created if 50% of that domestic deficit were to be met by increased livestock production from North Eastern Province alone.<sup>24</sup>

#### **3.3.4 Tourism**

The ASALs have a comparative advantage in tourism. They are home to more than 90% of the wild game that supports the tourist industry, and contain most of the protected areas such as game reserves and national parks. The symbiotic interaction between wildlife and pastoralism, coupled with the rich cultural heritage of pastoral and agro-pastoral communities, is a major tourist attraction. Tourism is usually Kenya's highest foreign exchange earner and contributes around 12% to Kenya's GDP.

#### **3.3.5 Natural wealth**

The ASALs have enormous potential for renewable energy, from both solar and wind. Other natural resources include sand and gravel for construction, soda ash, gums, resins, gemstones, medicinal plants, and potentially oil and gas. Significant amounts of seasonal water run-off are currently lost but could be

<sup>23</sup> UNDP, 2006: 'Kenya National Human Development Report 2006: Human Security and Human Development: A Deliberate Choice'

<sup>24</sup> ReSAKSS, 2008: 'Investment Opportunities for Livestock in the North Eastern Province of Kenya: A Synthesis of Existing Knowledge'



harnessed for domestic and productive use. Dryland soils and vegetation store substantial amounts of carbon, suggesting that the ASALs could be integrated into the carbon market and generate payments for environmental services such as carbon sequestration, assuming that equitable and effective mechanisms to manage this can be put in place.

**3.3.6 Pastoralists' experience of managing climate variability**

Pastoralists have successfully managed climate variability for centuries. Their skills and indigenous knowledge will become more valuable as the impact of global climate change becomes more pressing.

**3.3.7 Urban development**

Carefully planned and strategic urban development in the ASALs will benefit the region, particularly through employment creation. It will also open up new economic opportunities for the country as a whole, reducing population pressure in high-density areas and strengthening national cohesion through the intermingling of social groups.



## **CHAPTER FOUR**

### **GOAL AND OBJECTIVES OF THE POLICY**

- 4.1 The goal of this policy is to facilitate and fast-track sustainable development in Northern Kenya and other arid lands by increasing investment in the region and by ensuring that the use of those resources is fully reconciled with the realities of people's lives.
- 4.2 The objectives of this policy are:
- i. To strengthen the integration of Northern Kenya and other arid lands with the rest of the country and mobilise the resources necessary to ensure equity and release the region's potential.
  - ii. To improve the enabling environment for development in Northern Kenya and other arid lands by establishing the necessary foundations for development.
  - iii. To develop alternative approaches to service delivery, governance and public administration which accommodate the specific realities of Northern Kenya and pastoral areas.
  - iv. To strengthen the climate resilience of communities in the ASALs and ensure sustainable livelihoods.
- 4.3 Implementation of this policy will contribute towards the Government's vision of security, justice and prosperity for the people of Northern Kenya and other arid lands. It will help achieve the three pillars of Vision 2030 – economic, social and political – but particularly the social pillar, which seeks to 'create a just and cohesive society that enjoys equitable social development in a clean and secure environment'. Finally, it will reduce dependence on relief interventions and the heavy financial burden of emergency response.

## **CHAPTER FIVE ELEMENTS OF THE POLICY**

### **5.1 Strengthen national integration, cohesion and equity**

- 5.1.1 A long history of separate development in the colonial and immediate post-colonial periods did little to build understanding between Kenyans in the north and those in the rest of the country. To many, the north is remote, hostile and insecure, and its people resistant to change. In their turn, many in the north regard the south as a distant and different country.
- 5.1.2 These attitudes have shaped patterns of investment in Kenya, such that the north has fallen far behind the rest of the country against most indicators of social and economic development. Further, certain laws and administrative regulations which apply only to the north and not to the rest of Kenya remain in force; examples include the Stock Theft and Produce Act, and the requirement to secure police clearance for flights. However, under the new Constitution, differential treatment of this kind is no longer constitutional.
- 5.1.3 Northern Kenya and other arid lands require accelerated investment for a finite period in order to achieve equity and release the region's potential. This time-bound affirmative action will need the support and understanding of all Kenyans, which can only be secured through greater contact and exposure between communities in different parts of the country. This in turn will contribute towards the objective of the Vision 2030, which is to move all Kenyans to the future as one nation – a nation that respects and harnesses the diversity of its people's values, traditions and aspirations for the benefit of all.
- 5.1.4 *In order to strengthen national cohesion and accelerate investment in the region, the Government will:*
- Build mutual understanding and respect between the people of Northern Kenya and other Kenyans through a deliberate programme of education and social change.
  - Ensure that the Equalisation Fund and other measures in the new Constitution that aim to remove marginalisation in Kenya address the particular challenges facing Northern Kenya and other arid lands.
  - Develop a package of fiscal and other incentives that will attract private sector investment into Northern Kenya and other arid lands, particularly if investing in the region's core resources, such as livestock, or its social and economic infrastructure.
  - Ensure that all investment and economic development protects the environment, provides compensation where required, and delivers maximum benefits to communities in the region and to Kenya. This includes developing an investment framework and appropriate mechanisms that channel a fixed percentage of the proceeds from natural resources, including oil and mineral resources, directly to local communities.



## **5.2 Improve the enabling environment for development in Northern Kenya and other arid lands**

Lack of the basic foundations for development in Northern Kenya and other arid lands, particularly infrastructure, human capital, and security, is deterring investment, undermining productive potential, draining resources into prolonged emergency response, and frustrating local-level initiative.

### **5.2.1 Infrastructure**

5.2.1.1 Kenya Vision 2030 aspires to be a country that is firmly inter-connected and identifies infrastructure as a key foundation for development. A more robust infrastructure in Northern Kenya and other arid lands will stimulate investment and growth. It will create jobs, reduce poverty, improve terms of trade and lower the cost of doing business. Better infrastructure will improve security, stabilise the region, and strengthen its integration with the rest of the country and neighbouring markets.

5.2.1.2 *In order to open up Northern Kenya and other arid lands for development, the Government will:*

- Develop and maintain an integrated, safe and efficient road, rail and air transport network in the region, prioritising the development of transport corridors linking Kenya to key markets in Ethiopia, South Sudan and Somalia and beyond them to the Middle East. This will include the Lamu Port-South Sudan-Ethiopia transport corridor.
- Invest in water harvesting, water supply and irrigation infrastructure.
- Improve the water and sanitation infrastructure in line with a strategic assessment of the most appropriate locations and technologies.
- Harness renewable energy such as wind and solar for the benefit of the nation.
- Expand access to power and ICTs for the people of the region.
- Draw up strategic development plans for urban areas that meet the housing, employment and service needs of urban populations, and provide sustainable economic opportunities for their surrounding rural areas, while also protecting the grazing and water rights of pastoralists.
- Develop a cost-effective housing strategy for the ASALs that applies appropriate building technologies and best practices in human settlements in arid areas.
- Ensure that infrastructure investments are climate-proofed and appropriate to the particular circumstances of the region.
- Take appropriate measures to enhance private sector participation in infrastructure development, such as the provision of incentives in sectors such as housing, renewable energy, transport, and communication.



## 5.2.2 Human capital

- 5.2.2.1 A healthy and skilled population is critical to achieving the goals of Vision 2030, particularly that of global competitiveness. However, the disparities in human capital between the north and the rest of Kenya are so acute that major investment will be necessary if the region is first to compete on an equal basis with the rest of the country.
- 5.2.2.2 Learning facilities in Northern Kenya are inadequate. There is no functional university or university college, only one teacher training college, one technical training institute, and very few TIVET institutions (Technical, Industrial, Vocational and Entrepreneurship Training). The number of teachers is insufficient, with very few recruited locally, and there is little attention paid to Early Childhood Development. As a result, the region achieves very low rates of enrolment, transition, completion and literacy, particularly for girls, and performs poorly in the national exams. Very few students qualify for competitive professional courses such as medicine and engineering, and very few qualify for admission under the Joint Admission Board.
- 5.2.2.3 The health service infrastructure is also poor, with few and scattered health facilities staffed by inadequate numbers of personnel. Health and nutrition indicators compare unfavourably with the national average, particularly for women and children. High levels of poverty limit the role of private health providers: most people in the region access services almost exclusively from public health facilities. Seasonal fluctuations in access to an optimal, diverse diet impact significantly on the survival and development of children, women and other vulnerable groups.
- 5.2.2.4 *In order to strengthen human capital in Northern Kenya and other arid lands, the Government will:*
- Develop and improve appropriate infrastructure for education, training and health care at all levels, including tertiary and higher education.
  - Increase the number of appropriately trained education, health and nutrition professionals and develop mechanisms to attract and retain high-calibre officers.
  - Introduce affirmative action programmes for people from Northern Kenya and other arid lands, particularly women, to enter all public training institutions.
  - Target a percentage of bursaries at students from Northern Kenya and other arid lands, particularly girls who wish to pursue tertiary and university education.
  - Address issues that disproportionately affect the education, health and nutritional status of girls and women.
  - Ensure that the Health, Agriculture, Livestock and Education sectors fully incorporate nutrition considerations in their programmes and policies.

### 5.2.3 Security and the rule of law

5.2.3.1 In popular imagination, Northern Kenya and other arid lands are associated with insecurity and violence. These perceptions deter investment and undermine development. However, the level of crime is generally low. Insecurity is primarily driven by competition over natural or political resources or by a group's desire to assert itself. The security infrastructure is inadequate for such a large area with poor communication networks, a dispersed population, and a heavy presence of illegal firearms. Insecurity in this border region has international ramifications, but there is no comprehensive regional framework governing cross-border interaction.

5.2.3.2 While the region still has relatively strong systems of traditional justice and governance, it is poorly served by the formal justice system. Until recently there was no High Court in the whole of the arid counties (there is now just one). The number of people per court in North Eastern Province is more than 2.5 times the number in Central Province.<sup>25</sup> The size and poor infrastructure of the region makes the cost of reaching the nearest court prohibitive.

5.2.3.3 *In order to enhance security and the rule of law in Northern Kenya and other arid lands, the Government will:*

- Put in place comprehensive measures to end livestock raiding and inter-communal violence, including incentives for individuals, communities or institutions which deliver positive results for peace.
- Enhance the presence and capacity of the security and justice systems.
- Strengthen traditional systems of governance and alternative dispute resolution mechanisms.
- Enact and implement the National Peace Building and Conflict Management policy.
- Apply conflict-sensitive approaches to development.
- Ensure that all interventions in the region are planned and conducted in a manner that is sensitive to local values and priorities.
- Put in place measures to minimise human-wildlife conflict.
- Develop a mechanism with neighbouring countries which ensures effective management of peace and security.

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<sup>25</sup> Society for International Development, 2004: 'Pulling Apart: Facts and Figures on Inequality in Kenya'



### **5.3 Develop alternative approaches to service delivery, governance and public administration in Northern Kenya and pastoral areas**

- 5.3.1 The population of Northern Kenya and some pastoral areas is highly dispersed, scattered across a large area in relatively small settlements. Many people are also mobile, since mobility is key to reliable production in dryland environments. The Government recognises that mobility is a rational and sophisticated response to environmental conditions. However, mobility in many pastoral areas of Kenya is curtailed by settlements, administrative boundaries, conflict, and land alienation.
- 5.3.2 Both mobility and low population density make service delivery more challenging. Distances to schools, health referral facilities, and centres of justice and administration are long, and over poor roads with limited transport.
- 5.3.3 Pastoral production traditionally depends on access to household labour. An education system that offers only static centres of learning is incompatible with families' need to remain mobile, thus impeding the education and career development of both boys and girls. In addition, the generally subordinate status of women, and certain cultural practices in pastoral societies, have a negative impact on girls' education.
- 5.3.4 The organisation of government has particular ramifications in pastoral areas. Smaller units of administration may undermine the mobility of pastoralists through the proliferation of settlements and boreholes. They may also reinforce the position of majority clans versus minority clans. Activities which require a citizen's presence on a fixed day in a fixed place, such as an election or census, do not take account of mobility.
- 5.3.5 Traditional systems of governance and administration in Northern Kenya and arid lands are still strong, particularly those dealing with peace building and natural resource management. There are positive examples of formal and customary systems of governance forging an accommodation with each other. There are also examples of contradictions between the two: for example, there is a dissonance between the rights of the individual in a modern electoral system and the dominant role of clan elders in shaping political leadership.
- 5.3.6 One particular feature of social systems in pastoral communities is the status of youth, such as morans in Maasai society, within age-grade systems in which ageing is traditionally associated with increasing political authority. Their specific situation is not currently addressed within national youth policies.



*5.3.7 In order to ensure that people in Northern Kenya and pastoral areas enjoy a level of access to public services comparable to those in other parts of the country, the Government will:*

- Recognise, through legislation, pastoralism as a legitimate form of productive land use and development on the same basis as farming, and incorporate the value of dryland goods and services within national economic planning.
- Reconcile the electoral system with the realities of arid and pastoral areas.
- Ensure that devolved structures accommodate mobility and resource-sharing across administrative boundaries and draw on the knowledge and experience of customary institutions.
- Explore innovative ways of enhancing security and access to justice in arid and pastoral areas.
- Integrate the specific needs and circumstances of pastoralist youth, both women and men, within national youth policies and strategies, and develop youth-friendly social services.

*5.3.8 In the education sector, the Government will:*

- Introduce flexible education systems of high quality, which are responsive to the needs of the area and which reinforce traditional knowledge systems in pastoral societies.
- Promote the use of appropriate ICTs and other technologies in service delivery.
- Revise the Education Act to incorporate alternative ways of providing education services to nomadic communities, such as distance and mobile education.
- Establish the National Council on Nomadic Education.
- Expand adult literacy services, particularly for women.

*5.3.9 In the health sector, the Government will:*

- Introduce flexible health systems of high quality which are responsive to the needs of the area.
- Promote the use of appropriate ICTs and other technologies in service delivery.
- Adapt community-based health systems for remote and mobile populations, and integrate these with animal health systems where appropriate.
- Introduce a health insurance scheme tailored to the needs of pastoralists.

## **5.4 Strengthen the climate resilience of communities in the ASALs and ensure sustainable livelihoods**

### **5.4.1 Drought management and climate change**

5.4.1.1 Drought is a normal, recurring but temporary characteristic of arid areas. Drought periods can be anticipated and managed; failure to do so has major social and economic consequences, particularly for women and girls. The 2008-2011 drought is estimated to have cost Kenya US\$12.1bn in damages and losses combined.<sup>26</sup> The frequency and severity of drought periods appear to be increasing: Northern Kenya recorded 28 major droughts in the last century, four of which occurred in the last decade. Other pressures, such as population growth and settlements, undermine the capacity of communities to manage drought. Despite substantial experience in Kenya, drought response is still not timely enough. Contingency plans are activated too late to prevent the widespread loss of assets.

5.4.1.2 Climate change will exacerbate the challenges already facing the region. Chronic poverty and vulnerability in the ASALs mean that adaptive capacity is generally low. Traditional mechanisms for managing climate variability, such as mobility and the use of drought reserve areas, are being closed off. Some areas that used to be set aside for emergency grazing now have an over-supply of water year-round.

5.4.1.3 *In order to reduce the effects of drought and climate change on vulnerable communities in the ASALs, the Government will:*

- Establish the National Drought Management Authority and National Drought and Disaster Contingency Fund, and ensure timely activation of contingency plans to protect assets.
- Gazette and manage emergency drought reserve areas and encourage the development of buffer areas of crop and forage production as part of contingency planning.
- Mainstream climate foresight and climate adaptation into planning at all levels.
- Systematically strengthen the strategies used by communities to adapt to climate variability and to reduce and manage the risks from natural disasters.
- Explore opportunities and develop appropriate mechanisms through which communities can benefit from bio-carbon initiatives.

### **5.4.2 Land and natural resource management**

5.4.2.1 High levels of human poverty in the ASALs co-exist with a rich store of natural wealth and biodiversity. Livestock, wildlife, forests, pasture, minerals, and medicinal plants are all critical resources upon which the people of the region

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<sup>26</sup> Republic of Kenya, 2012: 'Kenya Post-Disaster Needs Assessment for the 2008-2011 Drought'



depend. However, natural resource management systems have come under increasing pressure from competing forms of land use, successive and more frequent droughts, and the proliferation of ever-smaller administrative units. These present real challenges to the sustainable use of resources. Over the years people in the ASALs, such as pastoralists and those living in Coast Province, have been dispossessed of their land and land-based resources. Unsustainable land use practices are increasing.

