

REPUBLIC OF KENYA

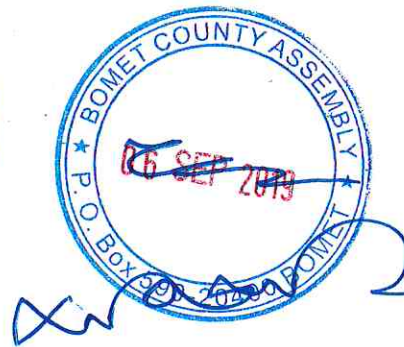


BOMET COUNTY ASSEMBLY

SECOND ASSEMBLY: SECOND SESSION

EDUCATION, YOUTHS AND SPORTS COMMITTEE REPORT
ON THE PETITION BY THE BOMET COUNTY ECDE
TEACHERS WELFARE ASSOCIATION

SEPTEMBER, 2019



Tabled on 11/9/2019
at 9.00am
C. A. M.

List of Acronyms/Abbreviations

CPSB-County Public Service Board

CEC-County Executive Committee Member

ECDE-Early Childhood Development Education

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Preface

The Committee on Education, Youth and Sports is one of the Sectoral committees established under the Standing Orders 193(1) and the Second Schedule of the Standing Orders.

Petition by the Bomet County ECDE Welfare Association

At inception, it has to be pointed out that the members of the public have a right to petition the County Assembly. **Section 15 (1)** of the County Governments Act, provides that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

The Bomet County ECDE Welfare Association, on behalf of 925 ECDE teachers engaged on contract basis by the County Government of Bomet in the year 2014, petitioned the County Assembly on matters affecting the ECDE teachers.

Mandate of the Committee

The Sectoral Committee on Education, Youth and Sports derives its mandate from provisions of Standing order 195(3) which defines functions of the Committee as being:

- a) 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;
- b) To study the program and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;

- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

Acknowledgement

Mr. Speaker Sir,

The Committee is grateful to the House through the Hon. Speaker for the support granted in executing its mandate in analysing and recommending the issues pointed out by the petitioner.

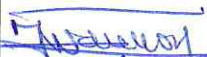
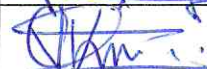
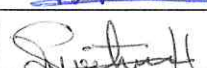
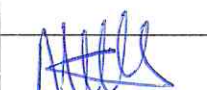
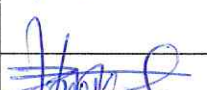
The Committee is also grateful to the office of the Clerk for facilitating and providing technical support to the Committee in the execution of its mandate. The Committee extends its appreciation to all the parties involved in the matter; namely the County Executive Committee member for Education and Vocational Training in their cooperation that yielded in timely production of this report.

The Committee acknowledges the exemplary services rendered by staff of the County Assembly namely; the Committee Services, the Research, and the Legal Departments. Indeed their commitment and devotion to duty have made work of the committee and production of this report successful. I wish to express my appreciation to the Honourable Members of the Committee who sacrificed time away from their families and residents to participate in the activities of the Committee including the extended committee sittings and report writing exercise

Ownership and Approval of the Report

Mr. Speaker Sir,

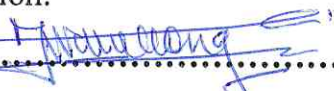
The following Honourable Members of the Committee, whose signatures have been appended to this report, do affirm our approval and confirm its accuracy, validity and authenticity: -

No.	Name	Position	Signature
1.	Hon .Joseph Kellong	Chairperson	
2.	Hon. Vincent Mutai	Vice Chairperson	
3.	Hon. Andrew Maritim	Member	
4.	Hon. Joseah Chepkwony	Member	
5.	Hon. Chepkirui Marcella	Member	
6.	Hon. Robert Rono	Member	
7.	Hon. Zadock Kilel	Member	

Chair's Approval

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of this Committee to table this report on the petition by the Bomet County ECDE Teachers Welfare Association.

