

STRENGTHENING KENYAS' EDUCATION SECTOR: A FOCUS ON TEACHERS' STRIKE 2015



A CONSULTATIVE FORUM BETWEEN ELIMU YETU COALITION AND MEMBERS OF THE PARLIAMENTARY OVERSIGHT COMMITTEE ON EDUCATION (NATIONAL ASSEMBLY) ON JANUARY 13, 2015 AT INTERCONTINENTAL HOTEL FROM 7:30AM – 11:00AM

Report by Ray Polo

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ACRONYMS/ABBREVIATIONS

BoMs: Boards of Management
CBA: Collective Bargain Agreement
CDF: Constituency Development Fund
CSEF: Civil Society Education Fund
CSOs: Civil Society Organizations
CSSEPA: Center for Social Sector, Education Policy Analysis
EAC: East African Community
EFA: Education for All (goals)
EYC: Elimu Yetu Coalition
FPE: Free Primary Education Program
Hon: Honorable (members of parliament)
JICA: Japan International Cooperation Agency
KCPE: Kenya Certificate of Primary Education
KCSE: Kenya Certificate of Secondary Education
KNUT: Kenya National Union of Teachers
KUPPET: Kenya Union of Post Primary Education Teachers
MoEST: Ministry of Education, Science and Technology
MP: Member of Parliament
NEC: National Executive Council
NESP: National Education Sector Plan
NGOs: non-governmental Organizations
NTV: Nation Television
POCE: Parliamentary Oversight Committee on Education
POCE: Parliamentary Oversight Committee on Education
PTA: Parents-Teachers Association
SRC: Salaries and Remuneration Commission
TPWG: teaching profession working group
TSC: Teachers' Service Commission
WERK: Women Education Researchers of Kenya

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Constitution of Kenya 2010

Basic Education Act 2013

The Star Newspaper (online)

Equality

NTV Interview with Dr. John Mugo on Teachers' strike 2015

1.0 INTRODUCTION

The Basic Education Act 2013 provides a road map for the development of education in the country. The provisions of the Act have are backed by Kenya's constitution that stipulates that every child has a right to free and compulsory basic education. This right is being served under the Free Primary Education Program (FPE), which has expanded enrollment from 5.9 million children in 2003 to about 10 million today. Besides, the free (day) secondary education, established in 2008, has also raised enrollment from 800,000 students to the current figure of nearly 2 million. To herald immense benefits for the country's education system in line with the country's economic blueprint, Vision 2030, the government intends to digitize the entire school curriculum by the end of 2015. This coincides with the introduction of the laptop per child project – a flagship programme of President Uhuru Kenyatta's administration, whose full implementation is expected to take off this year. However education experts like say these efforts alone are not enough: The learning crisis requires an 'access plus equitable learning approach'; additional reforms touching on the structure of education, the curriculum, assessment and general management of the education sector are wanting. While enrollment rates at primary and secondary levels have increased, learning achievements have consistently been below the expected standards, as schools are not regularly inspected. Further more, teachers' industrial strikes continue to impede learning and no doubt express a deeper management crisis in the education sector.

1.1 History of Teachers' Strike in Kenya

There have been 12 national teachers' strikes in Kenya since the first one in 1962, a year before independence. The third national strike took place from November 1st-3rd, 1966 was a brief but historic one, that had the government respond positively by accepting to establish the Teachers Service Commission (TSC). The TSC was established through a Bill tabled in Parliament by the then Minister for Education, Jeremiah Nyagah. Nevertheless, even the operationalization of TSC did not promise an end to teachers' industrial actions (strikes). Another grand strike took place in October 1997, with teachers demanding a 300 per cent pay rise. The teachers led by the late vocal trade unionist Ambrose Adongo Adeya threatened to paralyze end year examinations. Being an election year, retired President Daniel Moi accused his political foes from the opposition of instigating the strike, ironically, he would give a political solution (promise) to the

unrest, opening a blank chapter for teachers to always write on their demands every other (election) year. In October 1998, the teachers were on the streets again, protesting government's refusal to implement pay raises awarded by a presidential committee the previous year. The teachers went on strike again in October 2002 for more than two weeks to demand an outstanding salary increment that they won in 1997. The then Education minister Henry Kosgey threatened them with a sack but the teachers did not relent.

7 years later. Another strike! In January 2009 leaving learning was brought to a halt, courtesy of a teachers' strike that affected 19,000 primary schools countrywide and more than eight million children, in what Knut declared as "mother of all strikes". Teachers wanted a lump sum payment amounting to Sh19 billion but the government insisted that it could only pay Sh17.3 billion in *phases*, citing economic limitations.

Teachers downed their tools again in September 2012, lamenting inadequate staffing which, according to their unions, affected the quality of teaching and learning outcomes, especially with the influx of students since the introduction of free primary education in 2003. The Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) demanded a 300 percent salary increment for their members, alongside responsibility allowance at 50 percent, 40 percent and 30 percent for principals and their deputies, senior teachers and heads of departments respectively.

After a late school opening following the 2013 General Election, students were treated to yet another strike that delayed second term opening by three solid weeks. The government had offered to pay teachers Sh12 billion in commuter allowances in two phases; the first phase coming into effect July 1, 2013 and the second in 2014 but the KNUT's National Executive Council (NEC) rejected the offer saying the entire amount should be paid in full before the strike could be called off. The NEC is also demanded that a housing allowance offer totaling Sh29 billion be put on the table.

In January 2015, more than 200,000 primary and secondary school teachers returned to work after a two-week long strike – proving that the struggle for decent pay for teachers, and quality education and facilities for Kenyan students, still continues.