**5.4.2.2** *In order to ensure sound land and natural resource management in the ASALs, the Government will:*

- Reinforce the authority of traditional natural resource management systems that promote sound environmental practices.
- Protect and promote indigenous knowledge and practice, promote environmental education and awareness, and intensify environmental conservation efforts.
- Protect and increase forest cover, riverine vegetation and critical water catchment areas in the ASALs, including special ecosystems such as Mts. Marsabit and Kulal.
- Eradicate undesirable invasive species such as prosopis.
- Promote low-maintenance water technologies, with an emphasis on water harvesting which (given likely climate change impacts) can deal with both abundance and scarcity.
- Ensure that the interests of pastoralists, particularly pastoralist women, are adequately and appropriately addressed in new land legislation and institutions, in line with the National Land Policy.

**5.4.3 Livestock production and marketing**

**5.4.3.1** Livestock production is the dominant economic activity in the ASALs, particularly in the arid districts. This is true even in areas which have experienced the highest rates of diversification and social change. Livestock production in non-equilibrium environments has different characteristics, such as the centrality of herd accumulation, and different requirements than in equilibrium environments. Livestock health systems in the ASALs are under-resourced. Successful experiences with community-based animal health workers are taking place in the absence of an appropriate legal framework. Private veterinarians currently play a limited role in the region since the prospects of profit are poor. There is also limited value addition in the livestock sector, and significant infrastructural and financial constraints facing livestock traders. In general, the livestock sector lacks the kind of institutional support in research, development and marketing that other productive sectors enjoy.

**5.4.3.2** *In order to strengthen livestock production and marketing in the ASALs, the Government will:*

- Reform veterinary legislation to allow Community Based Animal Health Workers (CBAHWs) to treat livestock under supervision and certification by the Kenya Veterinary Board.



- Develop more pragmatic measures governing veterinary quarantine and livestock movements, including night movement.
- Strengthen disease control and surveillance.
- Rehabilitate livestock marketing infrastructure through partnerships with the private sector and community associations.
- Facilitate the establishment of strategic business partnerships between communities and local authorities, based on public-private partnership models.
- Develop policy which facilitates and recognises the contribution of cross-border trade and facilitates the cross-border movement of livestock for food security.
- Establish the Kenya Livestock Marketing Board.
- Establish mechanisms to extend affordable finance to livestock producers and traders, particularly women.
- Ensure that livestock-based food products enter the national food reserves.
- Strengthen research and extension systems which are relevant to the livelihoods of ASAL livestock-keepers, including women.
- Introduce livestock insurance schemes, particularly for pastoralist communities.

#### **5.4.4 Dryland farming**

5.4.4.1 Agro-pastoralism and marginal farming are critical to the livelihoods of communities in semi-arid areas in particular. In arid areas farming will be done in a manner that complements mobile pastoralism. The potential to increase both rain-fed and irrigated crop production is constrained by inadequate extension services and production technologies, limited access to affordable credit (particularly given the high investment required for irrigation), and poor post-harvest management and storage facilities.

5.4.4.2 *In order to enhance food security in ASALs, the Government will:*

- Strengthen research and extension systems relevant to rain-fed crop production, including soil and water conservation, organic farming and agro-forestry.
- Promote water harvesting to ensure food security in collaboration with Regional Development Authorities.
- Increase access to the skills and technologies needed for irrigated agriculture, particularly when community-managed.
- Promote improved practices in post-harvest storage and management.
- Strengthen market linkages between lowland and highland economies.
- Establish mechanisms to extend affordable finance to smallholder farmers, particularly women.

#### **5.4.5 Livelihood diversification**

5.4.5.1 The Government recognises that livelihood diversification is an important strategy in both arid and semi-arid areas to reduce vulnerability to risk, and that the natural resource base of the ASALs has rich potential in this regard. For

example, there is growing interest in the production and marketing of natural products such as gums, resins, medicinal plants and culinary products. However, the Government also recognises that the natural resource base can not sustain the livelihoods of the entire ASAL population. There is now a significant urban population right across the ASALs which needs off-farm opportunities for income and employment.

**5.4.5.2** *In this light, the Government will:*

- Support livelihood diversification strategies which add value within the livestock sector and complement livestock production.
- Facilitate the production and marketing of dryland products.
- Increase the benefits to communities from tourism through the development of community-owned eco-tourism enterprises or conservancies and the promotion of responsible tourism.
- Promote formal and informal job creation, self-employment and entrepreneurship relevant to the needs of women, youth and men.

**5.4.6 Poverty and inequality**

5.4.6.1 Northern Kenya has the highest incidence of poverty in the country. A significant proportion of this poverty is concentrated around settlements, particularly among those who have lost livestock. There are also significant inequalities within the region, particularly with respect to the rights of women, lower castes, and minority clans. Most pastoral societies are highly differentiated along gender and generational lines, although social relations are changing under the influence of education, urbanisation and commercialisation. The disabled and those with HIV/AIDS still face high levels of stigma.

**5.4.6.2** *In order to reduce poverty and inequality in the region, the Government will:*

- Expand social protection interventions, such as the Hunger Safety Net Programme, which help households build their assets, and draw on these to inform the design of a comprehensive national social protection policy.
- Develop and support financial services and products appropriate to the needs of the region, including insurance schemes for both people and livestock to buffer production against risk.
- Develop and support income-generating activities that strengthen women's socio-economic position.
- Develop and strengthen producer and marketing organisations, including cooperatives, in sectors such as agriculture and livestock.
- Encourage a culture of savings through the promotion of rural SACCOs.
- Use education to reduce the inequalities experienced by certain social groups, including women & girls, hunter-gatherers and minority clans.
- Increase the number of women in leadership, law enforcement and public service, and deploy more women to address issues that affect women.
- Mainstream interventions which address the specific situation of women and of poor or vulnerable groups within all policies and programmes.
- Protect and promote the rights of people with disabilities and people with HIV/AIDS.



## CHAPTER SIX

# INSTITUTIONAL AND LEGAL FRAMEWORK

- 6.1 Development activities in Northern Kenya and other arid lands are currently poorly planned and coordinated. Coordination is arguably even more critical in areas such as Northern Kenya where limited resources must be stretched across large distances with poor infrastructure, and where the consequences of poor coordination can be damaging to the environment and to social relations.
- 6.2 The Government will put in place an institutional and legal framework for the development of Northern Kenya and other arid lands which harnesses the contributions of multiple actors at all levels and makes the most effective use of human and financial resources.
- 6.3 In order to ensure coordinated and harmonised development of Northern Kenya and other arid lands, *the Government will set up ASAL Transformation Structures*. These institutions will be at various levels:
- An ASAL Cabinet Sub-Committee, chaired by the President or Deputy President, which will provide high-level policy direction and political support to ASAL development.
  - An ASAL Inter-Ministerial Committee, through which Principal Secretaries in key sector ministries will provide leadership across Government.
  - An ASAL Stakeholders' Forum, bringing together Government, UN agencies, development partners, NGOs and the private sector, in a forum modelled on the Kenya Food Security Meeting (KFSM) structure. A series of thematic sub-groups are likely to feed into this meeting, such as food security (KFSM/KFSSG), social services, and infrastructure.
  - An ASAL Transformation Secretariat to provide technical and administrative support to the transformation structures.
- 6.4 *The Government will:*
- Establish a range of institutions that will provide long-term continuity in ASAL development, including a National Drought Management Authority and National Drought and Disaster Contingency Fund to increase responsiveness to drought, a National Council on Nomadic Education, a Northern Kenya Education Trust, a Livestock Marketing Board, and a Northern Kenya Investment Fund.
  - Establish appropriate forums at national, county and sub-county levels that bring key actors together to plan, coordinate and harmonise development activities and resources towards a common goal.
  - Ring-fence all development resources allocated for Northern Kenya and other arid lands.
  - Harmonise the execution of ministerial and devolved budgets, and locally generated revenue, against a single county development plan, which is based on community-identified priorities and responds to available economic opportunities.



- Strengthen institutional capacity at all levels, particularly within county-level planning and coordination structures, in line with the new Constitution, in order to address the significant capacity challenges likely to face devolved institutions in the arid lands.
  - Draw up a comprehensive human resource policy and strategy for Northern Kenya.
  - Expand the number of research and training institutions that are responsive to the needs of the ASALs.
  - Strengthen the provision of public policy research and analysis from an ASAL perspective.
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## **CHAPTER SEVEN FINANCING**

7.1 Financing of development in Northern Kenya and other Arid Lands will come from a range of sources, including Government, development partners, the private sector, and civil society organisations.

7.2 *The Government will:*

- Demonstrate leadership in putting the foundations for development in place (including roads, energy, ICTs, water, education, health and security).
- Ensure that the Equalisation Fund and other measures in the new Constitution that aim to remove marginalisation in Kenya address the particular challenges facing Northern Kenya and other arid lands.
- Ring-fence all development resources allocated to Northern Kenya and other Arid Lands.
- Pursue public-private partnerships.
- Encourage stronger harmonisation and alignment of finance from development partners against the objectives of this policy.
- Develop a package of fiscal and other incentives that will attract private sector investment into Northern Kenya and other arid lands, particularly if investing in the region's core resources, such as livestock, or its social and economic infrastructure.
- Establish a Northern Kenya Investment Fund.
- Develop appropriate mechanisms to manage the wealth from ASAL resources for the benefit of present and future generations.

## ANNEXES

### 1. Summary of policy interventions by objective

Policy issue	Policy constraint	Proposed policy intervention
<b>1. Strengthen national integration, cohesion and equity</b>		
	<p>High level of regional inequality and under-development</p> <p>Legacy of historical marginalisation</p> <p>Entrenched attitudes undermine social cohesion</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>▪ Build mutual understanding and respect between the people of Northern Kenya and other Kenyans through a deliberate programme of education and social change.</li> <li>▪ Ensure that the Equalisation Fund and other measures in the new Constitution that aim to remove marginalisation in Kenya address the particular challenges facing Northern Kenya and other arid lands.</li> <li>▪ Develop a package of fiscal and other incentives that will attract private sector investment into Northern Kenya and other arid lands, particularly if investing in the region's core resources, such as livestock, or its social and economic infrastructure.</li> <li>▪ Ensure that all investment and economic development protects the environment, provides compensation where required, and delivers maximum benefits to communities in the region and to Kenya. This includes developing an investment framework and appropriate mechanisms that channel a fixed percentage of the proceeds from natural resources, including oil and mineral resources, directly to local communities.</li> </ul>
<b>2. Improve the enabling environment for development in Northern Kenya and other arid lands</b>		
Infrastructure development	Poor physical infrastructure, which deters investment and undermines production	<p>The Government will:</p> <ul style="list-style-type: none"> <li>▪ Develop &amp; maintain an integrated, safe &amp; efficient road, rail &amp; air transport network in the region, prioritising the development of transport corridors linking Kenya to key markets in Ethiopia, South Sudan and Somalia and beyond them to the Middle East, such as the Lamu Port-South Sudan-Ethiopia transport corridor.</li> <li>▪ Invest in water harvesting, water supply and irrigation infrastructure.</li> <li>▪ Improve the water and sanitation infrastructure in line with a strategic assessment of the most appropriate locations and technologies.</li> <li>▪ Harness renewable energy such as wind and solar for the benefit of the nation.</li> <li>▪ Expand access to power and ICTs for the people of the region.</li> <li>▪ Draw up strategic development plans for urban areas that meet the housing, employment and service needs of urban populations, and provide sustainable economic opportunities for their surrounding rural areas, while also protecting the grazing and water rights of pastoralists.</li> <li>▪ Develop a cost-effective housing strategy for the ASALs that applies appropriate building technologies and best practices in human settlements in arid areas.</li> <li>▪ Ensure that infrastructure investments are climate-proofed and appropriate to the particular circumstances of the region.</li> <li>▪ Take appropriate measures to enhance private sector participation in infrastructure development, such as the provision of incentives in sectors such as housing, renewable energy, transport, and communication.</li> </ul>



Policy issue	Policy constraint	Proposed policy intervention
Human capital	<p>Inadequate education &amp; health facilities</p> <p>Insufficient education &amp; health personnel</p> <p>High levels of poverty</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Develop &amp; improve appropriate infrastructure for education, training &amp; health care at all levels, including tertiary.</li> <li>Increase the number of appropriately trained education, health &amp; nutrition professionals and develop mechanisms to attract &amp; retain high-calibre officers.</li> <li>Introduce affirmative action programmes for people from Northern Kenya and other arid lands, particularly women, to enter all public training institutions.</li> <li>Target a percentage of bursaries at students from Northern Kenya and other arid lands, particularly girls who wish to pursue tertiary and university education.</li> <li>Address issues that disproportionately affect the education, health and nutritional status of girls and women.</li> <li>Ensure that the Health, Agriculture, Livestock &amp; Education sectors fully incorporate nutrition considerations in their programmes and policies.</li> </ul>
Security & the rule of law	<p>Persistence of livestock raiding &amp; inter-communal violence</p> <p>Inadequate security infrastructure</p> <p>Limited presence of the formal judicial system</p> <p>Lack of a regional framework to manage cross-border conflict</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Put in place comprehensive measures to end livestock raiding &amp; inter-communal violence, including incentives for individuals, communities or institutions which deliver positive results for peace.</li> <li>Enhance the presence and capacity of the security and justice systems.</li> <li>Strengthen traditional systems of governance and alternative dispute resolution mechanisms.</li> <li>Enact and implement the National Peace Building &amp; Conflict Management Policy.</li> <li>Apply conflict-sensitive approaches to development.</li> <li>Ensure that all interventions in the region are planned and conducted in a manner that is sensitive to local values and priorities.</li> <li>Put in place measures to minimise human-wildlife conflict.</li> <li>Develop a mechanism with neighbouring countries which ensures effective management of peace and security.</li> </ul>
<b>3. Develop alternative approaches to service delivery, governance and public administration in Northern Kenya and pastoral areas</b>		
	<p>Low population density and mobility make service delivery and the organisation of Government challenging</p> <p>Social &amp; cultural factors undermine the education &amp; health status of girls &amp; women</p> <p>Specific situation of pastoralist youth is not reflected in current Government policies</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Recognise, through legislation, pastoralism as a legitimate form of productive land use and development on the same basis as farming, and incorporate the value of dryland goods and services within national economic planning.</li> <li>Reconcile the electoral system with the realities of arid and pastoral areas.</li> <li>Ensure that decentralised structures accommodate mobility and resource-sharing across administrative boundaries and draw on the knowledge and experience of customary institutions.</li> <li>Explore innovative ways of enhancing security &amp; access to justice in arid and pastoral areas.</li> <li>Integrate the specific needs and circumstances of pastoralist youth, both women and men, within national youth policies and strategies and develop youth-friendly social services.</li> </ul> <p>In the education sector the Government will:</p> <ul style="list-style-type: none"> <li>Introduce flexible education systems of high quality, which are responsive to the needs of the area and which reinforce traditional knowledge systems in pastoral societies.</li> <li>Promote the use of appropriate ICTs and other technologies in</li> </ul>

Policy issue	Policy constraint	Proposed policy intervention
		<p>service delivery.</p> <ul style="list-style-type: none"> <li>Revise the Education Act to incorporate alternative ways of providing education services to nomadic communities, such as distance and mobile education.</li> <li>Establish the National Council on Nomadic Education.</li> <li>Expand adult literacy services, particularly for women.</li> </ul> <p>In the health sector the Government will:</p> <ul style="list-style-type: none"> <li>Introduce flexible health systems of high quality which are responsive to the needs of the area.</li> <li>Promote the use of appropriate ICTs and other technologies in service delivery.</li> <li>Adapt community-based health systems for remote and mobile populations, and integrate these with animal health systems where appropriate.</li> <li>Introduce a health insurance scheme tailored to the needs of pastoralists.</li> </ul>
<b>4. Strengthen the climate resilience of communities in the ASALs and ensure sustainable livelihoods</b>		
Drought management and climate change	<p>Drought response is not timely or appropriate enough</p> <p>Effects of climate change will exacerbate existing challenges</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Establish the National Drought Management Authority &amp; National Drought and Disaster Contingency Fund, and ensure timely activation of contingency plans to protect assets.</li> <li>Gazette &amp; manage emergency drought reserve areas and encourage the development of buffer areas of crop and forage production as part of contingency planning.</li> <li>Mainstream climate foresight &amp; climate adaptation into planning at all levels.</li> </ul>
	<p>Low level of adaptive capacity</p> <p>Restrictions on livestock mobility</p>	<ul style="list-style-type: none"> <li>Systematically strengthen the strategies used by communities to adapt to climate variability and to reduce and manage the risks from natural disasters.</li> <li>Explore opportunities and develop appropriate mechanisms through which communities can benefit from bio-carbon initiatives.</li> </ul>
Land and natural resource management	<p>Increasing pressure on natural resource management systems from competing forms of land use, droughts, and the proliferation of settlements.</p> <p>Increase in unsustainable land use practices.</p> <p>Alienation of pastoral lands.</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Reinforce the authority of traditional natural resource management systems that promote sound environmental practices.</li> <li>Protect and promote indigenous knowledge &amp; practice, promote environmental education and awareness, and intensify environmental conservation efforts.</li> <li>Protect and increase forest cover, riverine vegetation and critical water catchment areas in the ASALs, including special ecosystems such as Mts. Marsabit and Kulal.</li> <li>Eradicate undesirable invasive species such as prosopis.</li> <li>Promote low-maintenance water technologies, with an emphasis on water harvesting, which (given likely climate change impacts) can deal with both abundance &amp; scarcity.</li> <li>Ensure that the interests of pastoralists, particularly pastoralist women, are adequately and appropriately addressed in new land legislation and institutions, in line with the National Land Policy.</li> </ul>
Livestock production and marketing	<p>Under-resourced livestock health systems</p> <p>Lack of a legal framework for community-based animal health workers</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Reform veterinary legislation to allow Community-Based Animal Health Workers to treat livestock under supervision &amp; certification by the Kenya Veterinary Board.</li> <li>Develop more pragmatic measures governing veterinary quarantine and livestock movements, including night movement.</li> </ul>



