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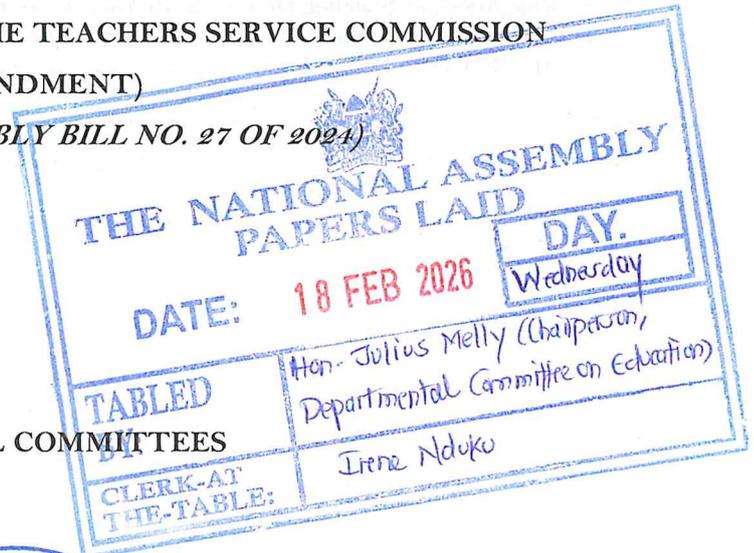
THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON:

ON THE CONSIDERATION OF THE TEACHERS SERVICE COMMISSION  
(AMENDMENT)

(NATIONAL ASSEMBLY BILL NO. 27 OF 2024)



CLERKS CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS



NAIROBI

FEBRUARY 2026

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## LIST OF ABBREVIATIONS AND ACRONYMS

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AG	-	Attorney General
ASAL	-	Arid and Semi-Arid Lands
CBA	-	Collective Bargaining Agreement
CORT	-	Code of Regulation for Teachers
FDSE	-	Free Day Secondary Education
HR	-	Human Resource
IHRM	-	Institute of Human Resource Management
KESSHA	-	Kenya Secondary Schools Heads Association
KLRC	-	Kenya Law Reform Commission
KNUT	-	Kenya National Union of Teachers
KUPPET	-	Kenya National Union of Post Primary Teachers
NCPWD	-	National Council for Persons with Disability
NHIF	-	National Health Insurance Fund
TSC	-	Teachers Service Commission
SRC	-	Salaries and Remunerations Commission
TVET	-	Technical and Vocational, Education and Training

## LIST OF ANNEXURES

1. Report adoption Schedule
2. Minutes
3. Stakeholders Submissions Matrix
4. Copy of the newspaper advertisement on public participation
5. Letter inviting stakeholders for meetings with the Committee
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## CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committees on Education on its consideration of the Teachers Service Commission (Amendment) Bill (National Assembly Bill No 27 of 2024) which was published on 11<sup>th</sup> April 2024. The Bill went through the First Reading on 2<sup>nd</sup> April 2025 and was thereafter committed to the Departmental Committee on Education for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The Bill has four (4) clauses and seeks to amend the Teachers Service Commission Act No. 20 of 2012 to provide for the payment of various allowances for teachers employed by the government. Additionally, the Bill seeks to entrench fairness in acting position and ensure predictability and certainty in the management of allowances in the teaching profession.

Following placement of advertisements in the print media on 18<sup>th</sup> April 2025 seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee received three (3) written memoranda. The Committee also invited stakeholders for engagement meeting on the Bill which were held within Parliament Buildings. In total, the Committee received submissions from twelve (12) stakeholders who made oral presentations.

In considering the Bill, Members observed that the legislation was timely because while the Teachers Service Commission Act, the Teachers Service Commission Code of Regulations, 2015 and the Teachers Career Progression Guideline make attempts to provide for the allowances, there is lack of predictability, strict enforcement and certainty in the management of the allowances. The Committee also noted that the Salaries and Remuneration Commission has the Constitutional mandate to advice on the remuneration and benefits of all public officers.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the sponsor of the Bill, Hon. Abdul Ibrahim Haro, MP, Leader of the Majority Party, Members of the Departmental Committee on Education for the contribution that they made on the Bill and all stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee and Secretariat who made useful contributions towards consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Education and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Teachers Service Commission (Amendment) Bill (*National Assembly Bill No. 27 of 2024*). It is my pleasure to report that the Committee has considered the Teachers Service Commission (Amendment) Bill (*National Assembly Bill No. 27 of 2024*) and I have the honor to report back to the National Assembly with the recommendation that the Bill be approved with amendments as proposed by the Committee.