1.2 Comparative Analysis of Teachers' Remuneration across the Region

Kenyan teachers have opened a wider salary gap ahead of their East African Community (EAC) counterparts with a new pay deal struck in 2013, a development that is expected to further complicate movement of professionals across the region. Although the teachers got Ksh17 billion (\$200 million) instead of the Ksh46 billion (\$541 million) that they were demanding, the new structure that ended a four-week strike (in 2013), put the average salary for the tutors at more than double that of their counterparts in Tanzania, Uganda, Rwanda and Burundi. A look at the packages of other professionals — such as nurses, lecturers and doctors — in the EAC paints a similar picture, with those in Kenya earning more, save for university lecturers. Fears are emerging that those seeking employment in neighboring states where the pay is lower may expect similar remuneration, laying the ground for a conflict with employers. A Kenyan primary school teacher now earns between \$302 and \$2,300 per month. In Tanzania, it is an average of \$150 while their Ugandan counterpart can expect \$102. Their colleagues in Rwanda are however only making an estimated \$91 a month.

1.3 Teachers' Demands (Kenya)

The two teacher unions (KNUT and KUPPET), which represent all teachers at Kenya's 200,000 public primary and secondary schools, made at least 38 demands to the TSC, a state employer, chief amongst them was a basic pay increase. The unions issued a threat notice as their bargain key toward opening schools in January 2015. The minimum monthly wage for state school teachers currently starts at 16,692 Kenyan shillings (approximately US\$ 180) a month for the lowest paid teachers – the unions wants to see this raised to 50,076 Kenyan shillings (around US\$545). They also want to see wages increased for those teachers on the higher end of the scale. KNUT is depending on an agreement that was reached between the government and teachers five years ago in which teachers were promised higher salaries and allowances over a 10-year period. However, the promise is yet to materialize as the government says it cannot afford to introduce a pay rise but offered to increase allowances for housing, leave and local travel. The unions that instead resorted to a two-week strike repelled this offer. The unions claim the strike was not selfish as to address only the improvement of teachers' welfare but also the quality of learning.

1.4 Responses to the Demands

- The Education Cabinet Secretary Professor Jacob Kaimenyi and the Salaries and Remuneration Commission (SRC), insist that teachers' salaries can only be adjusted after they have completed a job evaluation process, which will take place over the next eight months.
- The National Treasury on its part has warned that if honored, the teachers' demands would "imbalance" the economy. Treasury Cabinet Secretary Henry Rotich says workers cannot negotiate wages every year and in any case the Treasury is over stretched in its budgetary needs, the teachers' demands coming in the middle of a financial year.
- Labor Cabinet Secretary Kazungu Kambi also maintained that the basic salaries would only be reviewed once a job evaluation for all public sector employees has been completed. Remuneration, he said, must be tied to productivity and performance to ensure that public funds are prudently spent. These statements followed the collapse of talks between the teacher unions and the said ministries.
- The unions have failed to reach a consensus with their employer, the Teachers' Service Commission. Their talks have collapsed, mostly without a meeting or a compromise.
- The country's Industrial Court asked all parties involved in the dispute – the Kenya National Union of Teachers (KNUT), the Kenya Union of Post Primary Teachers (KUPPET), the Salaries and Remuneration Commission (SRC) and the Teachers Service Commission (TSC), to submit proposals on the 300 per cent pay increase that teachers are seeking. The 2015 teachers strikes the latest standoff in a long line of strikes to rock the Kenyan education sector in recent years, highlighting the country's education challenges.

1.5 Other Issues Ailing the Teaching Force

- Non-existent or poor or inadequate public school infrastructure
- Inadequate learning materials
- Teacher shortages
- Ineffective ways to measure learning outcomes
- Gaps in teacher accountability, i.e. absenteeism, curriculum accountability etc.
- Low quality education (products)

1.6 Impacts of Teachers' Strike: A summary

- *Syllabus coverage derailed as school term shortened:* Compromised syllabus coverage gives way to poor preparation that yields poor results.
- *Learners get confused* and are more exposed to negative social influence, especially at home
- *Parents pay more:* in a desperate move to sustain the brains part with money to engage private tuition. Travel plans for boarding students get cancelled and parents bear the burden
- *Education inequalities aggravated:* As public school learners stay home, their counterparts in private schools continue to learn, yet they will be exposed to a common national exam
- *Other programmes get affected:* Form one selection, school trips, school feeds etc.
- *Respect to teachers diminishes:* especially those who summersault in the streets.
- *Education system failures* are exposed.

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We expect accountability right from the president to the learner in class, therefore teachers cannot stand alone as an island of just one profession that is not accountable to the public. Teachers need to be appraised and teaching needs to be a competitive career. Teachers also need to be advised to help expand the framing of issues, from the narrow frame of salary, to broader teacher motivation strategies, teacher support and teacher accountability. *Dr. John Mugo – Uwezo Kenya*

2.0 EYC CONVENES THE PARLIAMENTARY COMMITTEE ON EDUCATION

Elimu Yetu Coalition (EYC) is the umbrella body for all civil society organizations working in education in Kenya. The coalition is an ardent campaigner for the right to Education for All (EFA) goals, and brings together over 136 member organizations.

The civil society has raised concerns that the government (specifically the MoEST) and the TSC have failed to adequately and promptly engage with teacher unions, despite the unions' early notice of strike, in October 2014 and the execution of the same, later in January 2015.