Policy issue	Policy constraint	Proposed policy intervention
	Infrastructural & financial constraints on livestock traders	<ul style="list-style-type: none"> <li>Strengthen disease control and surveillance.</li> <li>Rehabilitate livestock marketing infrastructure through partnerships with the private sector and community associations.</li> <li>Facilitate the establishment of strategic business partnerships between communities and local authorities, based on public-private partnership models.</li> <li>Develop policy which facilitates &amp; recognises the contribution of cross-border trade and facilitates the cross-border movement of livestock for food security.</li> <li>Establish the Kenya Livestock Marketing Board.</li> <li>Establish mechanisms to extend affordable finance to livestock producers &amp; traders, particularly women.</li> <li>Ensure that livestock-based food products enter the national food reserves.</li> <li>Strengthen research and extension systems which are relevant to the livelihoods of ASAL livestock-keepers, including women.</li> <li>Introduce livestock insurance schemes, particularly for pastoralist communities.</li> </ul>
Dryland farming	<p>Chronic food insecurity</p> <p>Insufficient access for smallholder farmers to appropriate credit, technology and extension services</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Strengthen research and extension systems relevant to rain-fed crop production, including soil and water conservation, organic farming and agro-forestry.</li> <li>Promote water harvesting to ensure food security in collaboration with Regional Development Authorities.</li> <li>Increase access to the skills and technologies needed for irrigated agriculture, particularly when community-managed.</li> <li>Promote improved practices in post-harvest storage and management.</li> <li>Strengthen market linkages between lowland and highland economies.</li> <li>Establish mechanisms to extend affordable finance to smallholder farmers, particularly women.</li> </ul>
Livelihood diversification	<p>Population growth increases pressure on the natural resource base</p> <p>High dependence on livestock</p> <p>Limited value addition within the livestock sector</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Support livelihood diversification strategies which add value within the livestock sector &amp; complement livestock production.</li> <li>Facilitate the production and marketing of dryland products.</li> <li>Increase the benefits to communities from tourism through the development of community-owned eco-tourism enterprises or conservancies and the promotion of responsible tourism.</li> <li>Promote formal &amp; informal job creation, self-employment &amp; entrepreneurship relevant to the needs of both women and men.</li> </ul>
Poverty & inequality	<p>High incidence of poverty</p> <p>Significant intra-regional inequalities with respect to the rights of women and girls, lower castes &amp; minority clans</p> <p>High levels of stigma against those with disabilities and those with HIV/AIDS</p>	<p>The Government will:</p> <ul style="list-style-type: none"> <li>Expand social protection interventions, such as the Hunger Safety Net Programme, which help households build their assets, and draw on these to inform the design of a comprehensive national social protection policy.</li> <li>Develop &amp; support financial services and products appropriate to the needs of the region, including insurance schemes for both people and livestock to buffer production against risk.</li> <li>Develop and support income-generating activities that strengthen women's socio-economic position.</li> <li>Develop and strengthen producer and marketing organisations, including cooperatives, in sectors such as agriculture and livestock.</li> <li>Encourage a culture of savings through the promotion of rural</li> </ul>



Policy issue	Policy constraint	Proposed policy intervention
		<p>SACCOs.</p> <ul style="list-style-type: none"> <li>▪ Use education to reduce the inequalities experienced by certain social groups, including women &amp; girls, hunter-gatherers and minority clans.</li> <li>▪ Increase the number of women in leadership, law enforcement and public service, and deploy more women to address issues that affect women.</li> <li>▪ Mainstream interventions which address the specific situation of women and of poor or vulnerable groups within all policies and programmes.</li> <li>▪ Protect and promote the rights of people with disabilities and people with HIV/AIDS.</li> </ul>

## 2 Summary of policy interventions by sector

Sector	Policy interventions
Agriculture	<ul style="list-style-type: none"> <li>▪ Strengthen research and extension systems relevant to rain-fed crop production, including soil and water conservation, organic farming and agro-forestry.</li> <li>▪ Promote water harvesting to ensure food security in collaboration with Regional Development Authorities.</li> <li>▪ Increase access to the skills and technologies needed for irrigated agriculture, particularly when community-managed.</li> <li>▪ Promote improved practices in post-harvest storage and management.</li> <li>▪ Gazette &amp; manage emergency drought reserve areas and encourage the development of buffer areas of crop and forage production as part of contingency planning.</li> <li>▪ Strengthen market linkages between lowland and highland economies.</li> <li>▪ Facilitate the production and marketing of dryland products.</li> <li>▪ Develop &amp; support financial services and products appropriate to the needs of the region, including insurance schemes to buffer production against risk.</li> <li>▪ Establish mechanisms to extend affordable finance to smallholder farmers, particularly women.</li> <li>▪ Develop &amp; strengthen producer and marketing organisations, including cooperatives, in sectors such as agriculture and livestock.</li> <li>▪ Ensure that the Health, Agriculture, Livestock &amp; Education sectors fully incorporate nutrition considerations in their programmes and policies.</li> </ul>
Education	<ul style="list-style-type: none"> <li>▪ Develop &amp; improve appropriate infrastructure for education and training at all levels, including tertiary.</li> <li>▪ Increase the number of appropriately trained education professionals and develop mechanisms to attract &amp; retain high-calibre officers.</li> <li>▪ Introduce affirmative action programmes for people from Northern Kenya and other arid lands, particularly women, to enter all public training institutions.</li> <li>▪ Target a percentage of bursaries at students from Northern Kenya and other arid lands, particularly girls who wish to pursue tertiary and university education.</li> <li>▪ Introduce flexible education systems of high quality, which are responsive to the needs of the area and which reinforce traditional knowledge systems in pastoral societies.</li> <li>▪ Promote the use of appropriate ICTs and other technologies in service delivery.</li> <li>▪ Revise the Education Act to incorporate alternative ways of providing education services to nomadic communities, such as distance and mobile education.</li> <li>▪ Establish the National Council on Nomadic Education.</li> <li>▪ Expand adult literacy services, particularly for women.</li> <li>▪ Address issues that disproportionately affect the education status of girls and women.</li> <li>▪ Use education to reduce the inequalities experienced by certain social groups, including women &amp; girls, hunter-gatherers and minority clans.</li> <li>▪ Expand the number of research and training institutions that are responsive to the needs of the ASALs.</li> <li>▪ Ensure that the Health, Agriculture, Livestock &amp; Education sectors fully incorporate nutrition considerations in their programmes and policies.</li> </ul>
Energy	<ul style="list-style-type: none"> <li>▪ Expand access to power and ICTs for the people of the region.</li> <li>▪ Harness renewable energy such as wind and solar for the benefit of the nation.</li> </ul>
Environment & natural resources	<ul style="list-style-type: none"> <li>▪ Ensure that all investment and economic development protects the environment, provides compensation where required, and delivers maximum benefits to communities in the region and to Kenya. This includes developing an investment framework and appropriate mechanisms that channel a fixed percentage of the proceeds from natural resources, including oil and mineral resources, directly to local communities.</li> </ul>



Sector	Policy interventions
	<ul style="list-style-type: none"> <li>▪ Reinforce the authority of traditional natural resource management systems that promote sound environmental practices.</li> <li>▪ Gazette &amp; manage emergency drought reserve areas and encourage the development of buffer areas of crop and forage production as part of contingency planning.</li> <li>▪ Protect and promote indigenous knowledge &amp; practice, promote environmental education &amp; awareness, and intensify environmental conservation efforts.</li> <li>▪ Protect and increase forest cover, riverine vegetation and critical water catchment areas in the ASALs, including special ecosystems such as Mts. Marsabit and Kulal.</li> <li>▪ Eradicate undesirable invasive species such as prosopis.</li> <li>▪ Put in place measures to minimise human-wildlife conflict.</li> <li>▪ Explore opportunities and develop appropriate mechanisms through which communities can benefit from bio-carbon initiatives.</li> </ul>
Finance & investment	<ul style="list-style-type: none"> <li>▪ Demonstrate leadership in putting the foundations for development in place.</li> <li>▪ Ensure that the Equalisation Fund and other measures in the new Constitution that aim to remove marginalisation in Kenya address the particular challenges facing Northern Kenya and other arid lands.</li> <li>▪ Ring-fence all development resources allocated for Northern Kenya and other arid lands.</li> <li>▪ Pursue public-private partnerships.</li> <li>▪ Encourage stronger harmonisation and alignment of finance from development partners against the objectives of this policy.</li> <li>▪ Establish a Northern Kenya Investment Fund.</li> <li>▪ Develop appropriate mechanisms to manage the wealth from ASAL resources for the benefit of present and future generations.</li> <li>▪ Recognise, through legislation, pastoralism as a legitimate form of productive land use and development on the same basis as farming, and incorporate the value of dryland goods and services within national economic planning.</li> <li>▪ Develop a package of fiscal and other incentives that will attract private sector investment into Northern Kenya and other arid lands, particularly if investing in the region's core resources, such as livestock, or its social and economic infrastructure.</li> <li>▪ Take appropriate measures to enhance private sector participation in infrastructure development, such as the provision of incentives in sectors such as housing, renewable energy, transport, and communication.</li> <li>▪ Ensure that infrastructure investments are climate-proofed and appropriate to the particular circumstances of the region.</li> <li>▪ Facilitate the establishment of strategic business partnerships between communities and local authorities, based on public-private partnership models.</li> <li>▪ Ensure that all investment and economic development protects the environment, provides compensation where required, and delivers maximum benefits to communities in the region and to Kenya. This includes developing an investment framework and appropriate mechanisms that channel a fixed percentage of the proceeds from natural resources, including oil and mineral resources, directly to local communities.</li> <li>▪ Develop and support financial services and products appropriate to the needs of the region, including insurance schemes for both people and livestock to buffer production against risk.</li> <li>▪ Encourage a culture of savings through the promotion of rural SACCOs.</li> <li>▪ Explore opportunities and develop appropriate mechanisms through which communities can benefit from bio-carbon initiatives.</li> </ul>
Gender	<ul style="list-style-type: none"> <li>▪ Develop and support income-generating activities that strengthen women's socio-economic position.</li> <li>▪ Increase the number of women in leadership, law enforcement and public service, and deploy more women to address issues that affect women.</li> <li>▪ Mainstream interventions which address the specific situation of women and of poor or vulnerable groups within all policies and programmes.</li> </ul>



Sector	Policy interventions
	<ul style="list-style-type: none"> <li>▪ Use education to reduce the inequalities experienced by certain social groups, including women &amp; girls, hunter-gatherers and minority clans.</li> <li>▪ Target a percentage of bursaries at students from Northern Kenya and other arid lands, particularly girls who wish to pursue tertiary and university education.</li> <li>▪ Address issues that disproportionately affect the education, health and nutritional status of girls and women.</li> <li>▪ Expand adult literacy services, particularly for women.</li> <li>▪ Ensure that the interests of pastoralists, particularly pastoralist women, are adequately and appropriately addressed in new land legislation and institutions, in line with the National Land Policy.</li> <li>▪ Establish mechanisms to extend affordable finance to smallholder farmers, livestock producers &amp; traders, particularly women.</li> <li>▪ Promote formal &amp; informal job creation, self-employment &amp; entrepreneurship relevant to the needs of women.</li> </ul>
Health	<ul style="list-style-type: none"> <li>▪ Develop &amp; improve appropriate infrastructure for health care at all levels, including tertiary.</li> <li>▪ Increase the number of appropriately trained health and nutrition professionals and develop mechanisms to attract &amp; retain high-calibre officers.</li> <li>▪ Introduce affirmative action programmes for people from Northern Kenya and other arid lands, particularly women, to enter all public training institutions.</li> <li>▪ Improve the water &amp; sanitation infrastructure in line with a strategic assessment of the most appropriate locations &amp; technologies.</li> <li>▪ Introduce flexible health systems of high quality which are responsive to the needs of the area.</li> <li>▪ Promote the use of appropriate ICTs and other technologies in service delivery.</li> <li>▪ Adapt community-based health systems for remote and mobile populations, and integrate these with animal health systems where appropriate.</li> <li>▪ Address issues that disproportionately affect the health and nutritional status of girls and women.</li> <li>▪ Ensure that Health, Agriculture, Livestock and Education sectors fully incorporate nutrition considerations in their programmes and policies.</li> <li>▪ Introduce a health insurance scheme tailored to the needs of pastoralists.</li> <li>▪ Protect and promote the rights of people with disabilities and people with HIV/AIDS.</li> </ul>
Housing	<ul style="list-style-type: none"> <li>▪ Draw up strategic development plans for urban areas that meet the housing, employment &amp; service needs of urban populations, and provide sustainable economic opportunities for their surrounding rural areas, while also protecting the grazing and water rights of pastoralists.</li> <li>▪ Develop a cost-effective housing strategy for the ASALs that applies appropriate building technologies and best practices in human settlements in arid areas.</li> </ul>
ICT	<ul style="list-style-type: none"> <li>▪ Expand access to power and ICTs for the people of the region.</li> <li>▪ Promote the use of ICTs and other technologies in service delivery.</li> </ul>
Justice	<ul style="list-style-type: none"> <li>▪ Enhance the presence and capacity of the security and justice systems.</li> <li>▪ Strengthen traditional systems of governance and alternative dispute resolution mechanisms.</li> <li>▪ Explore innovative ways of enhancing security &amp; access to justice in arid and pastoral areas.</li> <li>▪ Build mutual understanding and respect between the people of Northern Kenya and other Kenyans through a deliberate programme of education and social change.</li> <li>▪ Reconcile the electoral system with the realities of arid and pastoral areas.</li> </ul>
Land	<ul style="list-style-type: none"> <li>▪ Ensure that the interests of pastoralists, particularly pastoralist women, are adequately and appropriately addressed in new land legislation and institutions, in line with the National Land Policy.</li> </ul>