Signed  Date 09/09/2019

Hon. Joseph Kellong

Chairperson of the Education, Youths and Sports Committee

1.0 Background

The petition was received by the Office of the Clerk on 10th December 2018 from Mr. Stanley Kimungen Rono, Richard Kipkemoi A.Chebusit and Judy Chelangat Towett on behalf of the Bomet County ECDE Teachers Welfare Association. It was read by the Hon. Speaker on 12th December 2018 during the afternoon sitting and committed to the Education, Youth and Sports Committee.

The following are the Names and Identification numbers of the petitioners who confirmed the details of the petition on behalf of the Bomet County ECDE Teachers Welfare Association.

NAME	NATIONAL ID NUMBER
Stanley Kimungen Rono	11432981
Richard Kipkemoi A.Chebusit	12554375
Judy Chelangat Towett	20762463

In dealing with the matter, the committee held five sittings to deliberate on the matter. The committee was able to engage the Petitioners and other respondents as per the requirements of the Standing Order and the Constitution of Kenya, 2010. The petitioners also affirmed to the Committee that the issues raised in the petition were not before any court of law, or constitutional or legal body. This guided the committee to pursue the petition with a lot of effort having learned that the ECDE teachers employed by the County Government experienced many challenges.

Mr. Speaker sir,

The petitioners, on behalf of Bomet County ECDE Welfare Association, in their petition stated that efforts to address the above issues with the relevant institutions including the Department of Education and Vocational Training and Bomet County Public Service Board yielded no satisfactory response.

1.2 Legal Framework

The legal framework for petitioning public bodies exist in Kenya as follows; **Article 37** of the Constitution of Kenya, 2010 provides that;

“Every person has a right, peaceably and unarmed, to assemble, to demonstrate, to picket and to present petitions to public authorities”

The County Governments Act under **Section 88** makes provision for citizens’ right to petition and challenge. The said section provides that;

- a) Citizens have a right to petition the county government on any matter under the responsibility of the county government*
- b) Citizens petitions shall be made in writing to the county government*
- c) County legislation shall give further effect to section 88 (1)*

Section 14(1) (b) of the County Governments Act provides that a county assembly subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

Standing Order 198(1) provides a petition to the County Assembly shall be-

- (a) Submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker; or
- (b) Presented by a Member on behalf of a petitioner, with the consent of the Speaker.

(c) Notwithstanding paragraph (1) (b), a Member shall not be eligible to present a petition on his own behalf.

(d) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.

(e) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(f) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly.

Standing order 201 gives the form of Petition and it provides that a petition shall be in the form set out in the Third Schedule and shall-

(a) be handwritten, printed or typed;

(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;

(c) be free of alterations and interlineations in its text; (d) be addressed to the County Assembly;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;

(f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;

(g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body.;

(h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;

(i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;

(j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;

(k) not have any letters, affidavits or other documents annexed to it;

(l) in the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and

(m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

Standing Order 205 further provides that every Petition presented or reported pursuant to this Part,

(1) shall stand committed to the relevant Sectoral Committee.

(2) whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes. (3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner of the decision of the County Assembly on the petition.

Standing order 206 requires the clerk to forward copies of responses received under Standing Order 205 (Committal of Petitions) to the petitioner or petitioners.

The Petition met all the above requirements.

1.3 Aims and prayers of the petitioners

Mr. Speaker Sir, while handling the petition, the Committee noted that ECDE teachers who were engaged by the County Government on contractual terms in January 2014 or thereabouts through the County Public Service Board were facing a lot of challenges including lack of scheme of service, poor working conditions, lack of refresher training, and lack of teaching materials among other challenges.

The petitioners particularly pointed out the following challenges in their petition.

- a) That they have served on contract basis since January 2014 earning a gross salary of Kenya Shillings Nine Thousand Seven Hundred (Kshs. 9,700/) for 9 months, then upgraded to Kenya Shillings Ten Thousand Seven Hundred (Kshs. 10,700/) since then they have not received any annual increment.
- b) That they have served without any grading system according to individual qualifications and all the teachers earn equal salary regardless of their qualifications whether one holds a degree, a diploma, a certificate or a short course.
- c) Lack of relevant and adequate teaching resources, materials and books for new curriculum.