EYC has expressed its trepidations on the perennial teachers' strike. The coalition is concerned that innocent children are incessantly denied their pertinent right to quality education every time teachers resort to industrial action (strikes), whenever the government does not meet their demands. EYC appreciates that teachers deserve decent remuneration and working conditions just as much as they have an obligation to account for their performance and results.

Following the January 2015 strike, EYC engaged the unions and different stakeholders through interactive segment in the main stream media with a clear message: *Now is not the time to go on strike, and any issues that need the attention of the government or employer must not be expressed in a manner that jeopardizes the right of innocent Kenyan child.* On the third day of the strike, i.e. January 7, 2015, the coalition addressed its concerns and proposed solutions to the president through a press statement (*attached*). As the unions and the TSC talks got swathed in a deadlock, EYC continued to lobby to have the voice of the child heard and their right to education protected. In pursuit of a quick, legal and lasting solution to the stalemate, EYC convened a consultative forum that brought together members of the Parliamentary Oversight Committee on Education (POCE), EYC members (CSOs), education experts and campaigners. (*See list in annex 1*). The coalition aimed to dissect issues ailing Kenyan's education sector and lobby the forum to offer viable and lasting solutions, toward strengthening the sector. The most immediate issue at hand was the 12th nation-wide teachers' strike that had already robbed learners of a solid 40 hours of contact lessons. The forum was held on January 13, 2015 at the Intercontinental Hotel in Nairobi.

2.1 CIVIL SOCIETY DELIBERATIONS

A brain storming session among the civil society and participants preceded the forum with members of the POCE. The team regretted that strikes have turned into school opening routine every other year. The following were key questions that guided the deliberations at the forum:

- ☉ Is the current government ready to fulfill the pending 15-year-old promise? If so, how much can it offer teachers now, and if not, how then can it communicate this to teachers?
- ☉ Can we put the children's interest first even as we pursue our rights and privileges?
- ☉ What are the alternative ways of resolving grievances without unrest?

Here are the thoughts shared by participants:

Mr. Daniel Wesonga – WERK/ Board chairman EYC:



- ◆ Stabilizing education is a very critical priority for us. We must also ask, what education means to us, noting that it begins from primary to secondary through to college level. So we should not be addressing strike of primary and secondary school teachers alone, but also start tackling the university lecturers' looming strike. We must look at the whole sector. And this sector is based on a curriculum. So we must ask ourselves: is the curriculum adequate, does it need reforms, does it serve its purpose, how and who delivers the curriculum?
- ◆ Free, compulsory, quality basic education is a constitutional right of every child. Education is a means that helps a society achieve knowledge, skills, values and our desired economical, political and social goals.
- ◆ Stabilizing the sector demands that we must restore the public education system to one that we can believe in. Education cannot be privatized but must be provided collectively so that everyone benefits. We must therefore guard the public education sector by all means.
- ◆ We cannot lose the future of this country because of strikes, which arise from basic issues or lack of focus. Teachers have a constitutional right to negotiate, and this demands a CBA between teachers and TSC. How then do we address this to ensure that the CBAs are negotiated at a reasonable interval? We must address teachers' rights noting that they are not superior to those of the children. Rights must be accompanied by responsibility and accountability. We must therefore develop a framework to have the rights accounted for.

- ◆ As we review EFA goals in 2015, we shall be keen on the role of teachers in ensuring EFA. This presents an opportunity for us to look at the issues of education critically. What is our role as civil society? Can we have a third voice in parents? Are the BoM's holding teachers accountable? Who owns the schools? Do we ask the parents to take back the schools?
- ◆ Steadying the sector calls for objectivity and neutrality. We must know what we are stabilizing, when, and how we are doing it and who is responsible for what? This calls for a clear sector analysis, a clear teacher management strategy, a clear involvement of all stakeholders, with the POCE spearheading our efforts.

Mr. Andiwo Obondoh– Consultant/CSSEPA:

- ◆ The biggest issue is the demand for reasonable pay and better welfare. TSC should be able to tell us how well teachers should be paid, weighing comparative analysis in the. We need to



compare teachers with the rest of the public service. When the TSC says they have harmonized teachers' pay with the rest of public servants and the unions deny this, whom do we believe? TSC must take the lead and clearly communicate the status of progress regarding teachers' remuneration

- ◆ We are looking at a wage bill of 161 billion shillings. The figure is not the issue the issue is what value are we getting from such a huge investment, especially when we have a deficit of teachers? How do we sustain the wage bill? We must agree that what we negotiate now can be sustained. We must also reason whether we need more teachers or more pay.
- ◆ Rationalization of teacher deployment: It's sad note that a Nairobi school has 70 students against 16 teachers while another (village) school has 400 children against 8 teachers (6 TSC while 2 others are PTA employed). Turkana has improved enrolment but teachers do not want to go there yet there are no locals to take the teaching positions. We must never have a manipulated shortage of teachers. Some schools are over-established especially in posh areas. We must face the issue of teacher deficit because you have 400 students against 6 teachers, then you will have a scenario where teachers have children teaching themselves or copy notes from others.

- ◆ The government must expand debate beyond the salary component to deal with the issues holistically in order to help us achieve quality education.
- ◆ We do not want to discuss commitment of teachers. Some teachers absent themselves yet others get to school and do not teach. We want accountability and leadership from TCS to ensure this. It will be difficult to expect good results without performance accountability.
- ◆ The executive seems unsure of what they want to do. Teachers' strike does not just happen but follows days or months of threats. A proactive government would have developed a framework to sensibly engage the teachers on the basis of accountability before a demand for more pay. So that the teachers see the sense that beyond their basic pay, they must accept to be accountable to what there is, before demanding for extra. We want a government that will be bold and tell her employees what is possible or not so that we move on the basis of what is workable.
- ◆ When there was a security crisis, the National Assembly convened and sorted out the issues. We seek the same action to bring to an end the current education sector crisis.