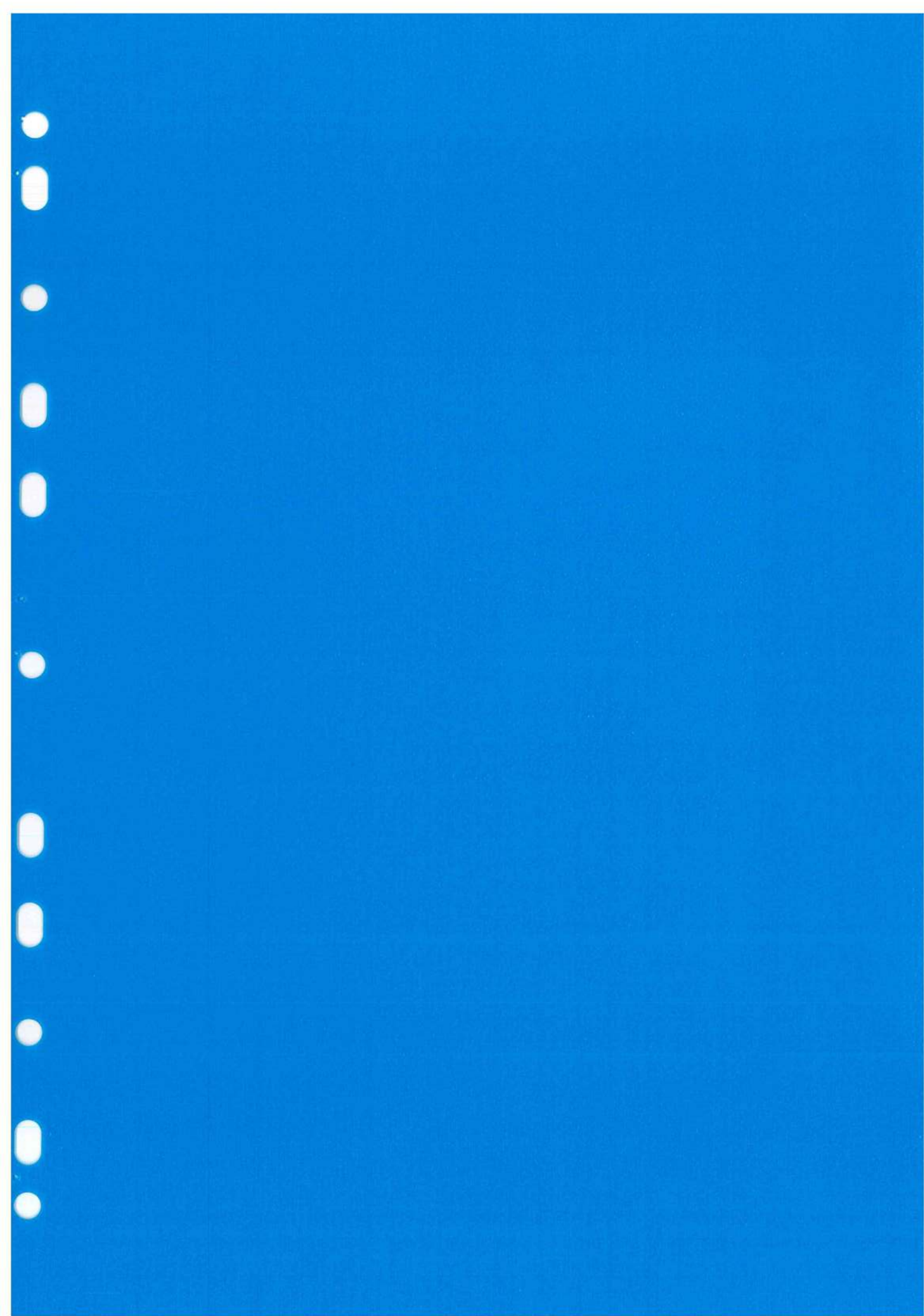
Sector	Policy interventions
Livestock	<ul style="list-style-type: none"> <li>▪ Recognise, through legislation, pastoralism as a legitimate form of productive land use and development on the same basis as farming, and incorporate the value of dryland goods and services within national economic planning.</li> <li>▪ Reform veterinary legislation to allow Community-Based Animal Health Workers to treat livestock under supervision &amp; certification by the Kenya Veterinary Board.</li> <li>▪ Develop more pragmatic measures governing veterinary quarantine and livestock movements, including night movement.</li> <li>▪ Strengthen disease control and surveillance.</li> <li>▪ Rehabilitate livestock marketing infrastructure through partnerships with the private sector and community associations.</li> <li>▪ Develop policy which facilitates &amp; recognises the contribution of cross-border trade and facilitates the cross-border movement of livestock for food security.</li> <li>▪ Establish the Kenya Livestock Marketing Board.</li> <li>▪ Facilitate the establishment of strategic business partnerships between communities and local authorities, based on public-private partnership models.</li> <li>▪ Ensure that livestock-based food products enter the national food reserves.</li> <li>▪ Support livelihood diversification strategies which add value within the livestock sector &amp; complement livestock production.</li> <li>▪ Gazette &amp; manage emergency drought reserve areas and encourage the development of buffer areas of crop and forage production as part of contingency planning.</li> <li>▪ Establish mechanisms to extend affordable finance to livestock producers &amp; traders, particularly women.</li> <li>▪ Strengthen research and extension systems which are relevant to the livelihoods of ASAL livestock-keepers, including women.</li> <li>▪ Introduce livestock insurance schemes, particularly for pastoralist communities.</li> <li>▪ Develop &amp; strengthen producer and marketing organisations, including cooperatives, in sectors such as agriculture and livestock.</li> <li>▪ Ensure that the Health, Agriculture, Livestock &amp; Education sectors fully incorporate nutrition considerations in their programmes and policies.</li> </ul>
Planning	<ul style="list-style-type: none"> <li>▪ Establish a range of institutions that will provide long-term continuity in ASAL development, including a National Drought Management Authority &amp; National Drought and Disaster Contingency Fund to increase responsiveness to drought, a National Council on Nomadic Education, a Northern Kenya Education Trust, a Livestock Marketing Board, and a Northern Kenya Investment Fund.</li> <li>▪ Ensure timely activation of drought contingency plans to protect assets.</li> <li>▪ Recognise, through legislation, pastoralism as a legitimate form of productive land use and development on the same basis as farming, and incorporate the value of dryland goods and services within national economic planning.</li> <li>▪ Establish appropriate forums at national, county and sub-county levels that bring key actors together to plan, coordinate and harmonise development activities and resources towards a common goal.</li> <li>▪ Harmonise the execution of ministerial and devolved budgets, and locally generated revenue, against a single county development plan, which is based on community-identified priorities and responds to available economic opportunities.</li> <li>▪ Strengthen institutional capacity at all levels, particularly within county-level planning and coordination structures, in line with the new Constitution, in order to address the significant capacity challenges likely to face devolved institutions in the arid lands.</li> <li>▪ Draw up a comprehensive human resource policy and strategy for Northern Kenya.</li> <li>▪ Strengthen the provision of public policy research &amp; analysis from an ASAL perspective.</li> <li>▪ Ensure that devolved structures accommodate mobility and resource-sharing across administrative boundaries and draw on the knowledge and experience of customary institutions.</li> <li>▪ Mainstream climate foresight &amp; climate adaptation into planning at all levels.</li> </ul>

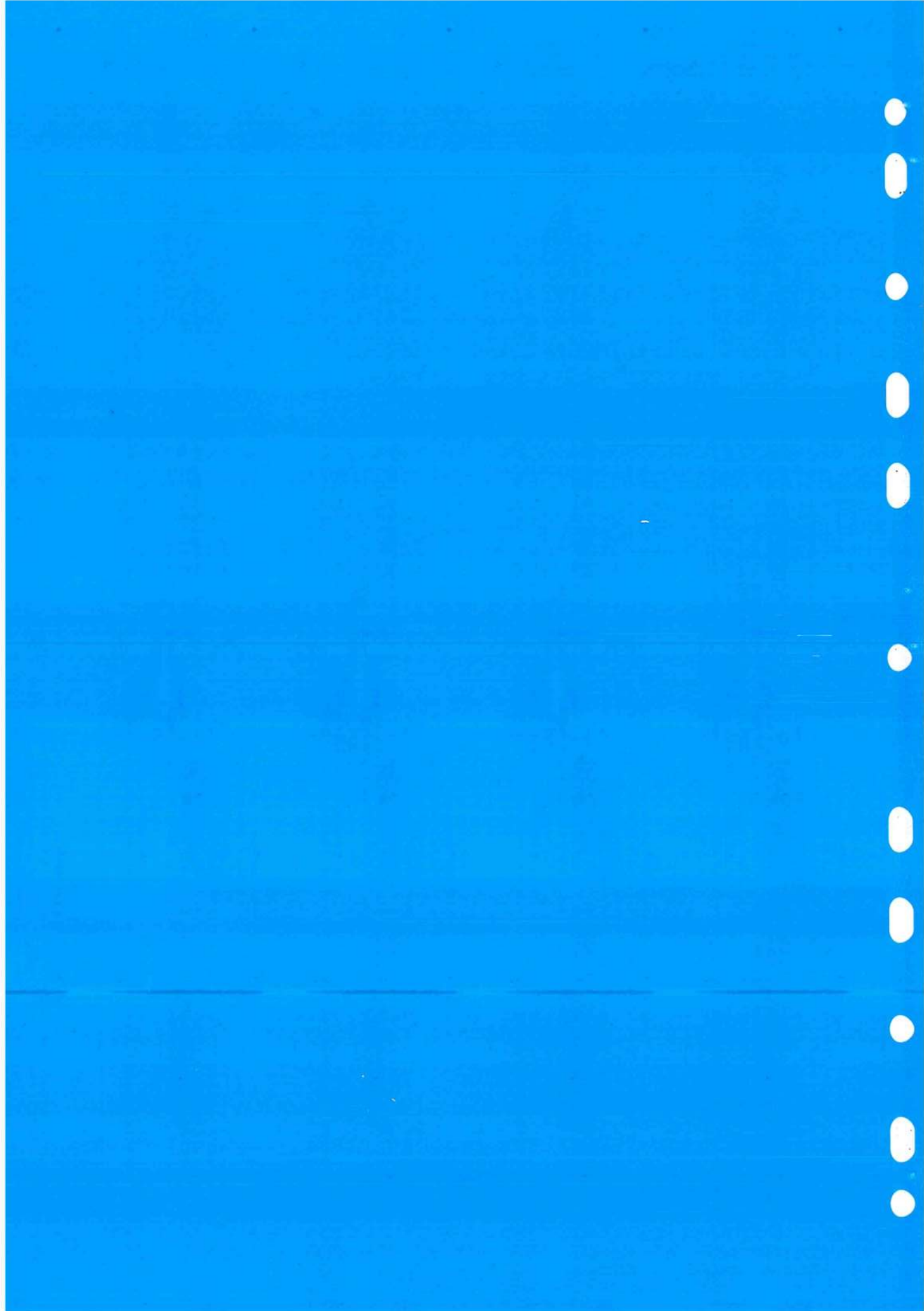


Sector	Policy interventions
	<ul style="list-style-type: none"> <li>▪ Systematically strengthen the strategies used by communities to adapt to climate variability and to reduce and manage the risks from natural disasters.</li> <li>▪ Ensure that infrastructure investments are climate-proofed and appropriate to the particular circumstances of the region.</li> </ul>
Security	<ul style="list-style-type: none"> <li>▪ Put in place comprehensive measures to end livestock raiding &amp; inter-communal violence, including incentives for individuals, communities or institutions which deliver positive results for peace.</li> <li>▪ Develop a mechanism with neighbouring countries which ensures effective management of peace and security.</li> <li>▪ Enhance the presence and capacity of the security and justice systems.</li> <li>▪ Strengthen traditional systems of governance and alternative dispute resolution mechanisms.</li> <li>▪ Put in place measures to minimise human-wildlife conflict.</li> <li>▪ Enact and implement the National Peace Building &amp; Conflict Management Policy.</li> <li>▪ Apply conflict-sensitive approaches to development.</li> <li>▪ Ensure that all interventions in the region are planned and conducted in a manner that is sensitive to local values and priorities.</li> <li>▪ Explore innovative ways of enhancing security &amp; access to justice.</li> </ul>
Social protection	<ul style="list-style-type: none"> <li>▪ Expand social protection interventions, such as the Hunger Safety Net Programme, which help households build their assets, and draw on these to inform the design of a comprehensive national social protection policy.</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>▪ Increase the benefits to communities from tourism through the development of community-owned eco-tourism enterprises or conservancies and the promotion of responsible tourism.</li> </ul>
Trade	<ul style="list-style-type: none"> <li>▪ Develop a package of fiscal and other incentives that will attract private sector investment into Northern Kenya and other arid lands, particularly if investing in the region's core resources, such as livestock, or its social and economic infrastructure.</li> <li>▪ Develop policy which facilitates &amp; recognises the contribution of cross-border trade and facilitates the cross-border movement of livestock for food security.</li> <li>▪ Develop more pragmatic measures governing veterinary quarantine and livestock movements, including night movement.</li> <li>▪ Rehabilitate livestock marketing infrastructure through partnerships with the private sector and community associations.</li> <li>▪ Establish the Kenya Livestock Marketing Board.</li> <li>▪ Establish mechanisms to extend affordable finance to livestock producers &amp; traders, particularly women.</li> <li>▪ Facilitate the establishment of strategic business partnerships between communities and local authorities, based on public-private partnership models.</li> <li>▪ Strengthen market linkages between lowland and highland economies.</li> <li>▪ Facilitate the production and marketing of dryland products.</li> <li>▪ Promote formal &amp; informal job creation, self-employment &amp; entrepreneurship relevant to the needs of women, youth and men.</li> </ul>
Transport infrastructure	<ul style="list-style-type: none"> <li>▪ Develop &amp; maintain an integrated, safe &amp; efficient road, rail &amp; air transport network in the region, prioritising the development of transport corridors linking Kenya to key markets in Ethiopia, South Sudan and Somalia and beyond them to the Middle East, such as the Lamu Port-South Sudan-Ethiopia transport corridor.</li> </ul>
Water and irrigation	<ul style="list-style-type: none"> <li>▪ Improve the water &amp; sanitation infrastructure in line with a strategic assessment of the most appropriate locations &amp; technologies.</li> <li>▪ Invest in water harvesting, water supply &amp; irrigation infrastructure.</li> <li>▪ Increase access to the skills &amp; technologies needed for irrigated agriculture, particularly when community-managed.</li> <li>▪ Promote low-maintenance water technologies, with an emphasis on water</li> </ul>



Sector	Policy interventions
	harvesting, which (given likely climate change impacts) can deal with both abundance & scarcity.
Youth	<ul style="list-style-type: none"><li>▪ Integrate the particular needs and circumstances of pastoralist youth, both women and men, within national youth policies and strategies and develop youth-friendly social services.</li><li>▪ Promote formal &amp; informal job creation, self-employment &amp; entrepreneurship relevant to the needs of youth.</li></ul>







## **ANNEX 6**

**The Collective Bargaining Agreement  
between  
the Teachers Service Commission, the  
KNUT,  
KUPPET and KUSNET**



COLLECTIVE BARGAINING AGREEMENT

BETWEEN

THE TEACHERS SERVICE COMMISSION



AND

THE KENYA NATIONAL UNION OF TEACHERS (KNUT)



For TSC ..... *[Signature]* ..... For KNUT ..... *[Signature]* ..... Page i



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## ACCRONYMS

ASAL	Arid and Semi -Arid Lands
CBA	Collective Bargaining Agreement
COCE	Code of Conduct and Ethics for Teachers
CORT	Code of Regulations for Teachers
CSO	Curriculum Support Officer
EARC	Education Assessment Resource Centers
FKE	Federation of Kenya Employers
ILO	International Labour Organization
KNUT	Kenya National Union of Teachers
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission



THIS AGREEMENT is made on the.....13<sup>th</sup>.....Day of .....July.....2021.

**BETWEEN**

The **TEACHERS SERVICE COMMISSION**, a constitutional Commission established under Article 237 (1) of the Constitution of Kenya (hereinafter referred to as "the Employer") of Post Office Box Private Bag - 00100, Nairobi, in the Republic of Kenya of the one part;

**AND**

**THE KENYA NATIONAL UNION OF TEACHERS**, a trade union registered under section 19 of the Labour Relations Act (hereinafter referred to as "the Union") of Post Office Box 30407 - 00100, Nairobi in the Republic of Kenya, of the other part.

**PREAMBLE**

- a. The parties to this Agreement meeting together freely and voluntarily have determined to regulate industrial relations between them in the interest of mutual understanding and co-operation by signing this Agreement on the terms and Conditions of employment of teachers in the public service.
- b. Regulations, policies, procedures and practices of the Employer in effect on the effective date of this Agreement dealing with matters of terms and conditions of employment, published by the Employer shall remain in force and the Employer reserves the right to make, adopt and implement other policies, rules and regulations and procedures not in conflict with the law and this Agreement.
- c. The parties agree to mutually recognize, declare and reaffirm their common commitment to maintain a collaborative relationship aimed at realizing quality teaching service in an environment of continuous improvement of terms and conditions of service for teachers.
- d. Towards meeting the needs of a progressive and competent teaching service, the parties herein express a mutual obligation and responsibility to promote quality teaching and to protect the best interest of the learners on whose behalf the parties hereto have been called to serve.

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For TSC...../..... For KNUT...../..... Page 1

- e. The Employer and the Union wish to declare their mutual intent to work towards the achievement of common aims as follows:
- i. Advancement of quality teaching and standards through performance contracting and appraisal.
  - ii. The development of a system of communication and consultation designed for harmonious industrial relations between the parties.
  - iii. Protection of the best interest of learners for whom they are individually, severally and collectively held in trust.

**WHEREAS:**

- a. The Commission is the sole employer of all teachers in the public service in the Republic of Kenya; and
- b. The Union is duly recognized by the employer in accordance with the law; and
- c. Article 41 (5) of the Constitution of Kenya and Section 54 of the Labour Relations Act gives parties the right to enter into this Agreement; and
- d. The parties are desirous to establish harmonious industrial relations through agreed upon terms and conditions of service.