**Hon. Julius K. Melly, CBS, M.P.**  
**Chairperson, Departmental Committee on Education**

## PART ONE

### 1 PREFACE

#### 1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Education is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

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

#### 1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters regarding: -
  - a) Education
  - b) Training
  - c) Curriculum development and
  - d) Research
3. In executing its mandate, the Committee oversees
  - a. The Ministry of Education and all its Agencies.
  - b. The Teachers' Service Commission
4. The State Departments and the agencies the Committee oversees are as listed;
  - a) **State Department for Basic Education**
    - i. Kenya National Examination Council
    - ii. Kenya Institute of Curriculum Development
    - iii. Kenya institute of Special Education
    - iv. Kenya Literature Bureau
    - v. Kenya Institute for the Blind
    - vi. Centre for Mathematics, Science and Technology in Africa
    - vii. Kenya National Commission for UNESCO
    - viii. Kenya Education Management Institute
    - ix. School Equipment Production Unit
    - x. Jomo Kenyatta Foundation

xi. National Commission for Nomadic Education

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**b) State Department for Technical and Vocational Education**

- i. Technical and Vocational Education and Training Authority
- ii. Technical Vocational Education Training Fund Board
- iii. Curriculum Development Assessment and Certification Council
- iv. Kenya National Qualification Authority
- v. Kenya National Qualification Authority
- vi. Kenya School of TVET

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**c) State Department for Higher Education**

- i. Commission for University Education
- ii. Kenya Universities and Colleges Placement Service
- iii. Higher Education Loans Board
- iv. University Funding Board
- v. Forty (40) Public Universities (Under Universities Act, Cap. 210)
- vi. University of Nairobi Enterprises
- vii. University of Nairobi Press

**d) State Department for Science, Research and Innovation**

- i. National Commission for Science Technology and Innovation
- ii. National Research Fund
- iii. Kenya National Innovation Agency

### 1.3 COMMITTEE MEMBERSHIP

1. The Committee was re-constituted by the House on 6<sup>th</sup> March 2025 and comprises the following Members:

#### **Chairperson**

Hon. Julius Kibiwott Melly, CBS, MP  
Tinderet Constituency

**UDA**

#### **Vice Chairperson**

Hon. Eve Akinyi Obara, MBS, MP  
Kabondo-Kasipul Constituency

**ODM**

#### **MEMBERS**

**Hon. Dr. Christine Oduor Ombaka, MP**  
Siaya County  
**ODM**

**Hon. Mary Emaase, MP**  
Teso South  
**UDA**

**Hon. Nabii Nabwera Daraja, MP**  
Lugari Constituency  
**ODM**

**Hon. Jerusha Mongina Momanyi, MP**  
Nyamira County  
**JP**

**Hon. Peter Ochieng Orero, MP**  
Kibra Constituency  
**ODM**

**Hon. Abdul Ebrahim Haro, MP**  
Mandera South Constituency  
**UDA**

**Hon. Rebecca Noonaihi Tonkei, MP**  
Narok County  
**UDA**

**Hon. Clive Gisairo, MP**  
Kitutu Masaba, Constituency,  
**ODM**

**Hon. Joseph Makilap, MP**  
Baringo North Constituency,  
**UDA**

**Hon Julius Taitumu M'Anaiba, MP**  
Igembe North Constituency,  
**UDA**

**Hon. Elijah Kururia, MP**  
Gatundu North Constituency  
**IND**

**Hon. (Prof.) Phylis Jepkemoi Bartoo, MP**  
Moiben Constituency  
**UDA**

**Hon. Dick Maungu, MP**  
Luanda Constituency  
**DAP-K**

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#### 1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following staff:

**Mr. Douglas Katho**  
Head of Secretariat

**Mr. Clive Onyancha**  
Clerk Assistant II

**Mr. Dennis Amunavi**  
Clerk Assistant III

**Ms. Fiona Wanjiru**  
Legal Counsel II

**Mr. Eric Kanyi**  
Fiscal Analyst I

**Ms. Noelle Chelagat**  
Media Relations Officer II

**Dr. Mburu Maina**  
Research Officer III

**Ms. Pauline Njuguna**  
Hansard Reporter II

**Mr. Richard Sang**  
Serjeant-At-Arms

**Mr. Jared Onyancha**  
Public Communications Officer III

**Mr. Nimrod Ochieng'**  
Audio Recording Officer

**Ms. Christabel Naisula**  
Parliamentary Internship Programme

**Ms. Luisa Koki**  
Parliamentary Attachment Programme

## PART TWO

### 2 BACKGROUND OF ALLOWANCES IN KENYA

#### 2.1 SITUATIONAL ANALYSIS

6. The issue of acting appointments and allowances for teachers in Kenya reflects a persistent challenge in the country's education management system. The Teachers Service Commission (TSC), empowered by the Constitution and the Teachers Service Commission Act (2012), is responsible for teacher recruitment, promotion, and remuneration in public schools. In reality however, many teachers take up acting responsibilities such as Head Teachers, Deputies, or Heads of Department without formal recognition or the corresponding allowances. Some educators hold these positions for prolonged periods, at times exceeding two years, without receiving any acting allowances.
7. Kenya's teacher remuneration framework provides for several allowances, including hardship, commuter, housing, and responsibility allowances, with provisions for acting or special duty allowances. However, the application of these benefits is often inconsistent. Teachers in acting positions, particularly in remote or hard-to-staff regions, sometimes miss out on their rightful allowances due to administrative delays, lack of official appointment letters, or funding gaps. This situation negatively affects teacher morale and undermines leadership stability in schools.
8. The challenge is intensified by financial pressures in the education sector. Schools already experience strain from delayed and reduced capitation funds, as highlighted by the recent shortfalls in the Free Day Secondary Education (FDSE) allocation of KES 22,244 per student. These resource limitations make it difficult for school management to handle interim appointments effectively or meet allowance obligations. Moreover, the absence of a robust enforcement framework means that even when acting appointments are made, payment of allowances is not always guaranteed.
9. Prolonged acting appointments without compensation erode teacher motivation, discourage retention in remote regions, and weaken succession planning in school leadership. To cure this, there is need to ensure formal recognition of acting positions, timely allowance disbursement, and strengthened policy enforcement to ensure fair treatment of all teachers.
10. Although Kenya has established a system of allowances to recognize teachers' responsibilities, acting positions remain a weak point in policy implementation. Failure to consistently pay acting allowances undermines morale and disrupts school management. Enhancing legislation, ensuring timely budgeting, and enforcing TSC regulations will be essential to protect teachers' welfare and sustain quality education delivery.

#### 2.2 COMPARATIVE ANALYSIS

11. Finland prioritizes high base salaries and professional autonomy rather than multiple allowances to attract and retain teachers. Acting appointments are clearly defined and compensated within structured career progression frameworks, ensuring fairness and supporting professional growth without heavy reliance on supplementary pay.
12. South Africa has developed a structured system of teacher incentives, including rural hardship allowances, housing benefits, and scarce-skills incentives for teachers in technical and science subjects. Acting appointments are formally recognized, with eligible teachers receiving acting

allowances after assuming duties for a stipulated period. This approach helps motivate teachers and ensures retention in hard-to-staff schools.

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13. In East Africa, Uganda provides a notable contrast. Teacher allowances remain minimal, primarily limited to hardship postings in remote regions, while recognition of acting appointments is inconsistent. Teachers often hold acting roles for extended periods without compensation, leading to low morale and difficulty in staff retention in rural schools.
14. The Teachers Service Commission (Amendment) Bill (National Assembly Bill No 27 of 2024), seek to formalize acting appointments and streamline allowances. This represents a step closer to South Africa's structured model, while still diverging from global best practice, which emphasizes strong base pay. Targeted allowances remain vital in Kenya to motivate teachers, enhance equity, and facilitate deployment in remote areas.