Ms. Florence Annan – Girl Child Network:

- ◆ It is unfortunate that the sector has had to survive with annual teacher's strike. My heart goes out to the 2014 KCPE class whose primary education began with the 2007 strike and have



been continually treated to strikes over the years. What kind of academic mindset have these children grown up with? Obviously it is not steady mentality but a perpetually interrupted one.

- ◆ What is the teachers' role in pushing for quality education? Why don't they go on strike to ask why 50 per cent of children who enroll in class one does not transit to secondary schools? It is selfish, that we only go to the street when we want more pay as teachers, without minding the inconvenience it causes our children. This is gross human rights violation. Why don't learners go on strike when teachers absent themselves or fail to teach?
- ◆ We support better remuneration for teachers, but the package must come with accountability.

Mr. Amos Kaburu – Education Campaigner:

- ◆ We have to look at education both as a service and as an investment, and ask ourselves why we should invest in education and whether the results are worth our investments.
- ◆ TSC has failed us as it has been reduced to a mere wage payer without much recognition to its constitutional Obligation. Any serious employer must manage its human recourse. TSC must look at the gaps, plan, strategize right and embrace reforms.
- ◆ When teachers enroll for additional courses, the commission does not advise so that they are groomed for relevant positions. Teachers are advancing in training but this is not necessarily reflected in performance. TSC must address this. The commission should help advise the teachers on areas of further academic training to ensure sustainable and efficient mechanisms of handling education service delivery in Kenya. Accountability must be at the core of such models.
- ◆ Ranking: At what cost do we achieve results? How affordable is quality education? Should parents pay for performance of their children?
- ◆ What is the space of non-formal schools, which are often even less equipped than public schools? Why do parents prefer to take children to such schools? Can we have public pro-poor education to ensure all Kenyan children get quality education?
- ◆ Are we sure of what our children should be or are learning? Can the teachers deliver on the 8 goals of national education? Interventions are so far symptomatic.
- ◆ We have seen a lot of reports, papers, commissions and task forces set up to review the education system in Kenya. What is the message from such undertakings and can we move forward on the basis of the findings? The Cabinet Secretary must take leadership and guide the sector. Can the ministry or the government stand up and talk to the teachers on the possibility of a better pay or not, so that both parties strike a compromise and have the children back to school. We cannot stop investing in our children because a group of employees is asking for more pay.
- ◆ Teachers Strikes seem to be diverting us from addressing pertinent issues. Where is accountability? The government should stay put and defend the children's right. We cannot

continue pumping resources in a sector that is always getting derailed by strikes. We cannot stop investing in the future of our children because a section of the sector wants more pay. Stakeholders must strike a compromise and get lessons running.

- ◆ Hardship allowance has to be sector-wide to accommodate all sectors; teachers have unions, which cater for their welfare. What about the security and the health sectors. Annual demand for increase of allowances can be very unsustainable.

Ms. Izel Kipruto – Uwezo Kenya:



- ◆ Schooling is not same as education. Most children are basically schooling and not learning. If a class 6 pupil cannot explain the meaning of red color in the national flag, what more do we need to confirm that they are not learning as much. Is our curriculum super ambitious? Is it relevant? We need to look at the curriculum afresh
- ◆ It is a pity that 30% of children are attending classes in private schools while the 70% majority are confused and now even looking for tuition opportunities, yet they will be examined together at the end of the year.
- ◆ Teacher absenteeism compromises teacher-learner contact hours, which translate to poor results. We need accountability on the part of teachers.

Mr. Samuel Kibe – Education Consultant (JICA):



- ◆ I recommend the revival of The Forum – working group on teaching profession (TPWG), to coordinate communication and address challenges facing the teaching profession and education in general. The TPWG was an effective forum for maintaining effective and beneficial communication and working relationship among TSC-MoEST-KNUT and school heads/principals. If re-constituted, the forum could enhance good working relationship even at the county level. It would also minimize the ‘blame game’ through open sharing of experiences and information as well as getting stakeholders take their responsibilities more seriously. Press reports on the engagement between MoEST, TSC and teacher unions portray gaps in collaborations between the 3 entities. Media and research reports on public school

performance need a national discourse and such a forum would be useful in providing guidance based on members' knowledge and experiences.

- ◆ The TPWG will foster programme's ownership and their implementation. It will also serve as a means of policy development (inputs/feedbacks), dissemination, implementation and specific education management issues.
- ◆ Further, the forum will maintain dialogue, review communication and coordination of issues affecting teachers and the teaching profession. Committees constituted by the forum could play an oversight role on implementation of relevant schools or teachers' policy and education programmes such as in the National Education Sector Plan (NESP). The TPWG should provide recommendations on what should be done to minimize the challenges and the way forward.

Mr. Dalmas Okendo – Transparency International/EYC Board Member:



- ◆ There is a crisis in the education sector. It is sad that it is the second week of the term and our children are yet to open schools, even those in school do not get the attention of teachers, as they ought to.
- ◆ Besides the strike there are a lot of issues regarding teacher management, which need to be discussed: The whole question of teacher recruitment, deployment, promotion, transfer, discipline and performance are just as critical as the question of salaries.
- ◆ Equitable teacher deployment: Some teachers rush to transfer to certain schools to benefit from the hardship allowance allocated for such schools, while other schools, sometimes within the same radius, are understaffed and underserved. Urban schools are generally flooded with teachers while rural schools stay without enough of the teaching force. Why does this happen and how does it happen?
- ◆ Some head teachers engage in extra school businesses even during school hours: One for instance, spends half the day on Fridays, attending table banking. Are teachers accountable for the time they are to spend in school or class? When a head teacher (the chief supervisor) is out table banking, what quality time do teachers commit to be with the learners?