**NOW, THEREFORE,** in consideration of the mutual agreements herein contained, the parties do hereby covenant as follows: -

**1. DEFINITIONS AND INTERPRETATIONS**

**"Agent"** means any person or body appointed by the Commission in accordance with section 20 of the Teachers Service Commission Act;

**"Allowance"** means a monetary compensation paid to a member in addition to the basic salary;

**"Basic salary"** means the amount of money paid to a member on a monthly basis and excludes the allowances;

**"Bipartite"** means an engagement between TSC and KNUT;

**"Court"** means Employment and Labour Relations Court of Kenya.

**"Commission"** means the Teachers Service Commission

**"Dismissal"** means the decision by the Commission to terminate the services of a member pursuant to due process under the CORT;

**"Family"** means teacher-teacher marriage;

**"Grievance"** means an industrial complaint that affects the terms and conditions of employment which has not been escalated to a trade dispute;

**"Head of institution"** means the lead educator or administrator in a public educational institution appointed by the Commission as such and responsible for the implementation of the educational curriculum, policy and professional practices;

**"Industrial action"** means a strike or lockout;

**"Performance appraisal system"** means a process of evaluation of a member's performance over a period of time based on agreed performance standards;

**"Redundancy"** means the loss of employment, occupation, job or career by involuntary means through no fault of an employee, involving termination of employment at the initiative of the employer, where the services of an employee are superfluous and the practices commonly known as abolition of office, job or occupation and loss of employment;



**"Release"** means allowing a teacher who has been offered employment by public institution, teachers unions, county government and public educational institution to leave the teaching service to take up the appointment, without loss of pension benefits;

**"Member"** shall mean a person trained and registered as a teacher as provided for in law and has subscribed to the union.

**"Union"** means the Kenya National Union of Teachers.

2. OBJECTIVE AND PURPOSE.

2.1 The primary objective of this Agreement is to ensure that both parties work harmoniously in negotiating the terms and conditions of service for members aimed at improving the teaching standards and performance of teachers in public service.

2.2 This Agreement is intended to facilitate structured and constructive social dialogue between parties for the purpose of maintaining industrial peace and harmony in the education sector.

3. EFFECTIVE DATE AND DURATION

3.1 The term of this Agreement shall commence on **1<sup>st</sup> JULY, 2021**.

3.2 This Agreement shall remain in force for a period of **four (4) years** with effect from **1<sup>st</sup> JULY, 2021 to 30<sup>th</sup> June 2025**.

3.3 Notwithstanding **Clause 3.2** herein above, this Agreement shall remain in force and bind upon parties until and unless by mutual consent of both parties, it is either reviewed or repealed by a new one.

4. CODE OF REGULATIONS & CODE OF CONDUCT AND ETHICS FOR TEACHERS

The Code of Regulations for Teachers and Code of Conduct and Ethics for Teachers shall form an integral part of this Agreement.

5 PROBATION PERIOD

Parties hereby agree that they shall be guided by the probation terms under Regulation 61 of CORT.

6 OBLIGATIONS OF THE PARTIES

6.1 Obligations of the Employer

6.1.1 To ensure expeditious settlement of reported industrial grievances and strictly observe the grievance handling mechanism recommended in this Agreement and the law.

6.1.2 To implement this Agreement once registered in Court.

6.1.3 To expeditiously implement bipartite settlements, agreement and decisions.

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For TSC  /  For KNUT  /  Page 5

6.1.4 To avoid engaging in any activities or programmes contrary to this Agreement.

6.2 Obligations of the Union

6.2.1 To discourage any breach of the peace or cause of civil unrest by union members that may disrupt learning and erode dignity of the profession.

6.2.2 To ensure that the union's representatives/officials do not engage or cause their members to engage in any union activities in the course of their official duties that may disrupt learning and duties of its members;

6.2.3 To ensure that the union and its representatives/officials obtain permission of the Commission in the event of activities that may disrupt learning, school programmes and activities in line with prevailing policies of the Commission.

6.2.4 Not to engage in any activities or programmes which contravene this Agreement;

6.2.5 To ensure that the union's collective grievances are reported and/or communicated by its Secretary General directly to the Commission Secretary for remedial action;

6.2.6 To encourage professionalism in the teaching service by discouraging its members from: -

- a) Causing damage to institutional property during industrial action
- b) Intimidating their colleagues who are not participating in industrial action.
- c) Denying employer's officers/agents access to Institutions of learning during industrial action.
- d) Using abusive/inappropriate language towards learners, their colleagues, employer or its officers/agents and other members of the society.

7 REMUNERATION

Parties hereby agree that remuneration payable to members shall be directly negotiated by both the employer and the union in strict adherence to the provisions of Articles 41,



237, and 230(4) of the Constitution of Kenya. Accordingly, parties hereby agree to the following monetary benefits: -

7.1 Basic Salary

7.1.1 Basic salary shall be paid as per **Appendix 1**.

7.1.2 Parties mutually agree that the employer shall continue to pay annual increments to members to compensate them for annual inflation.

7.2 Commuter Allowance

The Commuter Allowance shall be paid as per **Appendix 2**.

7.3 Disability Guide Allowance

Disability Guide Allowance shall be payable at the rate of Kenya Shillings **Twenty Thousand (20,000)** per Month as per **Appendix 3** to members who are blind, deaf and those confined to wheelchairs by virtue of their disability.

7.4 Leave Allowance

Leave allowance shall be payable as per **Appendix 4** to all members once per annum.

7.5 House Allowance

House Allowance shall be payable as per **Appendix 5** to members.

7.6 Hardship Allowance

Hardship Allowance shall be payable as per **Appendix 6** to members assigned duties in designated hardship areas.

7.7 Medical Benefit

Medical benefit shall be drawn as per Part IX of the Code of Regulations for Teachers.

8 Reimbursable Allowances

The Parties agree to the payment of the following facilitative allowances to members: -

8.1 Transfer allowance

Transfer Allowance shall be payable at a rate of one month's Basic Salary as per Regulation 97 of the CORT.

## 8.2 Travelling expense.

Reimbursement of travelling expenses shall be paid as per Regulations 98, 99, 100, 101, 102 and 103 of the CORT.

## 9 PROMOTIONS

9.1 Parties agree that promotion of members shall be in accordance to Career Progression Guidelines in force.

9.2 To standardize the terms and conditions of service and align the grading structure with the Job Evaluation results of 2016, parties hereby mutually agree to replace the Schemes of Service for Teachers and to formally adopt the provisions of the Career Progression Guidelines as per the employer's **Circular No. 7 of 2018** dated 2<sup>nd</sup> May 2018 at **Appendix-7**.

9.3 Further, the employer shall endeavor to promote members serving in ASAL and hard to staff areas holding administrative positions progressively until they attain grades that are commensurate to their respective positions. Meanwhile, they shall be retained in their current stations/areas until attainment of the substantive grades.

9.4 For purposes of clause 9.3 above, ASAL and hard to staff areas shall include:

- a) Baringo North, Tiati East, Tiati West and Marigat sub-counties in Baringo County.
- b) Garissa County
- c) Suba and Mbita sub-counties in Homa Bay County
- d) Isiolo County
- e) Mashuuru, Loitokitok and Kajiado West sub-counties in Kajiado County
- f) Kwale County
- g) Magarini and Ganze in Kilifi County
- h) Lamu County
- i) Mandera County

- j) Marsabit County
- k) Mumoni, Mutito North and Tseikuru Sub-Counties in Kitui County
- l) Narok South and Narok North sub-counties in Narok County
- m) Samburu County
- n) Taita Taveta County
- o) Tana River County
- p) Turkana County
- q) Wajir County
- r) West Pokot County

#### 10 TRANSFERS

10.1 The parties agree that transfer of members shall be done in line with Part V of the Code of Regulation for teachers.

10.2 Further, in promotion of family values provided for under **Article 45** of the Constitution of Kenya, the Commission shall consider transfer requests for married couples to appropriate stations/ locations subject to:

- 10.2.1 Availability of vacancies in the proposed station;
- 10.2.2 The need for a suitable replacement;
- 10.2.3 Need for equitable distribution and optimal utilization of teachers;
- 10.2.4 Existing staffing norms; and
- 10.2.5 Proof of marriage.

#### 11 LEAVES

11.1 The parties agree that members shall take leaves as provided under Part X of the Code of Regulations for Teachers.

11.2 Notwithstanding clause 11.1 herein above, a female member shall be entitled to maternity leave of **one hundred and twenty (120) calendar days** with full salary pay with effect from the date of delivery.



11.3 The Commission shall grant members a pre-adoptive leave of forty five (45) calendar days with full salary pay from the date of adoption.

11.4 The Commission shall grant male members paternity leave of Twenty One (21) calendar days with full salary pay once a year.

12 PUBLIC HOLIDAYS

The Commission shall observe public holidays as stipulated in the Constitution, national legislation or any other holiday as may be gazetted by the Government.

13 PERFORMANCE MANAGEMENT AND EVALUATION

13.1 In recognition of the fundamental shift in policy in public service and with a view to promote, enhance and maintain high performance standards in the teaching service, parties hereby agree that the Commission shall implement continuous Teacher Professional Development Programmes and Performance Evaluation system.

13.2 To this end, in compliance with **Regulation 48 (1)** of the **CORT**, parties reiterate that every member shall undertake the Professional Teacher Development programmes prescribed by the Commission from time to time.

13.3 Further in compliance with **Regulation 49 (1)** of the **CORT**, parties reiterate that every member who successfully completes a professional teacher development programme as provided in clause 13.2 above shall be issued with a teaching certificate by the Commission as evidence of compliance.

13.4 Parties agree that the Commission shall undertake performance evaluation of all members as per the Code of Regulations for Teachers.

13.5 The Commission undertakes to comply with Part IV of the Code of Regulations for Teachers in developing and facilitating career development programs with a view to enhance productivity among members.

14 CAREER PROGRESSION

Parties agree that career progression shall be based on the Career Progression Guidelines in force.

15 DISCIPLINE

The parties have agreed that the Discipline of members shall be undertaken as provided under Part XI of the Code of Regulations for Teachers and Code of Conduct and Ethics for Teachers.

16 EXIT FROM THE TEACHING SERVICE

16.1 A member may exit service through any of the following means: -

- 16.1.1 Resignation
- 16.1.2 Retirement
- 16.1.3 Redundancy
- 16.1.4 Termination
- 16.1.5 Dismissal
- 16.1.6 Transfer of service
- 16.1.7 Release to other organizations
- 16.1.8 Death

16.2 The parties have agreed that the exit from service by members shall be undertaken as provided under Part XII of the Code of Regulation for Teachers.

17 CERTIFICATE OF SERVICE

The Commission shall in accordance with the Employment Act issue a Certificate of Service to a member exiting the service of the Commission.

18 WORK INJURY BENEFITS

A member who is injured or dies while and in the course of employment will be compensated as per the Provisions of the Work Injury Benefits Act.

19 GRIEVANCE HANDLING PROCEDURE.

19.1 Parties agree that at all times attempts will be made to resolve all their grievances in an amicable manner with a view to achieving sustainable industrial peace in the teaching sector.

19.2 Accordingly, parties agree to exhaust all the Alternative Dispute Resolution mechanisms provided under the Labour Relations Act and any other relevant law before resorting to any form of industrial action.

19.3 In case Alternative Dispute Resolution fails, either party shall be at liberty to refer the grievance to the Cabinet Secretary for Labour as provided under the Labour Relations Act.

20 INDUSTRIAL ACTION

20.1 In the event of an industrial action, Parties shall adhere to Part VIII and Part X of the Labour Relations Act.

20.2 With a view to maintain the nobility of the teaching profession, parties agree that in the event of an industrial action, they shall conduct themselves with dignity, civility and decorum, protect the property of the school and safeguard the safety of learners directly or indirectly through their respective officers, representatives and/or members.

21 NON-DISCRIMINATION

Parties to this Agreement shall be bound by the provisions under regulation 16 of the Code of Regulation for teachers on Non-Discrimination.

22 SEXUAL HARASSMENT

Parties shall be guided by the Sexual Harassment clauses in the Commission's Gender Policy revised in 2011 and regulation 23 of the Code of Conduct and Ethics for Teachers.



## 23 REVIEW OF RECOGNITION AGREEMENTS

23.1 Taking into consideration the new constitutional and statutory framework in the labour sector and the provisions of ILO Convention 98 on the right to organize and collectively bargain, parties hereby mutually agree:

- 23.1.1 To jointly review their Recognition Agreement to align it with the obtaining constitutional, institutional and legal framework in the teaching service.
- 23.1.2 That the review of the Recognition Agreement will enable the union to have a defined constituency protected by law.
- 23.1.3 That parties will engage in structured negotiations for specific and defined constituency of the Union as required by law.
- 23.1.4 That the reviewed recognition agreement shall form part and parcel of this Agreement and shall be registered in the Employment and Labour Relations Court as an addendum to this Agreement.

## 24 AMENDMENT/VARIATION

24.1 In the event that any provisions of this Agreement are to be modified after the Agreement has been signed, the modifications shall be by mutual consent of parties, made in writing and signed by the authorized representatives of the Parties.

24.2 Notwithstanding sub-clause 24.1 above, any variation and/or amendment of this agreement affecting remuneration and benefits shall be subject to the Salaries and Remuneration Commission's advice.

## 25 GOVERNING LAW AND JURISDICTION

This Agreement shall be subject to the laws of Kenya and parties shall submit to the jurisdiction of the Kenyan Courts where appropriately invoked.

## 26 COSTS

Each party shall bear its own costs incidental to the negotiation, preparation, settling, signing and implementation of this Agreement.

SIGNED FOR AND ON BEHALF OF THE TEACHERS SERVICE COMMISSION

Services and Justice  
P.O. Box 30407 PHONE: 220487  
NAIROBI

# APPENDICES

## APPENDIX 1: BASIC SALARY

Grade	TSC Scale	Basic Salary p.m.		No. of notches
		Minimum	Maximum	
B5	5	21,756	27,195	6
C1	6	27,195	33,994	6
C2	7	34,955	43,694	6
C3	8	43,154	53,943	6
C4	9	52,308	65,385	7
C5	10	62,272	77,840	7
D1	11	77,840	93,408	7
D2	12	91,041	109,249	7
D3	13	104,644	125,573	7
D4	14	118,242	141,891	7
D5	15	131,380	157,656	7

## APPENDIX 2: COMMUTER ALLOWANCE

Grade	TSC Scale	Commuter Allowance p.m.
B5	5	4,000
C1	6	4,000
C2	7	5,000
C3	8	6,000
C4	9	8,000
C5	10	8,000
D1	11	12,000
D2	12	12,000
D3	13	14,000
D4	14	14,000
D5	15	16,000



### APPENDIX 3: DISABILITY GUIDE ALLOWANCE

Grade	TSC Scale	Disability Guide Allowance p.m
B5	5	20,000
C1	6	20,000
C2	7	20,000
C3	8	20,000
C4	9	20,000
C5	10	20,000
D1	11	20,000
D2	12	20,000
D3	13	20,000
D4	14	20,000
D5	15	20,000

### APPENDIX 4: LEAVE ALLOWANCE

Grade	TSC Scale	Annual Leave Allowance p.a
B5	5	4,000
C1	6	4,000
C2	7	6,000
C3	8	6,000
C4	9	6,000
C5	10	6,000
D1	11	10,000
D2	12	10,000
D3	13	10,000
D4	14	10,000
D5	15	10,000

# APPENDIX 5: HOUSE ALLOWANCE

Grade	TSC Scale	Hse1 Nairobi	Hse2 -Major Municipalities- Mombasa, Kisumu, Nakuru, Nyeri, Eldoret, Thika, Kisii and Kitale	Hse3 -Other former Minor Municipalities	Hse4 -all other areas
B5	5	6,750	4,500	3,850	3,200
C1	6	10,000	7,500	5,800	4,200
C2	7	16,500	12,800	9,600	7,500
C3	8	28,000	22,000	16,500	13,000
C4	9	28,000	22,000	16,500	13,000
C5	10	35,000	25,500	18,000	15,400
D1	11	45,000	28,000	21,000	16,800
D2	12	45,000	28,000	21,000	16,800
D3	13	45,000	28,000	21,000	16,800
D4	14	45,000	28,000	21,000	16,800
D5	15	50,000	35,000	25,000	20,000

# APPENDIX 6: HARDSHIP ALLOWANCE

Grade	TSC Scale	Hardship Allowance p.m
B5	5	6,600
C1	6	8,200
C2	7	10,900
C3	8	12,300
C4	9	14,650
C5	10	17,100
D1	11	27,300
D2	12	27,300
D3	13	31,500
D4	14	31,500
D5	15	38,100

# TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000  
Email: [info@tsc.go.ke](mailto:info@tsc.go.ke)  
Web: [www.tsc.go.ke](http://www.tsc.go.ke)

When replying please quote

Ref No:  
TSC/ADM/192A/VOL.IX/37



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

Date: 2<sup>nd</sup> MAY 2018

## CIRCULAR NO:7/2018

**TO:** All TSC County Directors  
All TSC Sub-County Directors  
All Principals, National Polytechnics  
All Principals, Technical Training Institutes  
All Principals, Institutes of Science & Technology  
All Principals, Diploma Teacher Colleges  
All Principals, Primary Teacher Training Colleges  
The Director, CEMASTEIA  
The Director, Kenya Institute of Special Education  
The Chairperson, KEPSHA  
The Chairperson, KESSHA

## CAREER PROGRESSION GUIDELINES FOR THE TEACHING SERVICE

---

The Commission has developed Career Progression Guidelines for the teaching service which became operational with effect from 8<sup>th</sup> November, 2017.