## PART THREE

### 3 OVERVIEW OF THE TEACHERS SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 27 OF 2024)

#### 3.1 INTRODUCTION

15. The principal object of the Bill is to amend the Teachers Service Commission Act no. 20 of 2012 to provide for various allowances that the Commission may pay to teachers over and above the basic pay. Further, the Bill seeks to entrench fairness for teachers appointed by the Teachers Service Commission in acting positions by ensuring the appointments are done in a structured manner. This Bill will thus provide for predictability and certainty in management of allowances in the teaching profession.

#### 3.2 Committal of the Bill

16. Upon First Reading of the Bill on 2<sup>nd</sup> April 2025 pursuant to Standing Orders 127(1) and (3) of the National Assembly Standing Orders, the Rt. Hon. Speaker referred the Bill to the Departmental Committee on Education for consideration and to facilitate public participation on the Bill.

#### 3.3 REVIEW OF THE BILL

17. The Bill has four clauses and a Schedule.
18. The Bill makes provision for the Teachers Service Commission (TSC) to appoint teachers in acting capacity. The Bill further defines the period for acting in a position which is between one to six months.
19. The Bill provides for the qualification and remuneration for appointment in acting capacity and prohibits appointment of a teachers in more than one position.
20. The Bill proposes a new Fourth Schedule which outlines the allowances that may be granted to a teacher for specified circumstances. The allowances include:
  - a. House allowance;
  - b. Commuter allowance;
  - c. Hardship allowance;
  - d. Special duty allowance;
  - e. Responsibility allowance;
  - f. Special school allowance;
  - g. Reader's facilitation or aid allowance;
  - h. Leave allowance; and
  - i. Transfer allowance.
21. The Bill does not affect functions of county governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning county governments.

**PART FOUR**  
**PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION**

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22. Following the call for memoranda from the public through placement of adverts in the print media on Friday, 18<sup>th</sup> April 2025 and invitation to stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- i. The Attorney General
- ii. Teachers Service Commission
- iii. Salaries and Remuneration Commission
- iv. The National Treasury
- v. Kenya Law Reform Commission
- vi. Public Service Commission
- vii. Kenya Union of Post Primary Education Teachers
- viii. Kenya Special Needs Education Teachers Group
- ix. Institute of Human Resource Management
- x. Kenya National Union of Teachers
- xi. Elimu Bora Working Group
- xii. World Vision
- xiii. Kenya Secondary Schools Heads Association

23. The stakeholders submitted as follows:

**1. The Office of the Attorney General**

24. The of the Attorney General in their presentation noted that the Bill seeks to provide for appointment of teachers in acting capacity, payment of allowances including house, commuter, hardship, special duty, responsibility, special school, readers facilitator/aid, leave, transfer and subsistence allowance.

25. However, the AGs office noted that the issues the Bill seeks to address have been comprehensively provided for in the Teachers Service Commission Act Cap. 212, the Teachers Service Commission Code of Regulations 2015 and the Teachers Career Progression guidelines.

**2. The Teachers Service Commission (TSC)**

26. The TSC submitted that the Commission is established under Article 237 and the Teachers Service Commission Act No. 20 of 2012. That the establishing legislation empowers the Commission to develop regulations and teachers management strategies.

27. The TSC submitted that the Commission has developed the Code of Regulations for Teachers, administrative circulars and guidelines. On responsibility allowance, the TSC submitted that after a job evaluation was conducted by the Commission and SRC in 2016, administrative position holders' remuneration were reviewed and they were placed in special salary scales. Responsibility allowance was then scrapped in the teaching service.

28. On leave allowances, the Commission noted that the content of the Amendment are similar to the provision of the Code of Regulations for Teachers (CORT) and should not be included in the parent Act to ensure flexibility and more specific rules. That the CORT provides comprehensively for allowances that include house, commuter, hardship, special duty, special school, reader's facilitation/aid, transfer and leave allowances.

29. The Commission concluded that the Sector is currently undergoing comprehensive reforms informed by the report of the Presidential Working Party on Education Reforms which will

also include review of the Teachers Service Commission Act and therefore proposed the deletion of all Clauses of the Bill.