- ◆ Teachers have always been opposed to the issue of performance contracting; yet they continually demand higher payment packages. How do we as stakeholders assist the ministry and the Teachers Service Commission to ensure that teachers have performance contracts? Some countries have embraced teacher sharing, where particular subject teachers teach in various schools, as a means to bring teacher shortage. Can such apply in Kenya's situation?

Janet Muthoni-Ouko – National Coordinator, Elimu Yetu Coalition:



- ◆ As civil society, we pride in supporting issues of quality education. Now we must ask ourselves why our children not in class are; whether we can validate the reasons for the teachers' strike and how can we stabilize the troubled education sector. When schools are closed for weeks, whom do we perceive to be running the sector? Where is the authority of the government? We need leadership.
- ◆ We do not react to the strike but rather look at the long-term actions, to sustain the vision of education for the nation. Can we find a better way to engage with aggrieved stakeholders without inconveniencing learners and parents?
- ◆ We know very well that 30% of learners are in class in private school establishments. So how about the 70% poor children who have to wait for the public school teacher to return to school? Out of the 70% about 10% are getting private tuition what about the remaining 60% who are locked out of learning and stay at home yet they shall be subjected to the same exam at the end of primary school course. How then do we ensure quality education to the poor child whose only avenue through an education is the public school?
- ◆ It will also be unfair to lock private schools candidates from being admitted in their secondary schools of choice, even after registering excellent performance. We must improve standards in public primary education so that children from both private and public schools have level playing ground in national examinations and subsequently in securing chances at form one.
- ◆ Education sector consumes whopping 314 billion shillings, being the largest share of the national budget. If only we could provide a good learning environment for our children and also give the taxpayer value for money. Parliament cannot continue allocating huge budgets

to the education yet we do not see the results and every other time, we are treated to unrest. We need to stabilize the sector urgently.

- ◆ There is no learning without teachers. Teachers are central to learning and must be supported to deliver. We want to embrace the issues of better remuneration for teacher but it has to carry with it an aspect of accountability: Are our teachers in school, are they teaching? How do we measure the output? How do we account for the learners who score even less than 50 marks in the national examinations?
- ◆ We must stop and ask if this education system serving us right? Is it worth the massive investment? Can we reduce the wastages in education? We are losing so much to corruption including the amount of money that households invest in education, which pays 61% of the education fee, in secondary school.
- ◆ The discussion on salaries has been very loud and has seemingly overshadowed other important discussions including that of performance and accountability. The issue of performance should not be divorced from such discussions. We ask the members of POCE, who are at the helm of decision making, to help us salvage the situation. We should not bring the sector to a halt because of some salary adjustments? We may be able to offer teachers their demands today, but how about them coming up with another demand in second term or third term when exams are around the corner?
- ◆ KilemiMwiria report, for instance, recommends that we first rationalize the number of teachers we have. Some schools have over-establishments (especially in rich neighborhoods of Nairobi. While others (like those in informal settlements) are under-established by even 6-8 teachers (*see data attached*). Who will get hurt if we take teachers from Nairobi primary and take to MukurukwaNjenga, for instance? We must face the person who impedes such transfers and stand up for the children. We also must rationally establish and equip schools. One areain Pumwani has 3 primary schools within a small radius, one school has 90 students another 113 yet another 600. Why can't such schools be merged and resources be equitably and efficiently utilized?
- ◆ The teacher issue has turned to be a political issue, but where is objectivity? What are we saying for the children? They look up to us to make the right decisions for their good. What we can legislate on to ensure that we have a stable sector? If is the hugest consumer of

national budget, then it has to be the driver of economic development of the nation. Can the POCE commit to such legislations so that the lives of children are improved through quality and equity in education?

- ◆ Quality education demands proper management in the sector. Proper values and monitoring of the same. Teachers must be supported and retooled to deliver quality education. The discourse on the education system cannot be complete without involving the POCE. We must make a difference as we work together. Accountability must be at the core of education business. We have to profile the value of accountability as we pursue value for money.

3.0 MEMBERS OF PARLIAMENT (POCE)FORUM:

Hon. Julius Melly of Tinderet Constituency and acting Chairperson Parliamentary Oversight Committee on Education (POCE) facilitated this session. Here are notes from his opening remarks:



- ◆ We thank EYC for convening the meeting. And members of parliament who turned up yet they were in recess.
- ◆ This is a very critical issue and a matter of importance that we a meeting here because of the teachers' strike. The issue before us now is the strike and how can we bring it to an end as soon as possible.
- ◆ We acknowledge that the strike is with us. The biggest issue is how it was handled. Notices were given in good time. I think that if the sector had addressed the issues that were before the teachers, then, we would not be where we are.
- ◆ My point of argument is where have the talks reached, what is the bone of contention between the teachers unions and the government? We are asking both TSC and KNUT/KUPPET to give us their point of argument, today.
- ◆ We also ask the ministry of labor brings the unions and government together as an n arbitrator and a conciliator was found. The biggest issue is now the way forward.
- ◆ If we are saying we have to look at the job evaluation. If after the evaluation these teachers won't be given money, what will the situation be like? If you say there is no money now, when will it be available? If there is no possibility of raising teachers' pay, then they should be told. We are not talking about promises, but factual statements with timelines.