These Guidelines provide for the policies and procedures that have standardized teachers' professional development. The grading structure has taken into account the Job Evaluation report.

The Guidelines provide all basic requirements for career progression, training and promotion of teachers.

*Am*



Pathways for teachers have been defined and clear job descriptions/specifications have been provided at every level.

The Guidelines have provided the broad framework in school management, administration and ensure that curriculum implementation is structured and every teacher is clear on what is expected upon joining the teaching career.

The Guidelines effectively replaces the following:

- (i) Schemes of Service for non-Graduate teachers
- (ii) Schemes of Service for Graduate teachers
- (iii) Schemes of Service for Technical teachers and Lecturers

The comprehensive Career Guidelines have been uploaded for access on the TSC Website [www.tsc.go.ke](http://www.tsc.go.ke). All teachers and Education stakeholders are advised to read the provisions in the Guidelines.

The following are the major highlights:-

- (i) Minimum entry requirement for entry into the teaching profession;
- (ii) Basic requirement for promotion from one grade to another;
- (iii) Entry to Administrative Grade;
- (iv) Additional responsibilities for School Administrators; and
- (v) Requirements for deployment to teach in:-
  - (a) Primary School
  - (b) Secondary School
  - (c) Teacher Training College
  - (d) Special Institution
  - (e) Centre for Mathematics, Science and Technology Education in Africa (CEMASTEIA)
  - (f) Kenya Institute of Special Education (KISE)
  - (g) Technical Colleges and Polytechnics

All employees of the Commission and any prospective professional teacher is advised to note the strict entry requirements that form the standards for the teaching profession.

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

**Copy to:**

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Cabinet Secretary  
The National Treasury  
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Amb.(Dr.) Amina C. Mohamed, EGH, CAV  
Cabinet Secretary  
Ministry of Education  
P.O. Box 30040-00100  
**NAIROBI**

Hon. Wilson Sossion  
Secretary General,  
Kenya National Union of Teachers (KNUT),  
P. O. Box 30407-00100,  
**NAIROBI**

Mr. Akelo M.T. Misor  
Secretary General  
Kenya Union for Post Primary Education Teachers (KUPPET)  
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Vice Chancellor  
Kisii University College  
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**KISII**

Vice Chancellor  
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**KARATINA**

Vice Chancellor  
Presbyterian University of East Africa  
P.O. Box 387 - 00902  
**KIKUYU**

Vice Chancellor  
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Vice Chancellor  
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**MERU**

Vice Chancellor  
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**ATHI RIVER**

*Nm*

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**KAKAMEGA**

Vice Chancellor  
Pwani University  
P.O. Box 195-80108  
**KILIFI**

*AM*





COLLECTIVE BARGAINING AGREEMENT

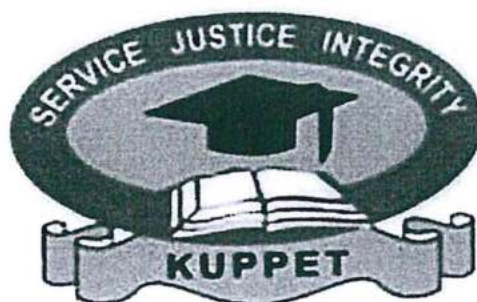
BETWEEN

THE TEACHERS SERVICE COMMISSION



AND

THE KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET)



For TSC .....

*[Signature]* / J.N.S.

*M.A.*

For KUPPET .....

*[Signature]* *[Signature]*

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## ACCRONYMS

ASAL	Arid and Semi -Arid Lands
CBA	Collective Bargaining Agreement
COCE	Code of Conduct and Ethics for Teachers
CORT	Code of Regulations for Teachers
CSO	Curriculum Support Officer
EARC	Education Assessment Resource Centers
FKE	Federation of Kenya Employers
ILO	International Labour Organization
KUPPET	Kenya Union of Post Primary Education Teachers
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission

*P. J. N. S.*

*A*

*[Signature]*

THIS AGREEMENT is made on the.....13<sup>th</sup>.....Day of .....July.....2021.

**BETWEEN**

**The TEACHERS SERVICE COMMISSION**, a constitutional Commission established under Article 237 (1) of the Constitution of Kenya (hereinafter referred to as "the Employer") of Post Office Box Private Bag - 00100, Nairobi, in the Republic of Kenya of the one part;

**AND**

**THE KENYA UNION OF POST PRIMARY EDUCATION TEACHERS**, a trade union registered under section 19 of the Labour Relations Act (hereinafter referred to as "the Union") of Post Office Box 30412- 00100, Nairobi in the Republic of Kenya, of the other part.

**PREAMBLE**

- a. The parties to this Agreement meeting together freely and voluntarily have determined to regulate industrial relations between them in the interest of mutual understanding and co-operation by signing this Agreement on the terms and Conditions of employment of teachers in the public service.
- b. Regulations, policies, procedures, and practices of the Employer in effect on the effective date of this Agreement dealing with matters of terms and conditions of employment, published by the Employer shall remain in force and the Employer reserves the right to make, adopt and implement other policies, rules and regulations and procedures not in conflict with the law and this Agreement.
- c. The parties agree to mutually recognize, declare and reaffirm their common commitment to maintain a collaborative relationship aimed at realizing quality teaching service in an environment of continuous improvement of terms and conditions of service for teachers.
- d. Towards meeting the needs of a progressive and competent teaching service, the parties herein express a mutual obligation and responsibility to promote quality teaching and to protect the best interest of the learners on whose behalf the parties hereto have been called to serve.

For TSC .....

For KUPPET .....

Page 1

- e. The Employer and the Union wish to declare their mutual intent to work towards the achievement of common aims as follows:
- i. Advancement of quality teaching and standards through performance contracting and appraisal.
  - ii. The development of a system of communication and consultation designed for harmonious industrial relations between the parties.
  - iii. Protection of the best interest of learners for whom they are individually, severally, and collectively held in trust.

**WHEREAS:**

- a. The Commission is the sole employer of all teachers in the public service in the Republic of Kenya; and
- b. The Union is duly recognized by the employer in accordance with the law; and
- c. Article 41 (5) of the Constitution of Kenya and Section 54 of the Labour Relations Act gives parties the right to enter into this Agreement; and
- d. The parties are desirous to establish harmonious industrial relations through agreed upon terms and conditions of service.

**NOW, THEREFORE,** in consideration of the mutual agreements herein contained, the parties do hereby covenant as follows: -

**1. DEFINITIONS AND INTERPRETATIONS**

**"Agent"** means any person or body appointed by the Commission in accordance with section 20 of the Teachers Service Commission Act;

**"Allowance"** means a monetary compensation paid to a member in addition to the basic salary;





**"Basic salary"** means the amount of money paid to a member on a monthly basis and excludes the allowances;

**"Bipartite"** means an engagement between TSC and KUPPET;

**"Court"** means Employment and Labour Relations Court of Kenya;

**"Commission"** means the Teachers Service Commission;

**"Dismissal"** means the decision by the Commission to terminate the services of a member pursuant to due process under the CORT;

**"Family"** means teacher-teacher marriage;

**"Grievance"** means an industrial complaint that affects the terms and conditions of employment which has not been escalated to a trade dispute;

**"Head of institution"** means the lead educator or administrator in a public educational institution appointed by the Commission as such and responsible for the implementation of the educational curriculum, policy and professional practices;

**"Industrial action"** means a strike or lockout;

**"Performance appraisal system"** means a process of evaluation of a member's performance over a period of time based on agreed performance standards;

**"Redundancy"** means the loss of employment, occupation, job or career by involuntary means through no fault of an employee, involving termination of employment at the initiative of the employer, where the services of an employee are superfluous, and the practices commonly known as abolition of office, job or occupation and loss of employment;

**"Release"** means allowing a teacher who has been offered employment by public institution, teachers unions, county government and public educational institution to leave the teaching service to take up the appointment, without loss of pension benefits;

**"Member"** shall mean a person trained and registered as a teacher as provided for in law and has subscribed to the union.

**"Union"** means the Kenya Union of Post Primary Education Teachers.

## 2. OBJECTIVE AND PURPOSE.

2.1 The primary objective of this Agreement is to ensure that both parties work harmoniously in negotiating the terms and conditions of service for members aimed at improving the teaching standards and performance of teachers in public service.

2.2 This Agreement is intended to facilitate structured and constructive social dialogue between parties for the purpose of maintaining industrial peace and harmony in the education sector.

## 3. EFFECTIVE DATE AND DURATION

3.1 The term of this Agreement shall commence on **1<sup>st</sup> JULY, 2021**.

3.2 This Agreement shall remain in force for a period of **four (4) years** with effect from **1<sup>st</sup> JULY, 2021 to 30<sup>th</sup> June 2025**.

3.3 Notwithstanding **Clause 3.2** herein above, this Agreement shall remain in force and bind upon parties until and unless by mutual consent of both parties, it is either reviewed or repealed by a new one.

## 4. CODE OF REGULATIONS & CODE OF CONDUCT AND ETHICS FOR TEACHERS

The Code of Regulations for Teachers and Code of Conduct and Ethics for Teachers shall form an integral part of this Agreement.

## 5 PROBATION PERIOD

Parties hereby agree that they shall be guided by the probation terms under Regulation 61 of CORT.

## 6 OBLIGATIONS OF THE PARTIES

### 6.1 Obligations of the Employer

6.1.1 To ensure expeditious settlement of reported industrial grievances and strictly observe the grievance handling mechanism recommended in this Agreement and the law.

6.1.2 To implement this Agreement once registered in Court.

6.1.3 To expeditiously implement bipartite settlements, agreement, and decisions.

For TSC ..... / *J.M.I.*

For KUPPET ..... / ..... Page 5

*A* *[Signature]*



6.1.4 To avoid engaging in any activities or programmes contrary to this Agreement.

6.2 Obligations of the Union

6.2.1 To discourage any breach of the peace or cause of civil unrest by union members that may disrupt learning and erode dignity of the profession.

6.2.2 To ensure that the union's representatives/officials do not engage or cause their members to engage in any union activities in the course of their official duties that may disrupt learning and duties of its members;

6.2.3 To ensure that the union and its representatives/officials obtain permission of the Commission in the event of activities that may disrupt learning, school programmes and activities in line with prevailing policies of the Commission.

6.2.4 Not to engage in any activities or programmes which contravene this Agreement;

6.2.5 To ensure that the union's collective grievances are reported and/or communicated by its Secretary General directly to the Commission Secretary for remedial action;

6.2.6 To encourage professionalism in the teaching service by discouraging its members from: -

- a) Causing damage to institutional property during industrial action
- b) Intimidating their colleagues who are not participating in industrial action.
- c) Denying employer's officers/agents access to Institutions of learning during industrial action.
- d) Using abusive/inappropriate language towards learners, their colleagues, employer or its officers/agents and other members of the society.

## 7 REMUNERATION

Parties hereby agree that remuneration payable to members shall be directly negotiated by both the employer and the union in strict adherence to the provisions of Articles **41, 237, and 230(4)** of the Constitution of Kenya. Accordingly, parties hereby agree to the following monetary benefits: -

### 7.1 Basic Salary

7.1.1 Basic salary shall be paid as per **Appendix 1**.

7.2.2 Parties mutually agree that the employer shall continue to pay annual increments to members to compensate them for annual inflation.

### 7.3 Commuter Allowance

The Commuter Allowance shall be paid as per **Appendix 2**.

### 7.4 Disability Guide Allowance

Disability Guide Allowance shall be payable at the rate of Kenya Shillings **Twenty Thousand (20,000)** per Month as per **Appendix 3** to members who are blind, deaf and those confined to wheelchairs by virtue of their disability.

### 7.5 Leave Allowance

Leave allowance shall be payable as per **Appendix 4** to all members once per annum.

### 7.6 House Allowance

House Allowance shall be payable as per **Appendix 5** to members.

### 7.7 Hardship Allowance

Hardship Allowance shall be payable as per **Appendix 6** to members assigned duties in designated hardship areas.

### 7.8 Medical Benefit

Medical benefit shall be drawn as per Part IX of the Code of Regulations for Teachers.

## 8 Reimbursable Allowances

The Parties agree to the payment of the following facilitative allowances to members: -

## 8.2 Transfer allowance

Transfer Allowance shall be payable at a rate of one month's Basic Salary as per Regulation 97 of the CORT.

## 8.3 Travelling expense.

Reimbursement of travelling expenses shall be paid as per Regulations 98, 99, 100, 101, 102 and 103 of the CORT.

# 9 PROMOTIONS

9.2 Parties agree that promotion of members shall be in accordance with the Career Progression Guidelines in force.

9.3 To standardize the terms and conditions of service and align the grading structure with the Job Evaluation results of 2016, parties hereby mutually agree to replace the Schemes of Service for Teachers and to formally adopt the provisions of the Career Progression Guidelines as per the employer's **Circular No. 7 of 2018** dated 2<sup>nd</sup> May 2018 at **Appendix-7**.

9.4 Further, the employer shall endeavor to promote members serving in ASAL and hard to staff areas holding administrative positions progressively until they attain grades that are commensurate to their respective positions. Meanwhile, they shall be retained in their current stations/areas until attainment of the substantive grades.

9.5 For purposes of clause 9.3 above, ASAL and hard to staff areas shall include:

- a) Baringo North, Tiaty East, Tiaty West and Marigat sub-counties in Baringo County.
- b) Garissa County
- c) Suba and Mbita sub-counties in Homa Bay County
- d) Isiolo County
- e) Mashuuru, Loitoktok and Kajiado West sub-counties in Kajiado County
- f) Kwale County
- g) Magarini and Ganze in Kilifi County
- h) Lamu County



- i) Mandera County
- j) Marsabit County
- k) Mumoni, Mutito North and Tseikuru Sub-Counties in Kitui County
- l) Narok South and Narok North sub-counties in Narok County
- m) Samburu County
- n) Taita Taveta County
- o) Tana River County
- p) Turkana County
- q) Wajir County
- r) West Pokot County

## 10 TRANSFERS

10.2 The parties agree that transfer of members shall be done in line with Part V of the Code of Regulation for teachers.

10.3 Further, in promotion of family values provided for under **Article 45** of the Constitution of Kenya, the Commission shall consider transfer requests for married couples to appropriate stations/ location subject to:

10.3.2 Availability of vacancies in the proposed station;

10.3.3 The need for a suitable replacement;

10.3.4 Need for equitable distribution and optimal utilization of teachers;

10.3.5 Existing staffing norms; and

10.3.6 Proof of marriage.

## 11 LEAVES

11.2 The parties agree that members shall take leaves as provided under Part X of the Code of Regulations for Teachers.

11.3 Notwithstanding clause 11.1 herein above, a female member shall be entitled to maternity leave of **one hundred and twenty (120) calendar days** with full salary pay with effect from the date of delivery.

11.4 The Commission shall grant members a pre-adoptive leave of forty five (45) calendar days with full salary pay from the date of adoption.

11.5 The Commission shall grant male members paternity leave of Twenty One (21) calendar days with full salary pay once a year.

## 12 PUBLIC HOLIDAYS

The Commission shall observe public holidays as stipulated in the Constitution, national legislation or any other holiday as may be gazetted by the Government.

## 13 PERFORMANCE MANAGEMENT AND EVALUATION

13.2 In recognition of the fundamental shift in policy in public service and with a view to promote, enhance and maintain high performance standards in the teaching service, parties hereby agree that the Commission shall implement continuous Teacher Professional Development Programmes and Performance Evaluation system.

13.3 To this end, in compliance with **Regulation 48 (1)** of the **CORT**, parties reiterate that every member shall undertake the Professional Teacher Development programmes prescribed by the Commission from time to time.

13.4 Further in compliance with **Regulation 49 (1)** of the **CORT**, parties reiterate that every member who successfully completes a professional teacher development programme as provided in clause 13.2 above shall be issued with a teaching certificate by the Commission as evidence of compliance.

13.5 Parties agree that the Commission shall undertake performance evaluation of all members as per the Code of Regulations for Teachers.

13.6 The Commission undertakes to comply with Part IV of the Code of Regulations for Teachers in developing and facilitating career development programs with a view to enhance productivity among members.