### **3. The Salaries and Remuneration Commission**

30. The Salaries and Remuneration Commission (SRC) submitted that Article 230(4) (b) of the Constitution mandates the Commission to advise the national and county governments on the remunerations and benefits for all public officer, and that the Supreme Court in the **S.C Petition E023 of 2024 NHIF –vs- KUCFAW & Anor**, upheld that the advice of SRC under Article 230 (4) (b) of the Constitution is binding.
31. The SRC noted that majority of the allowances enumerated in the Bill, the proposed administrative mechanisms, eligibility criteria, and nomenclature deviates from and contradicts either the prevailing SRC's advice, statute provisions or government policy as enumerated in the matrix.

### **4. The National Treasury**

32. The National Treasury submitted that, currently, teachers are entitled to various allowances on top of the Basic Salary.. The allowances include:
- i. House allowance;
  - ii. Commuter /Transport allowance;
  - iii. Hardship allowance;
  - iv. Acting/ Special duty allowance;
  - v. Leave Travel / Leave allowance;
  - vi. Transfer allowance.
  - vii. Special Salary/ Special School allowance; and
  - viii. Disability guide/ Reader's facilitation or Aid Allowance;
33. The National Treasury noted that the allowances above are already being paid to teachers and therefore will not occasion additional funding.
34. However, the National Treasury noted that the Bill proposes to introduce Responsibility Allowance to Heads, Deputy Heads and Senior Teachers of institutions. This proposal disregards the fact that appointment to these position is based on promotion with attendant compensation by adjustment on Basic Salary and applicable allowance. Further, it noted that where there are no substantive holders of the positions, then the appointed officer(s) earns Special Duty/ Acting Allowance.
35. The National Treasury pointed that the Bill provisions are against Article 230 (4) of the Constitution which mandates SRC to advice on the remuneration of all public officers. Therefore, determination of allowances to public officers should be through the recommendation of the SRC and not legislation as proposed in the Bill.
36. The National Treasury noted that there is need for government to contain the growing public sector wage bill.

### **5. Kenya Law Reforms Commission (KLRC)**

37. The Kenya Law Reforms Commission submit a memorandum in opposition to the Bill. They submitted that Article 237 of the Constitution established the TSC with the functions of recruiting and employing registered teachers. The remuneration of teachers are determined by the TSC in consultation with SRC. Further, KLRC submitted that the SRC is guided by the principles of Article 230 (5) of the Constitution and section 12 of the SRC Act 2012 which

include sustainability of the wage bill, attraction and recruitment of skilled employees in the public service, recognition of productivity and performance among others.

38. The KLRC submitted that allowances paid to teachers can be determined by TSC in consultation with SRC without being set out in statute and that the Bill proposes amendments that infringe on the constitutional role of TSC. KLRC also noted that the SRC issued Allowance Policy Guidelines for Public Sector in 2021 to streamline management of allowance to improve accountability, transparency, equity and fairness of pay as per its constitutional mandate.

#### **6. The Public Service Commission (PSC)**

39. The Public Service Commission (PSC) submitted that it was not in the purview of the PSC to advise on remuneration for staff in independent office. However, PSC submitted that it is open and ready to provide technical assistance. On the issue of enactment of the provision, the PSC was of the opinion that the proposed amendments should be incorporated in the Code of Regulations as regulations are flexible and easy to amend. Further, PSC submitted that acting capacity appointment should not exceed the legal six (6) months for qualified officers and those not qualified are entitled to special duty allowance and the position advertised. PSC submitted that the allowance should be provided for in the CORT and proposed that the Act or CORT should provide for sanctions on officers who fail to comply with requirement to pay allowances.

#### **7. Kenya Union of Post Primary Education Teachers (KUPPET)**

40. The Kenya Union of Post Primary Education Teachers (KUPPET) supported the Bill with amendments to provide for allowance for teachers in integrated schools, provision for daily subsistence allowance for teachers on official duty outside the normal work station, allowance for teachers with laboratory lesson and post-graduate allowance. The union submitted the matrix of its proposed amendments.
41. The KUPPET submitted that the signed CBA did not envision teachers working on acting capacity for lengthy period hence it was not a matter for negotiation. Further, KUPPET submitted that currently over 99,000 teachers are on acting capacity without commensurate allowance and proposed that the all the allowances should be in the Act as is the case with the Employment Act.