- ◆ Then they need to sign a comprehensive CBA that will last at least 4 years. So that we legally tie them and avoid their being out of work on a notice of strike every other year.
- ◆ Teachers should be realistic and appreciate that threats do not solve problems. What is the basis of 300% pay increase?
- ◆ This meeting shall be followed by another meeting between POCE and TSC to deliberate a way forward. We must work out a permanent solution
- ◆ I request that we exercise Requested objectivity in the discussions, as we put the interest of the child first.
- ◆ As representatives of the people, what are we doing as various stakeholders, to ensure that schools resume earliest possible even this afternoon?
- ◆ How can we ensure that the government and the unions agree, which areas do we agree on and which are the areas of divergence? How do we get the teachers back to class for the sake of our children, the sector and the country? After we sort out the aforementioned, we want to have a long-term permanent solution, bearing the following in mind:
 - i. Teachers must be accountable
 - ii. Strikes do not become a way of life
 - iii. Alternative ways of presenting grievances and handling them without unrest.
- ◆ Your ideas are very crucial as this is a parliamentary oversight committee of the National Assembly and we can get a solution here. What should the negotiations entail to ensure that school normalizes and our children resume learning?

Hon. Yusuf Chanzu – MP, Vihiga Constituency:



- ◆ Education should be more dynamic than anything else. Therefore we cannot devolve education as it is within the head of state's mandate to ensure it is delivered.
- ◆ We must look at perennial strikes broadly and ask ourselves where our nation would be if all public servants were to treat us to strikes. What would happen when the police go on strike at such a time, for instance?

- ◆ We must appreciate that issue is now not between parents and the state, but rather between the teacher unions and the government. The state should have had a strategy to contain the unions, because the moment we let them loose, they take advantage and hold our children out of school. It becomes difficult to negotiate with them at such a stage. We need to strike a sober interaction with the unions.
- ◆ It is a very sad situation that TSC cannot contain teacher. Teacher deployment has been flawed by a lot of bias: we keep transferring teachers as they follow their family members, even to a point of some of them relinquishing their leadership positions. Why should one not just transfer to head a school rather than opt out of headship to become a classroom teacher because they want to get transferred to their areas of preference?
- ◆ We have a bad culture. We are more reactive than we are proactive. Example is on our roads where stern action only takes place when there is a crisis.
- ◆ Our constituents and the general public expect a firm statement from us. Therefore we must come up with a solution.

Hon. Mary Seneta – MP, Kajiado County:



- ◆ I thank EYC for making this meeting possible at the beginning of the year, so that we chart a common front through a consulted direction early enough. I am proud of EYC and its members for their concern and commitment to education, and more so regarding the teachers' strike. The coalition has remained relevant and credible and that is why we are here together with you.
- ◆ Stakeholders of education need to strategize together, moving forward on issues like: performance, quality, and equitable distribution of teachers. Beyond this meeting, we as the members of parliament need to strike a discussion and meet the cabinet secretary as well as the teacher unions so that we can settle our children back to school, fast. Afterward, we need to look at the issues of education soberly with the MoEST and the TSC. These entities may not be able to tackle issues of education on their own and we must collectively in put and complement their efforts.

- ◆ As teachers decry poor pay packs or a delay of the same, let us have other stakeholders advocating for quality education and asking issues around service delivery. We must scrutinize quality, equity, and accountability, even through the media. EYC is already leading the cause and we want more stakeholders on board. Let the parents know how much investment there is in education and how much we are getting from it. We should challenge the use of resources invested in the sector, to demand social accountability. Its not just about how teachers earn or how much they should be added, we also want to see a corresponding vigor in commitment and the end products we get from our schools.
- ◆ We have quite a big wastage in the education. Not only in terms of resources, even the products of our schools (learners), go to waste. Korosey primary school in Kajiado Central is an example. The school was started in 1975, yet has only managed to take 3 girls to secondary schools in 2015 (the girls scored 320, 302 and 202 marks respectively), being the highest number of girls transiting to secondary school since. The school has apopulation of 400 students, yet most girls keep dropping out of school and get married before completion.
- ◆ We talk about teacher shortage, but how real is the shortage?
- ◆ We have a public school registered in a quarter piece of land, with one classroom partitioned into four and four TSC teachers handling the classes. Only 2km away, there is another big public school. Is there sense in this? Can't the two be merged and teachers are deployed to the bigger school?
- ◆ Education sector has a big budget yet the estimates are overwhelming and often hidden in vote heads like: maintenance, hospitality, domestic travel, international travels, fuel, and operational costs, while salaries stand in billions of shillings. We demand more accountability in education programs. Sanitary towels, for instance, have been allocated 400 million shillings. How many schools/students benefit from the project every year? How many sanitary pads does a girl get every term? Do we factor in contributions by other stakeholders like NGOs and corporates, or do we supply the pads blindly? Who accounts for them? Is it another loophole for corruption?
- ◆ About the strike, we should not succumb to the pressures of teachers. If I were the president I would just tell teachers to go back to work, because we cannot raise any money in the middle

of a budget year. Teachers are welcome to bring their complaints to be considered in the estimates of subsequent budgets, not now.

- ◆ EYC lets walk together through our chair, let's have a retreat and engage other stakeholders like policy makers towards a more stable education sector. We can help access the ministry through our committee.