#### 14 CAREER PROGRESSION

Parties agree that career progression shall be based on the Career Progression Guidelines in force.

#### 15 DISCIPLINE

The parties have agreed that the Discipline of members shall be undertaken as provided under Part XI of the Code of Regulations for Teachers and Code of Conduct and Ethics for Teachers.

#### 16 EXIT FROM THE TEACHING SERVICE

16.2 A member may exit service through any of the following means: -

16.2.2 Resignation

16.2.3 Retirement

16.2.4 Redundancy

16.2.5 Termination

16.2.6 Dismissal

16.2.7 Transfer of service

16.2.8 Release to other organizations

16.2.9 Death

16.3 The parties have agreed that the exit from service by members shall be undertaken as provided under Part XII of the Code of Regulation for Teachers.

#### 17 CERTIFICATE OF SERVICE

The Commission shall in accordance with the Employment Act issue a Certificate of Service to a member exiting the service of the Commission.

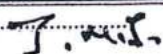
#### 18 WORK INJURY BENEFITS

A member who is injured or dies while and in the course of employment will be compensated as per the Provisions of the Work Injury Benefits Act.

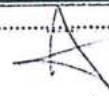
#### 19 GRIEVANCE HANDLING PROCEDURE.

19.2 Parties agree that at all times attempts will be made to resolve all their grievances in an amicable manner with a view to achieving sustainable industrial peace in the teaching sector.

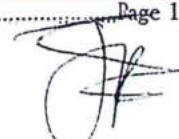
For TSC .....



For KUPPET .....



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19.3 Accordingly, parties agree to exhaust all the Alternative Dispute Resolution mechanisms provided under the Labour Relations Act and any other relevant law before resorting to any form of industrial action.

19.4 In case Alternative Dispute Resolution fails, either party shall be at liberty to refer the grievance to the Cabinet Secretary for Labour as provided under the Labour Relations Act.

## 20 INDUSTRIAL ACTION

20.2 In the event of an industrial action, Parties shall adhere to Part VIII and Part X of the Labour Relations Act.

20.3 With a view to maintain the nobility of the teaching profession, parties agree that in the event of an industrial action, they shall conduct themselves with dignity, civility, and decorum, protect the property of the school and safeguard the safety of learners directly or indirectly through their respective officers, representatives and/or members.

## 21 NON-DISCRIMINATION

Parties to this Agreement shall be bound by the provisions under regulation 16 of the Code of Regulation for teachers on Non-Discrimination.

## 22 SEXUAL HARASSMENT

Parties shall be guided by the Sexual Harassment clauses in the Commission's Gender Policy revised in 2011 and regulation 23 of the Code of Conduct and Ethics for Teachers.

## 23 REVIEW OF RECOGNITION AGREEMENT

Taking into consideration the new constitutional and statutory framework in the labour sector and the provisions of ILO Convention 98 on the right to organize and collectively bargain, parties hereby mutually agree:

23.2.2 To jointly review their Recognition Agreement to align it with the obtaining constitutional, institutional and legal framework in the teaching service.

23.2.3 That the review of the Recognition Agreement will enable the union to have a defined constituency protected by law.

23.2.4 That parties will engage in structured negotiations for specific and defined constituency of the Union as required by law.

23.2.5 That the reviewed recognition agreement shall form part and parcel of this Agreement and shall be registered in the Employment and Labour Relations Court as an addendum to this Agreement.

## 24 AMENDMENT/VARIATION

24.2 In the event that any provisions of this Agreement are to be modified after the Agreement has been signed, the modifications shall be by mutual consent of parties, made in writing and signed by the authorized representatives of the Parties.

24.3 Notwithstanding sub-clause 24.1 above, any variation and/or amendment of this agreement affecting remuneration and benefits shall be subject to the Salaries and Remuneration Commission's advice.

## 25 GOVERNING LAW AND JURISDICTION

This Agreement shall be subject to the laws of Kenya and parties shall submit to the jurisdiction of the Kenyan Courts where appropriately invoked.

## 26. COSTS

Each party shall bear its own costs incidental to the negotiation, preparation, settling, signing and implementation of this Agreement.

For TSC .....

For KUPPET .....

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SIGNED FOR AND ON BEHALF OF THE TEACHERS SERVICE COMMISSION

1 *Forshaw*  
1  
1 SECRETARY  
1 TEACHERS SERVICE COMMISSION  
1 *[Signature]*  
1  
1

Kenya Union of Post Primary Education Teachers  
SECRETARY GENERAL  
13 JUL 2021  
POST-PRIMARY  
ERS  
Box 30412-00100, NAIROBI

The image shows a document with a circular stamp on the left side. The stamp contains the text "Division of Fisheries" and "U.S. Fish and Wildlife Service". The word "Fisheries" is written vertically. There are two handwritten signatures. The first signature, "A. Miller", is written above a horizontal dotted line. The second signature, "W. J. Miller", is written below the dotted line and is much larger and more stylized, spanning across the dotted line.

1. Handwritten signature



## APPENDICES

### APPENDIX 1: BASIC SALARY

Grade	TSC Scale	Basic Salary.p.m.		No. of notches
		Minimum	Maximum	
B5	5	21,756	27,195	6
C1	6	27,195	33,994	6
C2	7	34,955	43,694	6
C3	8	43,154	53,943	6
C4	9	52,308	65,385	7
C5	10	62,272	77,840	7
D1	11	77,840	93,408	7
D2	12	91,041	109,249	7
D3	13	104,644	125,573	7
D4	14	118,242	141,891	7
D5	15	131,380	157,656	7

### APPENDIX 2: COMMUTER ALLOWANCE

Grade	TSC Scale	Commuter Allowance p.m.
B5	5	4,000
C1	6	4,000
C2	7	5,000
C3	8	6,000
C4	9	8,000
C5	10	8,000
D1	11	12,000
D2	12	12,000
D3	13	14,000
D4	14	14,000
D5	15	16,000

**APPENDIX 3: DISABILITY GUIDE ALLOWANCE**

Grade	TSC Scale	Disability Guide Allowance p.m
B5	5	20,000
C1	6	20,000
C2	7	20,000
C3	8	20,000
C4	9	20,000
C5	10	20,000
D1	11	20,000
D2	12	20,000
D3	13	20,000
D4	14	20,000
D5	15	20,000

**APPENDIX 4: LEAVE ALLOWANCE**

Grade	TSC Scale	Annual Leave Allowance p.a
B5	5	4,000
C1	6	4,000
C2	7	6,000
C3	8	6,000
C4	9	6,000
C5	10	6,000
D1	11	10,000
D2	12	10,000
D3	13	10,000
D4	14	10,000
D5	15	10,000

**APPENDIX 5: HOUSE ALLOWANCE**

Grade	TSC Scale	Hse1 Nairobi	Hse2 -Major Municipalities- Mombasa, Kisumu, Nakuru, Nyeri, Eldoret, Thika, Kisii and Kitale	Hse3 -Other former Minor Municipalities	Hse4 -all other areas
B5	5	6,750	4,500	3,850	3,200
C1	6	10,000	7,500	5,800	4,200
C2	7	16,500	12,800	9,600	7,500
C3	8	28,000	22,000	16,500	13,000
C4	9	28,000	22,000	16,500	13,000
C5	10	35,000	25,500	18,000	15,400
D1	11	45,000	28,000	21,000	16,800
D2	12	45,000	28,000	21,000	16,800
D3	13	45,000	28,000	21,000	16,800
D4	14	45,000	28,000	21,000	16,800
D5	15	50,000	35,000	25,000	20,000

**APPENDIX 6: HARDSHIP ALLOWANCE**

Grade	TSC Scale	Hardship Allowance p.m
B5	5	6,600
C1	6	8,200
C2	7	10,900
C3	8	12,300
C4	9	14,650
C5	10	17,100
D1	11	27,300
D2	12	27,300
D3	13	31,500
D4	14	31,500
D5	15	38,100

For TSC

For KUPPET

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# TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000

Email: [info@tsc.go.ke](mailto:info@tsc.go.ke)

Web: [www.tsc.go.ke](http://www.tsc.go.ke)

When replying please quote

Ref No:

TSC/ADM/192A/VOL.IX/37



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

Date: 2<sup>nd</sup> MAY 2018

## CIRCULAR NO:7/2018

**TO:** All TSC County Directors  
All TSC Sub-County Directors  
All Principals, National Polytechnics  
All Principals, Technical Training Institutes  
All Principals, Institutes of Science & Technology  
All Principals, Diploma Teacher Colleges  
All Principals, Primary Teacher Training Colleges  
The Director, CEMASTEIA  
The Director, Kenya Institute of Special Education  
The Chairperson, KEPSHA  
The Chairperson, KESSHA

## CAREER PROGRESSION GUIDELINES FOR THE TEACHING SERVICE

---

The Commission has developed Career Progression Guidelines for the teaching service which became operational with effect from 8<sup>th</sup> November, 2017.

These Guidelines provide for the policies and procedures that have standardized teachers' professional development. The grading structure has taken into account the Job Evaluation report.

The Guidelines provide all basic requirements for career progression, training and promotion of teachers.


Pathways for teachers have been defined and clear job descriptions/specifications have been provided at every level.

The Guidelines have provided the broad framework in school management, administration and ensure that curriculum implementation is structured and every teacher is clear on what is expected upon joining the teaching career.

The Guidelines effectively replaces the following:

- (i) Schemes of Service for non-Graduate teachers
- (ii) Schemes of Service for Graduate teachers
- (iii) Schemes of Service for Technical teachers and Lecturers

The comprehensive Career Guidelines have been uploaded for access on the TSC Website [www.tsc.go.ke](http://www.tsc.go.ke). All teachers and Education stakeholders are advised to read the provisions in the Guidelines.

The following are the major highlights:-

- (i) Minimum entry requirement for entry into the teaching profession;
- (ii) Basic requirement for promotion from one grade to another;
- (iii) Entry to Administrative Grade;
- (iv) Additional responsibilities for School Administrators; and
- (v) Requirements for deployment to teach in:-
  - (a) Primary School
  - (b) Secondary School
  - (c) Teacher Training College
  - (d) Special Institution
  - (e) Centre for Mathematics, Science and Technology Education in Africa (CEMASTEIA)
  - (f) Kenya Institute of Special Education (KISE)
  - (g) Technical Colleges and Polytechnics

All employees of the Commission and any prospective professional teacher is advised to note the strict entry requirements that form the standards for the teaching profession.

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

**Copy to:**

Mr. Henry Rotich, EGH  
Cabinet Secretary  
The National Treasury  
P.O. Box 30007-00100  
**NAIROBI**

---

Amb.(Dr.) Amina C. Mohamed, EGH, CAV  
Cabinet Secretary  
Ministry of Education  
P.O. Box 30040-00100  
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Hon. Wilson Sossion  
Secretary General,  
Kenya National Union of Teachers (KNUT),  
P. O. Box 30407-00100,  
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Mr. Akelo M.T. Misor  
Secretary General  
Kenya Union for Post Primary Education Teachers (KUPPET)  
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P.O. Box 1957 - 10101  
KARATINA

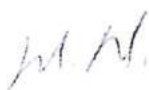
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---

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Vice Chancellor  
Chuka University  
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**CHUKA**

Vice Chancellor  
Kenya Methodist University  
P.O. Box 267 - 60200  
**MERU**

Vice Chancellor  
Daystar University  
P.O. Box 17 - 90145  
**ATHI RIVER**

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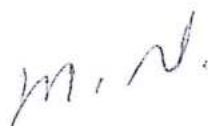
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Vice Chancellor  
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KITUI

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University of Eastern Africa Baraton  
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ELDORET

Vice Chancellor  
Masinde Muliro University  
P.O. Box 190 - 50100  
KAKAMEGA

Vice Chancellor  
Pwani University  
P.O. Box 195-80108  
KILIFI







COLLECTIVE BARGAINING AGREEMENT

BETWEEN

THE TEACHERS SERVICE COMMISSION



AND

THE KENYA UNION OF SPECIAL NEEDS EDUCATION TEACHERS (KUSNET)



For TSC

For KUSNET ...../.....Page i

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## ACCRONYMS

ASAL	Arid and Semi -Arid Lands
CBA	Collective Bargaining Agreement
COCE	Code of Conduct and Ethics for Teachers
CORT	Code of Regulations for Teachers
CSO	Curriculum Support Officer
EARC	Education Assessment Resource Centers
FKE	Federation of Kenya Employers
ILO	International Labour Organization
KUSNET	Kenya Union of Special Needs Education Teachers
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission

THIS AGREEMENT is made on the...13/.....Day of July.....2021.

BETWEEN

The **TEACHERS SERVICE COMMISSION**, a constitutional Commission established under Article 237 (1) of the Constitution of Kenya (hereinafter referred to as "the Employer") of Post Office Box Private Bag - 00100, Nairobi, in the Republic of Kenya of the one part;

AND

**THE KENYA UNION OF SPECIAL NEEDS EDUCATION TEACHERS**, a trade union registered under section 19 of the Labour Relations Act (hereinafter referred to as "the Union") of Post Office Box 79418 - 00100, Nairobi in the Republic of Kenya, of the other part.

PREAMBLE

- a. The parties to this Agreement meeting together freely and voluntarily have determined to regulate industrial relations between them in the interest of mutual understanding and co-operation by signing this Agreement on the terms and Conditions of employment of teachers in the public service.
- b. Regulations, policies, procedures and practices of the Employer in effect on the effective date of this Agreement dealing with matters of terms and conditions of employment, published by the Employer shall remain in force and the Employer reserves the right to make, adopt and implement other policies, rules and regulations and procedures not in conflict with the law and this Agreement.
- c. The parties agree to mutually recognize, declare and reaffirm their common commitment to maintain a collaborative relationship aimed at realizing quality teaching service in an environment of continuous improvement of terms and conditions of service for teachers.
- d. Towards meeting the needs of a progressive and competent teaching service, the parties herein express a mutual obligation and responsibility to promote quality teaching and to protect the best interest of the learners on whose behalf the parties hereto have been called to serve.

For TSC .....

For KUSNET .....

Page 1



- e. The Employer and the Union wish to declare their mutual intent to work towards the achievement of common aims as follows:
- i. Advancement of quality teaching and standards through performance contracting and appraisal.
  - ii. The development of a system of communication and consultation designed for harmonious industrial relations between the parties.
  - iii. Protection of the best interest of learners for whom they are individually, severally and collectively held in trust.

**WHEREAS:**

- a. The Commission is the sole employer of all teachers in the public service in the Republic of Kenya; and
- b. The Union is duly recognized by the employer in accordance with the law; and
- c. Article 41 (5) of the Constitution of Kenya and Section 54 of the Labour Relations Act gives parties the right to enter into this Agreement; and
- d. The parties are desirous to establish harmonious industrial relations through agreed upon terms and conditions of service.

**NOW, THEREFORE,** in consideration of the mutual agreements herein contained, the parties do hereby covenant as follows: -

**1. DEFINITIONS AND INTERPRETATIONS**

**“Agent”** means any person or body appointed by the Commission in accordance with section 20 of the Teachers Service Act;

**“Allowance”** means a monetary compensation paid to a member in addition to the basic salary;

For TSC

For KUSNET

Page 7

**"Basic salary"** means the amount of money paid to a member on a monthly basis and excludes the allowances;

**"Bipartite"** means an engagement between TSC and KUSNET;

**"Court"** means Employment and Labour Relations Court of Kenya;

**"Commission"** means the Teachers Service Commission;

**"Dismissal"** means the decision by the Commission to terminate the services of a member pursuant to due process under the CORT;

**"Family"** means teacher-teacher marriage;

**"Grievance"** means an industrial complaint that affects the terms and conditions of employment which has not been escalated to a trade dispute;

**"Head of institution"** means the lead educator or administrator in a public educational institution appointed by the Commission as such and responsible for the implementation of the educational curriculum, policy and professional practices;

**"Industrial action"** means a strike or lockout;

**"Performance appraisal system"** means a process of evaluation of a member's performance over a period of time based on agreed performance standards;

**"Redundancy"** means the loss of employment, occupation, job or career by involuntary means through no fault of an employee, involving termination of employment at the initiative of the employer, where the services of an employee are superfluous, and the practices commonly known as abolition of office, job or occupation and loss of employment;

**“Release”** means allowing a teacher who has been offered employment by public institution, teachers unions, county government and public educational institution to leave the teaching service to take up the appointment, without loss of pension benefits;

**“Member”** shall mean a person trained and registered as a teacher as provided for in law and has subscribed to the union.

**“Union”** means the Kenya Union of Special Needs Education Teachers.



2. OBJECTIVE AND PURPOSE.

2.1 The primary objective of this Agreement is to ensure that both parties work harmoniously in negotiating the terms and conditions of service for members aimed at improving the teaching standards and performance of teachers in public service.

