

TEACHERS SERVICE COMMISSION



Annual Report

2012-2013



ABBREVIATIONS

AIDS	- Acquired Immunity Disease Syndrome
ATS	- Approved Teacher Status
CAATs	- Computer Assisted Audit Technologies
CRMS	- Customer Relationship Management System
CDF	- Constituency Development Fund
CAJ	- Commission on Administrative Justice
CORT	- Code of Regulations for Teachers
CSR	- Social Corporate Responsibility
DB	- Defined Benefit
DC	- Define Contribution
DMS	- Document Management System
EMIS	- Education Management Information System
FPE	- Free Primary Education
FDSE	- Free Day Secondary Education
IDEA	- Integrated Data Extraction Analysis
HIV	- Human Immune Deficiency Virus
HRM&D	- Human Resource Management and Development
HRMIS	- Human Resource Management Information system
ICT	- Information Communication Technology
IFMIS	- Integrated Financial Management Information System
INSET	- In Service Training
KENEPOTE	- Kenya Network of Positive Teachers
MTP	- Medium Term Plan
MOEST	- Ministry of Education Science and Technology
NSSF	- National Social Security Fund
PER	- Public Expenditure Review
PTR	- Pupil Teacher Ratio
QAS	- Quality Assurance and Standards
QMS	- Quality Management System
TPC	- Teacher Proficiency Course
TSC	- Teachers Service Commission
TMIS	- Teacher Management Information System
VPN	- Virtual Private Network
NIEMIS	- National Integrated Education Management Information System



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EXECUTIVE SUMMARY

This Annual Report for the Financial year 2012-2013 is presented at a time the Commission is undergoing major reforms following the enactment of Kenya Constitution 2010 and the enactment of TSC Act no 20 of 2012. Under the new Constitution, TSC was transformed to a Constitutional Commission with expanded mandate. The report contains a message from the Commission Chairperson, Commission Secretary and a brief overview of the TSC functions from various directorates.

In addition, the report gives detailed information and key achievements made in the fulfillment of the Commission's legal mandates as provided under Article 237 of the Constitution as well as outlining the main challenges faced in the execution of its mandates and the intervention measures proposed to meet the challenges. The main challenges facing the Commission include, agitation for higher remuneration by the trade unions which may not be sustainable or affordable by the economy. Teacher shortage is due to increased enrolment as a result of the Free Primary Education (FPE) and Free Day Secondary Education (FDSE) policies introduced by the government to enhance access to education at the primary and secondary school levels. The shortage is further aggravated by the expansion of existing schools and establishment of new ones, thus escalating the demand for more teachers.

The report also presents unaudited financial statement for the 2012/2013 financial year. For example, The Commission utilizes 15% of the total government recurrent expenditure budget and over 50% of the Education Sector Budget. As at 2012/13 financial year budgetary allocation to the Commission stood at Kshs.140 billion. This allocation is made up of 98% teachers' salaries and only 2% for Secretariat salaries and for Operations and Maintenance. The budgetary allocation for Operation and Maintenance is significantly low hampering effective service delivery.

The Commission has been pursuing reforms aimed at improving service delivery and creating structures necessary for the implementation of the Constitution and the TSC Act 2012. Some of the reforms include:Automation of systems and processes, specifically teacher registration which is now fully online, online application for advertised posts, file tracking system, Document Management System (DMS), Customer Relationship Management System (CRMS) among others.

The Commission was ISO certified in 2010. The implementation of the Quality Management System (QMS) (ISO9001:2008) has greatly improved documentation of the Commission's processes, procedures and service delivery. The Commission is currently working on the recertification process.