Hon. Jacob Macharia – MP Molo Constituency:



- ◆ The strike is 150% successful as all the schools were closed. Why has it succeeded? Are we losing the motivation? Are we losing our teachers to the unions? Do our teachers teach for the call or for money?
- ◆ It is ironical that at the primary level, we take students to private schools, only to scramble for space in public secondary schools. The best secondary schools are public, yet the best primary schools are private ones. What is it that happens right in public secondary schools that is missing in our public primary schools? Note that we have high enrolments public primary schools and the largest number of teachers in them.
- ◆ In education management, the ministry could or may have failed in the management at the primary level. We must put our act together and the teachers of this country must be motivated enough to teach. They must be paid well. The issue of teachers' salaries, allowances and pensions must be addressed. There should not be unnecessary delays of such all the time. We must recognize that teachers have a case and we must solve it.

Hon. Cecilia Ng'etich – MP, Bomet County:



- ◆ Happy to be part of the civil society team convened by EYC, a coalition that has been working hard to ensure sanity in the education sector.
- ◆ The strike has clearly paralyzed learning in public schools, but who is to blame for it? We are the custodians, representing the public, and we must assess our role in this mess. If there is failure in the ministry of education, we are the ones who oversight them, what

have we done to correct the mistakes? The strike is very unfortunate and very embracing for us as leaders in this government.

- ◆ Sadly the strikes have always been given political solutions, and teachers seem to time electioneering season. Political leaders give in to the demands without weighing the burden. This pattern of teachers striking during political moments is disturbing.
- ◆ There is a structured and professional way of sorting out grievances, salaries included. Is it tenable to have a new CBA every 2 years? With the constitution and the Salaries and Remuneration Commission, where does this CBA come in, now that the SRC should be dealing with salary issues of the entire public sector? When salaries should be reviewed?
- ◆ We must stop mushrooming of primary and secondary schools. There was a time the MoEST said they bederegistered, are we able to track such actions?
- ◆ Education programs largely lack supervision and are hardly properly implemented. There is laxity, corruption and no quality being offered. TSC is responsible for quality and capacity building yet not much is seen out of the commission. We want TSC to peg promotion on merit and nothing else.
- ◆ Teachers and politicians have also been to blame for moving or retaining teachers at particular schools. We need to professionalize teaching, depoliticize it and face the facts.

Hon. Geoffrey Odanga – MP Matayos Constituency:



- ◆ I thank EYC for converging us to tackle the issues of education sector. It a sorry state, that every year, since independence we must have a strike, before teachers can settle in class. We must ask ourselves the source of this crisis. Somebody must have been complacent somewhere. Teachers are right to ask for a pay rise, because they too have genuine needs. However we should have a structured way or policy of dealing with such demands.
- ◆ We need to get to the root of teachers' salary harmonization with the rest of other public servants. We also need to compare their rates with others in similar job groups. We must be realistic and forge away ahead beyond the strike. We need to bring MoEST, TSC and the teachers together to get learning running. We need collective effort in this.

- ◆ The government must stop treating such episodes with complacency. Teachers issued a strike notice in third term of 2014, yet nothing happened, and now we have a very successful teachers' strike that has kept both teachers and learners out of school. Who is sleeping on the job? The government must wake up to the reality of the matter. We challenge the president to put in his own word.
- ◆ Assessment of schools has over time been limited by a lack of staff, and this compromises accountability.

Hon. Rose Mitaru – MP, Embu County:



- ◆ We must appreciate government's efforts in free primary education and free day secondary schools.
- ◆ Teachers are not wrong for asking for more money. But are the demands of teacher realistic? Can the government meet them now?
- ◆ I support the need for more scrutiny of the sanitary towels distribution. I have never seen one sanitary towel taken to any school in my area, yet we pass budgetary allocations annually for the same. Can we have an oversight committee take care of this?
- ◆ It pains me that child marriages continue in this country yet we have FPE as a compulsory endeavor. Can we take the responsibility to assess whether we have teachers in class teaching or not.
- ◆ I am proud to have been part of Life Skills Program, which has helped us bring sense to communities including schools. Through the program, we have brought sense to the teachers, challenging them on how much content and time they set apart for students. We have also trained students to peer educate each other. This initiative has brought together teachers and parents with the joy and fulfillment derived from the children's results, not just money and more money.
- ◆ Parents have invested in the future of the children and should not appear to beg for education services, as is the case now. We must have a solution even if we must involve state house in this. We must have our children back to class and our teachers back to work.

Hon. Silverse Anami – MP, Shinyalu Constituency:

- ◆ This is a national crisis and I don't understand why it has not been given the attention it deserves. Without education there is no growth! Yet the crop of the nation has been brought to a halt for two weeks now. This generation of students has lost 2 weeks of formal education. I don't know what miracles we shall perform to help them track the syllabus. This is a national crisis, growing from bad governance. We should have been proactive, we should have seen this situation coming and should have crafted a fall back option.
- ◆ We should device a structured way of dealing with a situation like this. I wonder if we cannot handle this, how we can handle serious security threats.
- ◆ We are in a constitutional crisis: the constitution talks about free and compulsory basic education for all Kenyan children. Yet we have not sat down to look at the short or long term and sustainable ways of attaining this right.
- ◆ We are in a state of helplessness. Now there are no teachers in class; we have lots of school dropouts. We do not look at the figures of school dropout to assess their impact on our economy. We have collapsed infrastructure.
- ◆ Teachers are working under difficult conditions. I am just wondering if CDF was not there, could we be having schools being constructed in this country. We need to address this issue of capitation to schools, because we talk about figures, which seem to be more alive on paper than they are in reality. Some schools receive it in delay yet others have not received.
- ◆ We need a clear development plan for the sector: a child-centered education. Children have rights and they are the most critical group in the country, in which we must strategically invest. We should not discuss anything in education, without embracing the provision of children's rights Act. As parents and as leaders, we have a responsibility. We should talk for the children. We must take care of this stalemate and must not consider political votes at the expense of the future of our children.
- ◆ Transformation: we are operating under a new constitutional order, but have we put a cost to it? How do leaders account even at county levels?