In seeking redress to the stated issues, the petitioners' specific prayers are as follows;

1. Confirming all the qualified and legitimately recruited and appointed ECDE teachers who are on contractual terms to permanent and pensionable terms.
2. Placing all ECDE teachers on appropriate grading structure based on merit and professional qualifications.
3. Equipping all ECDE centres appropriately and facilitating in-service teacher development programmes to enhance professional competence.
4. Presentation of a supplementary budget to the Assembly for approval to enable it execute all these prayers with immediate effect within specified time frame.

1.3 Committee meetings

The committee on deliberating the petition came up with an action plan on how to dispense off the matter. The action plan entailed; invitation and meetings with the petitioners, CEC and report writing retreat .The Committee held a total of five (5) meetings which culminated towards the production of this report.

1.4 Taking of evidence

The Committee used a multidimensional strategy while collecting all the relevant information. This included meeting the petitioners and the CEC for Education and Vocational Training.

1.4.1 Submission by the petitioners

On Wednesday February 27th, 2019 from 11.00 am to 2.00 pm, the Committee invited the petitioners to appear before it in order to shed more light on the issues raised.

Objective of the meeting

- i. To ascertain the truth of the matters raised;
- ii. To get more clarification on the formation and the membership of the ECDE teachers association; and
- iii. For the committee to further interrogate the issues raised.

Submission from the petitioners

- i. That the Association was formed in the year 2011 but was still in process of registration.
- ii. That 925 ECDE assistants were employed by the County Government through the County Public Service Board in the Month of February 2014 on contract basis and they have not been confirmed since then.
- iii. That their monthly salary of Ksh.10,700 was too little and cannot sustain their livelihoods.
- iv. That the Association has made several efforts to pro-actively solve the matter but the County Executive department has been giving false promises.
- v. That all the teachers who are 49 years and below should be confirmed since most of them were below the age of 45 years when they joined the service in the year 2014.
- vi. That they had fears that a new County Public Service Board will sack them since it was the previous board that engaged them.
- vii. That they had not been given any confirmation letters as stipulated by law yet they had served for more than six months.
- viii. That some of the teachers' contracts were terminated in the year 2017 after the new Government under Governor Joyce Laboso came in place.
- ix. That the Association had opted to petition the Assembly to address the matter after trying all other means including but not limited to

approaching the outgoing County Public Service Board and the department of Education and Vocational Training.

1.4.2 Invitation of the CECM -Education and Vocational Training

The Committee invited the CEC for Education and Vocational Training, the following were key areas of discussion:

1. Employment of all the ECDE teachers on contract to permanent and pensionable terms
2. Placing all ECDE teachers on appropriate grading structure based on merit and professional qualifications.
3. Equipping all ECDE centres appropriately and facilitating in-set teacher development programmes to enhance professional competence.

1.4.3 Submissions from the CEC-Education and Vocational Training

On Wednesday 13th, March 2019 from 11.00am to 2.00pm, the Committee invited the County Executive Committee Member in Charge of Education and Vocational Training Honorable Juliana Yegon to appear before it to respond on the issues raised by the petitioners.

a. On Confirmation of ECDE teachers on contract

The CEC submitted that when the new Government came in place in September 2018, one of its priorities was to confirm all ECDE teachers but the department could not ascertain their exact numbers since some of the teachers had not been engaged formally by the County Public Service Board.

The CEC further submitted that to address the issue, the department initiated a staff audit process and later sent the audited names to the County Public Service Board for confirmation.

- (c) Lack of provision for relevant and adequate teaching resources, materials and books for the new curriculum

From the foregoing, we petition the Bomet County Assembly to resolve if it deems fit to have the County Government of Bomet implement the following with immediate effect:

- (i) Confirm all the qualified and legitimately recruited and appointed ECDE teachers by the Public Service Board who are on contract into **Permanent and Pensionable terms of service.**
- (ii) Place all ECDE teachers on **appropriate grading structure based on merit and professional qualifications** so far attained.
- (iii) **Equip all ECDE centers** appropriately and facilitate in-set teacher development programmes to enhance professional competence.
- (iv) Present a **supplementary budget to the Assembly for approval to enable it to execute all these petitions** with immediate effect within specified time-frame.