#### **8. Kenya Special Needs Education Teachers Group**

42. The Kenya Special Needs Education Teachers Group submitted that only responsibility allowance is pensionable and proposed that special school allowance should also be included as pensionable.
43. They group also proposed that special school allowance should be automatic once a teacher is posted to a special school and not to be applied for through the head of institution. The group also proposed that the Disability Guide Allowance should be paid after certification by the National Council for Persons with Disability (NCPWD).

#### **9. Institute of Human Resource Management (IHRM)**

44. The Institute of Human Resource Management (IHRM) submitted that it supported the Bill since the provisions of the Bill, if enacted, will improve the welfare of teachers through structured allowances, and ensure fairness in acting appointment. IHRM submitted that the proposed amendments aim to enhance transparency, equity and sustainability that align with best HR practices and constitutional principles.

45. IHRM proposed amendment to the Bill to provide for TSC to engage teacher unions, education stakeholders and SRC to develop a framework on acting allowances and appointments. This is aimed at ensuring constitutional compliance and public participation.
46. IHRM proposed the establishment of a robust grievance redress mechanism to address allowance and acting appointment related disputes. IHRM proposed that this be enshrined in the Code of Regulation for Teachers.
47. IHRM also proposed periodic impact assessment of allowances and acting appointments to evaluate their effectiveness and in improving teacher welfare and career progression to inform policy adjustment. IHRM proposed three year review of the allowances.
48. IHRM submitted that TSC should prioritize equitable distribution of allowances to teachers in marginalized and special needs education schools to reduce disparities and enhance retention.

#### **10. Kenya National Union of Teachers**

49. The Kenya National Union of Teachers (KNUT) supported the Bill.
50. KNUT proposed to amend the Bill to include provision for consultation with the SRC to adhere to Article 230 of the Constitution.
51. KNUT proposed additional amendment to provide that a teacher who completes acting period should be considered for permanent appointment to the position based on their qualifications. KNUT also proposed amendment of the Schedule under E from “job group K and below” to “job group C5 and below”.

#### **11. Elimu Bora Working Group**

52. The Elimu Bora Working Group appeared before the Committee and submitted that it supports the proposed amendments.
53. On Succession and Merit Appointments: Elimu Bora proposed automatic appointments of next-in-merit teachers to vacant positions. The Committee opposed this, noting the risk of circumventing merit-based and competitive recruitment processes.
54. On Leave Allowance: The Group proposed legislating teacher leave allowances. The Committee observed that leave benefits are a human resource matter to be managed by the employer (TSC), not by legislation.
55. On Special Duty Allowances in ASAL Areas: Elimu Bora proposed extending special duty allowances to teachers in ASAL regions. The Committee noted that such teachers already receive hardship allowances and the proposal may amount to duplication.
56. On Shift of HR from Union to Legislative Domain: The Committee questioned the rationale for moving matters historically negotiated under Collective Bargaining Agreements (CBAs) into legislation.
57. On Gazettement of Hardship Areas: Elimu Bora noted that not all ASAL regions are gazetted as hardship areas and urged the Committee to intervene.
58. Provisions for Long-Serving Acting Teachers: The Group welcomed the Bill's effort to address the plight of teachers acting without promotion or compensation.

### **12. World Vision**

59. The submissions by World Vision were stood down on procedural grounds under the rule of relevance, as they were not directly related to the provisions of the Bill.

### **13. Kenya Secondary Schools Heads Association**

60. The Kenya Secondary Schools Heads Association (KESSHA) expressed support for the Bill.

61. KESSHA proposed that inclusion of additional allowances as listed;

- i. Teaching Service Allowance in recognition of the demanding nature of the teaching profession to handle the current generation of students. This allowance will also acknowledge the unique contribution of teachers in providing and shaping the country's workforce for economic development; and
- ii. Extraneous allowance to compensate for the extra duties undertaken by teachers in the schools. These include: attending school trips; mentoring students; managing students behavioral and emotional challenges; parent-teacher communication and meetings; early morning and late evening school activities; rehearsal and practice for co-curricular activities among others.