- ◆ Performance contracting should be one of the resolutions we come out with, because we cannot compromise. You cannot say that you want to be paid so much, when you cannot show the value for your pay against your performance. We must pay the teachers well if we want teachers to take care of our children well.
- ◆ We cannot discuss matters outside the concern of the auditor general on wastage. 300 million shillings was given in wastage. Where is this money going? If we budget well, if we apply it properly, we shall save more. How much could we save if we stopped flying helicopters and improved our roads and used roads instead?
- ◆ It is a shame that we like short cuts and the culture of deals. People are only interested in what is in it for them and how much can they get out of such deals. Yet this mentality is what brings us to such crises! We need to broaden our look, and prioritize national and human development, first.
- ◆ How is our action (of strikes) going to impact on the generation that is currently stalled? We need to engage in dialogues and focused negotiations that will yield equitable benefits to all. We must deal with teachers and or education issues comprehensively.

Hon. Jared Opiyo – MP, Awendo Constituency:



- ◆ There is a lot of dishonesty between the protagonists of the event. I think the biggest problem that is affecting teachers is that what segment of the teaching force P¹, who form the majority of the teaching force are the worst paid. So in such a state, they can easily push forward a strike because they have the numbers. We must therefore sort out the issue of P¹ salaries, for us to solve teachers' problems or burry strikes, if at all.
- ◆ The last time the clerks in job group G in the public sector were employed, the qualification that required was at least a D+, aggregate point in KCSE. Then you want to match them in the same group with teachers who had to score a C+ and above and still take up at least a 2 year-professional training?
- ◆ Teachers are well trained and if you give them a job and fail to pay them properly, you simply are inviting problems in the sector. Before we appreciate it as a problem, we will never sort out the mess.

- ◆ The government must create a proper scheme of service for all the teachers including those in primary school (P¹). Unfortunately not all the players have been engaged in these discussions. Were it not for EYC, some of stakeholders present could not have had such a chance to air their views. As representatives of the people, the national assembly must now take the center stage in this discussion. As a matter of urgency, we need to craft an interim measure of how our children can get back to class now. We need concerted efforts of all players and need to converge in these discussions, arbitrated by the POCE.

Hon. Sabina Chege – MP Murang'a County:



- ◆ We thank EYC for such an opportunity to discuss issues pertaining to education in this country. I believe a strike is not the only way to workers' victory over their rights. In any case, it complicates situations further.
- ◆ Once employed, I doubt the relevance of a CBA. I think focus should be on performance, accountability promotions. Any increments should be based on performance. We need to be candid, we need to be serious, bold, balanced and face the government and get solutions. We must be the voice for the children.
- ◆ Who follows budgetary allocations to school level? How can we evaluate and get accountability.
- ◆ I advise that EYC organizes a retreat to engage with us as well as other stakeholders further. It will be much faster for EYC to do so as we still are on recess and parliamentary processes for holding such meetings may take a longer time.
- ◆ Let me thank EYC, my team members from the National Assembly as well as every one else who has added a worthy voice to this debate.

3.1 FORUM RESOLUTION



After the deliberations, the forum reached a resolution that was compiled by the members of the Parliamentary Oversight Committee on Education and read by the committee Chairperson, Hon. Sabina Chege. This was

communicated through a press conference. The details are as follows:

- ❖ Free and compulsory quality basic education is our children's constitutional right. We as the oversight committee on education science and technology in parliament are deeply concerned that the right of our children in this country has been violated.
- ❖ We are gathered here to name the enemies of our children in this country and these are: the Ministry of Education, Ministry of Labor, the TSC and the teacher Unions. Why do we consider them as enemies of our children's growth? It is because the unions notified TSC and the said ministries about the strike over two months ago. These was not given time and thought and the talks we are seeing now, are just a last minute reactive measure.
- ❖ We have seen gross negligence and incompetence in the ministry of education, ministry of labor and TSC.
- ❖ We ask the unions, TSC and the ministries to reconvene and conclude their talks so that children are back to school by Thursday this week, (January 15, 2015). Failure to which, this committee shall demand that parliament convenes a special sitting to discuss the way forward regarding the teachers' strike, because this is a national crisis.
- ❖ We need to seriously discuss education matters in parliament: Form one selection is pending; and we ask the unions to be realistic and patriotic. We ask the teachers to accept what the government has to offer, for the sake of the children. This is the meaning of called patriotism. The government should also be sincere about what they can give or not give to teachers. We simply cannot move forward without education.
- ❖ Promises made to the unions should be depoliticized, feasible and implementable.

4.0 WAY FORWARD

- ⇒ EYC to convene another meeting (retreat) that would engage members of the Parliamentary Oversight Committee on Education, as well as other stakeholders. This is intended to help discuss deeper issues regarding education sector management and recommend best practices.
- ⇒ Gregory Naulikha, the Education Advisor at Canadian Cooperation Office, to share a paper that shall focus on how to stabilize the sector, drawing from trends and best practices within the region.

Annex 1: Attachments



**Attendance 13th
Jan. 2015(1).pdf**



**DATA FOR edited
2ND TERM AUG 2013**



**NOTE TO THE
PRESIDENT REGARDI**



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