Yours faithfully,

Stanley Kimungen Rono
(Interim Chairperson)
Mobile no. 0713275488

..... 
(Signature)

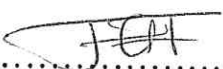
4th December 2018
(Date)

Richard Kipkemoi A. Chebusit
(Interim Secretary)
Mobile no. 0711511135

..... 
(Signature)

4th December 2018
(Date)

Judy Chelangat Towett
(Interim Treasurer)
Mobile no. 0720595550

..... 
(Signature)

4th December 2018
(Date)



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF BOMET
DEPARTMENT OF EDUCATION & VTI



MEMO

TO: THE COUNTY SECRETARY

FROM: CHIEF OFFICER/ EDUCATION & VOCATIONAL TRAINING

DATE: 22nd FEBRUARY, 2019

RE: LIST OF ECD ASSISTANTS AS PER THEIR QUALIFICATIONS

The above subject matter refers.
Forwarded herewith is a list of 457 ECDE Teachers who are in school and who went through CPSB for your perusal and further action. The list is based on the staff audit and thorough validation done by the Department. The teachers are arranged as per their qualifications as follows:

1. DEGREE HOLDERS: 18
2. DIPLOMA HOLDERS: 279
3. CERTIFICATE HOLDERS: 160
- TOTAL: ~~456~~ 457 and below



Chief Officer/ Education & Vocational Training Center

CC.

- CEO/SECRETARY PUBLIC SERVICE BOARD
- CECM/ EDUCATION & VOCATIONAL TRAINING CENTER

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

MINUTES OF THE MEETING FOR THE COMMITTEE ON EDUCATION, VOCATIONAL TRAINING, YOUTHS AND SPORTS HELD ON 9TH SEPTEMBER 2019 AT THE COMMITTEE ROOM 1 AT 1200 HRS.

MEMBERS PRESENT

1.	Hon. Joseph Kellong	Chairperson
2.	Hon. Vincent Mutai	Vice chairperson
3.	Hon. Robert Rono	Member
4.	Hon. Marcella Chepkirui	Member
5.	Hon. Zadock Kilel	Member
6.	Hon. Andrew Maritim	Member

MEMBERS ABSENT WITH APOLOGY

7.	Hon. Joseah Chepkwony	Member
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IN ATTENDANCE

1.	Silas Rop	Secretariat
2.	Jesca Chepngeno	Secretariat

AGENDA

1. Preliminaries
2. Confirmation of minutes of previous meeting
3. Adoption of report on the petition by the Bomet County ECDE Teachers Welfare Association
4. A.O.B
5. Adjournment

Min: 246/7/2019 Preliminaries

The Chair called the meeting to order and requested Hon. Vincent Mutai to open the meeting with a prayer

Min: 247/7/2019 Confirmation of Minutes.

The previous minutes were proposed by Hon. Marcella Chepkirui and Seconded by Hn. Zadock Kilel as true records of the previous meeting.

Min: 248/7/2019 Adoption of report on the petition by the Bomet County ECDE Teachers Welfare Association

The committee deliberated on the report and adopted it with the following recommendations;

1. That all the eligible ECDE teachers should be confirmed in appointment and admitted to permanent and pensionable establishment
2. That the CEC prepare a scheme of service for ECDE teacher and submit to the Assembly for approval within 60 days upon approval of this report.
3. That the CEC to should come up with a training and development policy for ECDE teachers within 60 days upon approval of this report
4. That the CEC to progressively increase of the budget allocation for equipping and purchase of teaching and learning materials for ECDE centres.

Min: 249/7/2019 Any Other Business

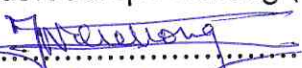
There was no A.O.B

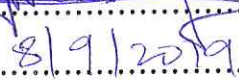
Min: 250/7/2019 Adjournment.

There being no other business, the meeting was adjourned at 1300hrs with a word of prayer from Hon.ZadockKilel.

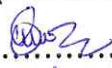
Confirmation

Honourable Joseph Kellong (Chairperson)

Sign.....

Date.....

Silas Rop (Committee Clerk)

Sign.....

Date.....