62. KESSHA submitted that the government should avail funds to finance the proposals in the Bill once enacted.

## PART FIVE

### 5 COMMITTEE OBSERVATIONS

63. The Committee made the following observations:
64. The Teachers Service Commission in consultation with the Salaries Remunerations Commission are constitutionally mandated to provide for the remuneration of teachers employed by the government.
65. Currently, allowances paid to teachers are guided by the Code of Regulation for Teachers, circulars and the SRC Allowance Policy Guidelines for Public Sector.
66. There are instances where teachers are appointed on acting capacity for long periods without commensurate allowance and later bypassed when substantive appointment in the position are made.
67. The process of amending statute/Act of parliament is complex and lengthy while changes in regulations and circulars are more flexible and easy.
68. The anticipated legislative changes in the Presidential Working Party on Education Reforms report do not limit the legislative role of Parliament in originating legislation.
69. The matter on payment of Domestic Subsistence Allowance for teachers is currently active in court.
70. Acting capacity appointment should not exceed the legal six (6) months for qualified officers and those not qualified are entitled to special duty allowance and the position should be advertised.
71. The Committee, having considered the Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) and the submissions from stakeholders, recommends that the House approves the Bill with amendments contained in the Schedule of Amendments forming Part Six.

## PART SIX

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### 6 COMMITTEE RECOMMENDATION

72. The Committee having reviewed the Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) recommends that the House approves the Bill with amendments as proposed in the Schedule in Part Seven of this report.
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## PART SEVEN

### 7 SCHEDULE OF PROPOSED AMENDMENTS

73. The Committee proposed the following amendments to the Bill—

74. **CLAUSE 3**

THAT Clause 3 of the Bill is amended by inserting the following new subsection immediately after subsection (4)—

75. “(5) Where a teacher serves in an acting capacity in a higher office or grade for a continuous period exceeding six months without the Teachers Service Commission having taken any action to confirm, extend, or revoke such appointment, the teacher shall be deemed to have been substantively appointed to that office or grade with effect from the day immediately following the expiry of the six-month period.

76. Provided that the teacher shall not be deemed to have been substantively appointed where the Commission demonstrates that the delay in confirming, extending, or revoking the acting appointment was occasioned by the teacher’s pending disciplinary proceedings, failure to meet prescribed qualifications, or any other lawful and justifiable cause.”

77. **Justification** - The proposed amendment seeks to address the persistent challenge of teachers serving in acting capacities for prolonged periods without formal confirmation, which creates uncertainty and limits their career progression. It compels the Teachers Service Commission to make timely decisions on acting appointments by introducing a six-month cap and a presumption of substantive appointment where no action is taken. At the same time, it preserves the Commission’s discretion by allowing exceptions where delays are lawfully justified, such as pending disciplinary cases or failure to meet the required qualifications.

78. **CLAUSE 4**

THAT Clause 4 of the Bill is amended by—

(1) deleting paragraph (e);

(2) inserting the following new sub-paragraph in immediately after sub-paragraph (b) in paragraph (i)—

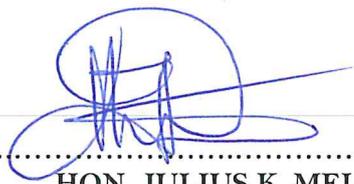
79. “(c) A teacher who is transferred from one duty station to another shall be entitled to a transfer allowance, which shall be paid within thirty days of the effective date of the transfer.”

80. **Justification**

1. The proposed amendment seeks to harmonize the law with the current remuneration framework for teachers. The responsibility allowance was consolidated into the basic salary with effect from 1st July 2017 during the implementation of Phase I of the Collective Bargaining Agreement for Teachers (1st July 2017–30th June 2018). Retaining this allowance in law is therefore redundant, and its deletion is recommended to align the legislation with the existing pay structure.

2. The proposed requirement for payment of a transfer allowance within thirty days of a teacher’s transfer is intended to safeguard the welfare of teachers and ensure administrative efficiency. Transfers often impose immediate financial burdens on teachers, including relocation, housing, and transport costs, which cannot be deferred without causing hardship. By imposing a clear statutory timeline, the amendment compels the Teachers Service Commission to process allowances promptly, eliminates uncertainty, and upholds principles of fairness and timely compensation for work-related obligations

SIGNED.....



DATE.....

18/2/2026.

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

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>			
<b>DATE: 18 FEB 2026</b>			
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Wednesday			
<b>TABLED BY:</b>	Hon Julius Melly (Chairperson, Departmental Committee on Education)		
<b>CLERK-AT THE-TABLE:</b>	Irene Ndoku		