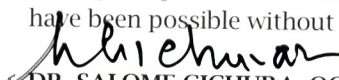


MESSAGE FROM THE COMMISSION CHAIRPERSON

I have the pleasure to present the TSC Annual Report for the year 2012/2013 in line with Article 254 (1, 2 and 3) of Kenya Constitution 2010. Teachers Service Commission is established under Article 237 of the Constitution with a mandate to; register trained teachers, recruit and employ registered teachers, assign teachers employed by the Commission for service in any public school or institution, promote and transfer teachers, exercise disciplinary control over teachers, terminate the employment of teachers, review the standards of education and training of

persons entering the teaching service, review the demand for and supply of teachers and advise the national government on matters relating to the teaching profession. In addition, the law mandates the Commission to; establish and maintain a Teachers Service adequate to the needs of public schools and tertiary institutions in Kenya, to compile and publish a Code of Regulations which shall apply to all registered teachers and may from time to time modify or amend it in such manner as it deems fit. Under article 250 (1) of the Kenya Constitution, like other Constitutional Commissions, TSC is required to have at least three (3) but not more than nine (9) members including the Chairperson, all appointed by the President after approval by the National Assembly. During the 2012-13 financial year, the Commission saw the exit of six (6) Commissioners who served under the old Constitutional dispensation following the expiry of their contracts. They include; L.W. Njeru (Mrs), M. K. Llanziva, D.A Kuno, R. M. Sereti (Mrs), M.K. Kilonzo (Mrs) and G. G Gichoga (Mrs). This left the Commission with only one Commissioner, Mr. Cleophas Tirop appointed under the new Constitution. The delay in the appointment of the Commission Chairperson and five other Commissioners has posed a big challenge in the implementation of the core TSC mandates. The situation is also posing legal challenges to the Commission. However, the appointment of two additional Commissioners namely; Dr. Salome Gichura and Saadia A. Kontoma has eased the process of addressing emerging issues by reorganizing the existing structures to improve service delivery. The process of the review of TSC policies to align them with the new laws commenced with the review of the TSC Code of Regulations and the Code of Conduct and Ethics. Once the relevant policies are in place, the Commission is expected to undertake far reaching reforms which will go a long way in improving service delivery to teachers. Although the Commission made significant achievements in the fulfilment of its mandates during the period, the following major challenges were experienced: Responding to queries on Nakuru Court case on 1997 salary award dispute, pressure from the trade unions, inadequate budgetary allocation for recruitment and promotion of teachers. There is also increased awareness by teachers on their rights leading to high number of litigation against the commission.

Finally, I wish to take this opportunity to recognize the generous support by the Government of Kenya in the provision of financial resources for recruitment of teachers and guidance in the day- to-day management of the Commission. I also wish to appreciate the efforts by the Commissioners, the Commission Secretary and Senior Management in the provision of strategic direction and leadership and all staff for their commitment and teamwork in facilitating the advancement of the Commission's strategic objectives and success in the execution of its mandate. All these achievements would not have been possible without their support and hard work.


DR. SALOME GICHURA, OGW
AG. COMMISSION CHAIRPERSON
TEACHERS SERVICE COMMISSION



THE POLICY MAKERS: TSC's new Commissioners appointed under the Constitution of Kenya 2010. From the left is Cleophas Tirop, OGW, Ag Chairperson Dr Salome Gichura, OGW and Saadia Kontoma, OGW. The Commission formulates policies to regulate the teaching service.

MESSAGE FROM THE COMMISSION SECRETARY

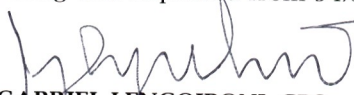


The Teachers Service Commission is presenting this report at a time when it is undergoing major reforms of decentralization and implementation of the TSC Act 2012 and other related regulations. TSC is required to review its structures in line with the Kenya Constitution 2010. The purpose of the 2012/13 TSC Annual report is to inform the National Government and stakeholders on Commission's performance in the fulfilment of core mandates according to the law. The report gives a critical self-assessment on how the Commission has progressively pursued its strategic objectives, the successes realized and challenges to service delivery that need to be addressed. Further, the report examines how resources have been utilized

in the last one year and ascertains levels of achievement. The Commission is positioning itself to deliver on the social pillar in Vision 2030 by providing effective and efficient teaching service for public educational institutions. In line with the e-governments initiative to automate the education sector, TSC successfully automated some of its systems and processes namely; online registration of teachers, online application for advertised posts, the file tracking system, document management system and customer relationship management system among others.