2.2 This Agreement is intended to facilitate structured and constructive social dialogue between parties for the purpose of maintaining industrial peace and harmony in the education sector.

3. EFFECTIVE DATE AND DURATION

3.1 The term of this Agreement shall commence on **1<sup>st</sup> JULY, 2021**.

3.2 This Agreement shall remain in force for a period of **four (4) years** with effect from **1<sup>st</sup> JULY, 2021 to 30<sup>th</sup> June 2025**.

3.3 Notwithstanding **Clause 3.2** herein above, this Agreement shall remain in force and bind upon parties until and unless by mutual consent of both parties, it is either reviewed or repealed by a new one.

4. CODE OF REGULATIONS & CODE OF CONDUCT AND ETHICS FOR TEACHERS

The Code of Regulations for Teachers and Code of Conduct and Ethics for Teachers shall form an integral part of this Agreement.

5 PROBATION PERIOD

Parties hereby agree that they shall be guided by the probation terms under Regulation 61 of CORT.

6 OBLIGATIONS OF THE PARTIES

6.1 Obligations of the Employer

6.1.1 To ensure expeditious settlement of reported industrial grievances and strictly observe the grievance handling mechanism recommended in this Agreement and the law.

6.1.2 To implement this Agreement once registered in Court.

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For KUSNET

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6.1.3 To expeditiously implement bipartite settlements, agreement, and decisions.

6.1.4 To avoid engaging in any activities or programmes contrary to this Agreement.

6.2 Obligations of the Union

6.2.1 To discourage any breach of the peace or cause of civil unrest by union members that may disrupt learning and erode dignity of the profession.

6.2.2 To ensure that the union's representatives/officials do not engage or cause their members to engage in any union activities in the course of their official duties that may disrupt learning and duties of its members;

6.2.3 To ensure that the union and its representatives/officials obtain permission of the Commission in the event of activities that may disrupt learning, school programmes and activities in line with prevailing policies of the Commission.

6.2.4 Not to engage in any activities or programmes which contravene this Agreement;

6.2.5 To ensure that the union's collective grievances are reported and/or communicated by its Secretary General directly to the Commission Secretary for remedial action;

6.2.6 To encourage professionalism in the teaching service by discouraging its members from: -

- a) Causing damage to institutional property during industrial action
- b) Intimidating their colleagues who are not participating in industrial action.
- c) Denying employer's officers/agents access to Institutions of learning during industrial action.
- d) Using abusive/inappropriate language towards learners, their colleagues, employer or its officers/agents and other members of the society.

## 7 REMUNERATION

Parties hereby agree that remuneration payable to members shall be directly negotiated by both the employer and the union in strict adherence to the provisions of Articles 41, 237, and 230(4) of the Constitution of Kenya. Accordingly, parties hereby agree to the following monetary benefits: -

### 7.1 Basic Salary

7.1.1 Basic salary shall be paid as per **Appendix 1**.

7.1.2 Parties mutually agree that the employer shall continue to pay annual increments to members to compensate them for annual inflation.

### 7.2 Commuter Allowance

The Commuter Allowance shall be paid as per **Appendix 2**.

### 7.3 Disability Guide Allowance

Disability Guide Allowance shall be payable at the rate of Kenya Shillings **Twenty Thousand (20,000)** per Month as per **Appendix 3** to members who are blind, deaf and those confined to wheelchairs by virtue of their disability.

### 7.4 Leave Allowance

Leave allowance shall be payable as per **Appendix 4** to all members once per annum.

### 7.5 House Allowance

House Allowance shall be payable as per **Appendix 5** to members.

### 7.6 Hardship Allowance

Hardship Allowance shall be payable as per **Appendix 6** to members assigned duties in designated hardship areas.

### 7.7 Medical Benefit

Medical benefit shall be drawn as per Part IX of the Code of Regulations for Teachers.

## 8 Reimbursable Allowances

The Parties agree to the payment of the following facilitative allowances to members:-

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#### 8.1 Transfer allowance

Transfer Allowance shall be payable at a rate of one month's Basic Salary as per Regulation 97 of the CORT.

#### 8.2 Travelling expense.

Reimbursement of travelling expenses shall be paid as per Regulations 98, 99, 100, 101, 102 and 103 of the CORT.

### 9 PROMOTIONS

9.1 Parties agree that promotion of members shall be in accordance with the Career Progression Guidelines in force.

9.2 To standardize the terms and conditions of service and align the grading structure with the Job Evaluation results of 2016, parties hereby mutually agree to replace the Schemes of Service for Teachers and to formally adopt the provisions of the Career Progression Guidelines as per the employer's **Circular No. 7 of 2018** dated **2<sup>nd</sup> May 2018** at **Appendix-7**.

9.3 Further, the employer shall endeavor to promote members serving in ASAL and hard to staff areas holding administrative positions progressively until they attain grades that are commensurate to their respective positions. Meanwhile, they shall be retained in their current stations/areas until attainment of the substantive grades.

9.4 For purposes of clause 9.3 above, ASAL and hard to staff areas shall include:

- a) Baringo North, Tiati East, Tiati West and Marigat sub-counties in Baringo County.
- b) Garissa County
- c) Suba and Mbita sub-counties in Homa Bay County
- d) Isiolo County
- e) Mashuuru, Loitoktok and Kajiado West sub-counties in Kajiado County
- f) Kwale County

- g) Magarini and Ganze in Kilifi County
- h) Lamu County
- i) Mandera County
- j) Marsabit County
- k) Mumoni, Mutito North and Tseikuru Sub-Counties in Kitui County
- l) Narok South and Narok North sub-counties in Narok County
- m) Samburu County
- n) Taita Taveta County
- o) Tana River County
- p) Turkana County
- q) Wajir County
- r) West Pokot County

#### 10 TRANSFERS

10.1 The parties agree that transfer of members shall be done in line with Part V of the Code of Regulation for teachers.

10.2 Further, in promotion of family values provided for under **Article 45** of the Constitution of Kenya, the Commission shall consider transfer requests for married couples to appropriate stations/ locations subject to:

- 10.2.1 Availability of vacancies in the proposed station;
- 10.2.2 The need for a suitable replacement;
- 10.2.3 Need for equitable distribution and optimal utilization of teachers;
- 10.2.4 Existing staffing norms; and
- 10.2.5 Proof of marriage.

#### 11 LEAVES

11.1 The parties agree that members shall take leaves as provided under Part X of the Code of Regulations for Teachers.

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11.2 Notwithstanding clause 11.1 herein above, a female member shall be entitled to maternity leave of one hundred and twenty (120) calendar days with full salary pay with effect from the date of delivery.

11.3 The Commission shall grant members a pre-adoptive leave of forty five (45) calendar days with full salary pay from the date of adoption.

11.4 The Commission shall grant male members paternity leave of Twenty One (21) calendar days with full salary pay once a year.

## 12 PUBLIC HOLIDAYS

The Commission shall observe public holidays as stipulated in the Constitution, national legislation or any other holiday as may be gazetted by the Government.

## 13 PERFORMANCE MANAGEMENT AND EVALUATION

13.1 In recognition of the fundamental shift in policy in public service and with a view to promote, enhance and maintain high performance standards in the teaching service, parties hereby agree that the Commission shall implement continuous Teacher Professional Development Programmes and Performance Evaluation system.

13.2 To this end, in compliance with **Regulation 48 (1)** of the **CORT**, parties reiterate that every member shall undertake the Professional Teacher Development programmes prescribed by the Commission from time to time.

13.3 Further in compliance with **Regulation 49 (1)** of the **CORT**, parties reiterate that every member who successfully completes a professional teacher development programme as provided in clause 13.2 above shall be issued with a teaching certificate by the Commission as evidence of compliance.

13.4 Parties agree that the Commission shall undertake performance evaluation of all members as per the Code of Regulations for Teachers.



13.5 The Commission undertakes to comply with Part IV of the Code of Regulations for Teachers in developing and facilitating career development programs with a view to enhance productivity among members.

14 CAREER PROGRESSION

Parties agree that career progression shall be based on the Career Progression Guidelines in force.

15 DISCIPLINE

The parties have agreed that the Discipline of members shall be undertaken as provided under Part XI of the Code of Regulations for Teachers and Code of Conduct and Ethics for Teachers.

16 EXIT FROM THE TEACHING SERVICE

16.1 A member may exit service through any of the following means: -

- 16.1.1 Resignation
- 16.1.2 Retirement
- 16.1.3 Redundancy
- 16.1.4 Termination
- 16.1.5 Dismissal
- 16.1.6 Transfer of service
- 16.1.7 Release to other organizations
- 16.1.8 Death

16.2 The parties have agreed that the exit from service by members shall be undertaken as provided under Part XII of the Code of Regulation for Teachers.

17 CERTIFICATE OF SERVICE

The Commission shall in accordance with the Employment Act issue a Certificate of Service to a member exiting the service of the Commission.

18 WORK INJURY BENEFITS

A member who is injured or dies while and in the course of employment will be compensated as per the Provisions of the Work Injury Benefits Act.

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19 GRIEVANCE HANDLING PROCEDURE.

19.1 Parties agree that at all times attempts will be made to resolve all their grievances in an amicable manner with a view to achieving sustainable industrial peace in the teaching sector.

19.2 Accordingly, parties agree to exhaust all the Alternative Dispute Resolution mechanisms provided under the Labour Relations Act and any other relevant law before resorting to any form of industrial action.

19.3 In case the Alternative Dispute Resolution fails, either party shall be at liberty to refer the grievance to the Cabinet Secretary for Labour as provided under the Labour Relations Act.

20 INDUSTRIAL ACTION

20.1 In the event of an industrial action, Parties shall adhere to Part VIII and Part X of the Labour Relations Act.

20.2 With a view to maintain the nobility of the teaching profession, parties agree that in the event of an industrial action, they shall conduct themselves with dignity, civility, and decorum, protect the school property and safeguard the safety of learners directly or indirectly through their respective officers, representatives and/or members.

21 NON-DISCRIMINATION

Parties to this Agreement shall be bound by the provisions under regulation 16 of the Code of Regulation for teachers on Non-Discrimination.

22 SEXUAL HARASSMENT

Parties shall be guided by the Sexual Harassment clauses in the Commission's Gender Policy revised in 2011 and regulation 23 of the Code of Conduct and Ethics for Teachers.

23 AMENDMENT/VARIATION

23.1 In the event that any provisions of this Agreement are to be modified after the Agreement has been signed, the modifications shall be by mutual consent of

parties, made in writing and signed by the authorized representatives of the Parties.

23.2 Notwithstanding sub-clause 23.1 above, any variation and/or amendment of this agreement affecting remuneration and benefits shall be subject to the Salaries and Remuneration Commission's advice.

#### 24 GOVERNING LAW AND JURISDICTION

This Agreement shall be subject to the laws of Kenya and parties shall submit to the jurisdiction of the Kenyan Courts where appropriately invoked.

#### 25 COSTS

Each party shall bear its own costs incidental to the negotiation, preparation, settling, signing and implementation of this Agreement.

For TSC

For KUSNET

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SIGNED FOR AND ON BEHALF OF THE TEACHERS SERVICE COMMISSION

*Sachan*  
SECRETARY  
TEACHERS SERVICE COMMISSION  
*W. H. H.*



## APPENDICES

### APPENDIX 1: BASIC SALARY

Grade	TSC Scale	Basic Salary p.m.		No. of Notches
		Minimum	Maximum	
B5	5	21,756	27,195	6
C1	6	27,195	33,994	6
C2	7	34,955	43,694	6
C3	8	43,154	53,943	6
C4	9	52,308	65,385	7
C5	10	62,272	77,840	7
D1	11	77,840	93,408	7
D2	12	91,041	109,249	7
D3	13	104,644	125,573	7
D4	14	118,242	141,891	7
D5	15	131,380	157,656	7

### APPENDIX 2: COMMUTER ALLOWANCE

Grade	TSC Scale	Commuter Allowance p.m.
B5	5	4,000
C1	6	4,000
C2	7	5,000
C3	8	6,000
C4	9	8,000
C5	10	8,000
D1	11	12,000
D2	12	12,000
D3	13	14,000
D4	14	14,000
D5	15	16,000

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### APPENDIX 3: DISABILITY GUIDE ALLOWANCE

Grade	TSC Scale	Disability Guide Allowance p.m
B5	5	20,000
C1	6	20,000
C2	7	20,000
C3	8	20,000
C4	9	20,000
C5	10	20,000
D1	11	20,000
D2	12	20,000
D3	13	20,000
D4	14	20,000
D5	15	20,000

### APPENDIX 4: LEAVE ALLOWANCE

Grade	TSC Scale	Annual Leave Allowance p.a
B5	5	4,000
C1	6	4,000
C2	7	6,000
C3	8	6,000
C4	9	6,000
C5	10	6,000
D1	11	10,000
D2	12	10,000
D3	13	10,000
D4	14	10,000
D5	15	10,000



# APPENDIX 5: HOUSE ALLOWANCE

Grade	TSC Scale	Hse1 Nairobi	Hse2 -Major Municipalities- Mombasa, Kisumu, Nakuru, Nyeri, Eldoret, Thika, Kisii and Kitale	Hse3 -Other former Minor Municipalities	Hse4 -all other areas
B5	5	6,750	4,500	3,850	3,200
C1	6	10,000	7,500	5,800	4,200
C2	7	16,500	12,800	9,600	7,500
C3	8	28,000	22,000	16,500	13,000
C4	9	28,000	22,000	16,500	13,000
C5	10	35,000	25,500	18,000	15,400
D1	11	45,000	28,000	21,000	16,800
D2	12	45,000	28,000	21,000	16,800
D3	13	45,000	28,000	21,000	16,800
D4	14	45,000	28,000	21,000	16,800
D5	15	50,000	35,000	25,000	20,000

# APPENDIX 6: HARDSHIP ALLOWANCE

Grade	TSC Scale	Hardship Allowance p.m
B5	5	6,600
C1	6	8,200
C2	7	10,900
C3	8	12,300
C4	9	14,650
C5	10	17,100
D1	11	27,300
D2	12	27,300
D3	13	31,500
D4	14	31,500
D5	15	38,100

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# TEACHERS SERVICE COMMISSION

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

Date: 2<sup>nd</sup> MAY 2018

## CIRCULAR NO:7/2018

**TO:** All TSC County Directors  
All TSC Sub-County Directors  
All Principals, National Polytechnics  
All Principals, Technical Training Institutes  
All Principals, Institutes of Science & Technology  
All Principals, Diploma Teacher Colleges  
All Principals, Primary Teacher Training Colleges  
The Director, CEMASTEIA  
The Director, Kenya Institute of Special Education  
The Chairperson, KEPSHA  
The Chairperson, KESSHA

## CAREER PROGRESSION GUIDELINES FOR THE TEACHING SERVICE

The Commission has developed Career Progression Guidelines for the teaching service which became operational with effect from 8<sup>th</sup> November, 2017.

These Guidelines provide for the policies and procedures that have standardized teachers' professional development. The grading structure has taken into account the Job Evaluation report.

The Guidelines provide all basic requirements for career progression, training and promotion of teachers.

Pathways for teachers have been defined and clear job descriptions/specifications have been provided at every level.

The Guidelines have provided the broad framework in school management, administration and ensure that curriculum implementation is structured and every teacher is clear on what is expected upon joining the teaching career.

The Guidelines effectively replaces the following:

- (i) Schemes of Service for non-Graduate teachers
- (ii) Schemes of Service for Graduate teachers
- (iii) Schemes of Service for Technical teachers and Lecturers

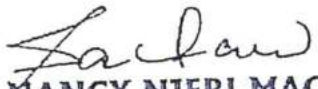
The comprehensive Career Guidelines have been uploaded for access on the TSC Website [www.tsc.go.ke](http://www.tsc.go.ke). All teachers and Education stakeholders are advised to read the provisions in the Guidelines.

The following are the major highlights:-

- (i) Minimum entry requirement for entry into the teaching profession;
- (ii) Basic requirement for promotion from one grade to another;
- (iii) Entry to Administrative Grade;
- (iv) Additional responsibilities for School Administrators; and
- (v) Requirements for deployment to teach in:-
  - (a) Primary School
  - (b) Secondary School
  - (c) Teacher Training College
  - (d) Special Institution
  - (e) Centre for Mathematics, Science and Technology Education in Africa (CEMASTEa)
  - (f) Kenya Institute of Special Education (KISE)
  - (g) Technical Colleges and Polytechnics



All employees of the Commission and any prospective professional teacher is advised to note the strict entry requirements that form the standards for the teaching profession.

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

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A handwritten signature, possibly of the name 'P', is written in dark ink at the bottom left of the page.