Although the Commission made significant achievements in the fulfilment of the Teacher Management functions during the 2012/2013 Financial Year, teacher shortage continued to be a major challenge. National teacher shortage stood at 84,459 which comprising of 42,950 for Post Primary and 41,509 for Primary. The budgetary provision for the Commission's operations is also inadequate, currently at the level of 0.04% of the total recurrent allocation. This has hampered the implementation of key support services including the management of discipline cases and monitoring the performance of teachers at the school level as well as digitization of TSC records. Increased funding will enable the commission to fully automate its functions. The level of automation is presently at 35%. However, as we move into the future, our resolve is to remain focused on pursuing our mandate and applying resources on strategies that ensure effective and efficient delivery of services to the teachers in all our offices countrywide.

Finally, I wish to take this opportunity to thank the Commission Chairperson, Commissioners, Directors, all Staff and stakeholders for their continued support that enabled us to achieve increased success in service delivery as reflected in our recent Customer Satisfaction Survey rating that improved from 54% in 2008/2009 to 76.8% in 2012/2013.


GABRIEL LENGOBONI, CBS
COMMISSION SECRETARY/CEO
TEACHERS SERVICE COMMISSION

OVERVIEW BY DIRECTORS

Director Finance



Cheptumo Ayabei

The Commission endeavours to be an institution of excellence in financial planning and management. This is achieved through prudent financial management practices and effective coordination of financial operations for a sustainable teaching service. In pursuit of this, TSC is guided by the provisions of the Constitution of Kenya 2010, The Public Finance Management Act 2012, Public Procurement and Disposal Act 2005 and The Public Procurement and Disposal Regulations 2006. Several changes in the way government conduct business had great impact on the TSC Budget. The shift in pension schemes from Defined Benefit to Defined Contribution Scheme, the new medical scheme from Medical allowance to Medical

insurance scheme, the review of salaries and allowances for all Public servants and Amendment of the NSSF Act significantly affected the TSC budget. In addition to all these, harmonization of teachers salary with those of public servants increased the Commission's budget from Ksh 116 billion in 2011/12 to Kshs 140 billion in 2012/13.

Director Accounts

Accounts directorate implements the Commission's budget and is responsible for accounting of all funds granted by parliament to TSC. It maintains proper financial and accounting records, which form the basis of preparation and submission of periodic statements of accounts. In addition, the directorate disburses employee salaries to the tune of Ksh 12 billion by the 29th day of each month. Further, statutory obligations (remittance of statutory deductions, submission of financial statements, filing of annual tax returns) were met within the stipulated deadlines. During the year, 2012-2013 TSC integrated the use of IFMIS and e-pay systems to ensure efficiency in payment processing.



Grace Ngure

Director Administrative Services



Simon Kavisi, OGW

The Directorate provides support services for the implementation of TSC core mandates in all service areas. These include office accommodation, transport, security, catering, gender and disability mainstreaming, customer care, integrity assurance, corporate communications, legal services, office services, records management, policy, planning, research and innovations and wellness that caters for the general health of the commission's staff.

To ensure full implementation of Kenya Constitution 2010 and TSC Act No. 20 of 2012, the Commission in the year 2012/2013 embarked on a comprehensive review of all its policies Code of Regulations for Teachers and Code of Conduct and Ethics to align them with the new law. The development of Child Protection policy, Work place policy on Gender Based Violence and Asset Management Policy was initiated. In addition, The TSC 2010-2014 Strategic Plan was implemented and Performance Contract documents developed, negotiated, signed with the government and implemented.

The Progress in the implementation of the performance contract was progressively monitored and reports were submitted to the government as required. With full implementation of TSC act no 2012, service delivery to our clients is expected to improve a great deal.

Director Internal Audit

The Internal Audit functions offers independent, objective assurance and consulting services designed to add value and improve the commission's operations. Specifically, advice on payroll management, procurement contracts and financial management is given to enhance service delivery. This has been achieved through improved effectiveness of risk management, control and governance processes. During the 2012-2013 year, the Commission institutionalized Information Technology Auditing and Governance by installing and implementing the use of Integrated Data Extraction Analysis (IDEA) system for data analysis and Team Mate management system for audit scheduling and reporting.



Shem Motuka

Director Information Communication Technology (ICT)



Francis Mwarucha

In order to run its numerous operations, TSC employs the use of ICT through a number of computer applications and systems. The ICT directorate supports and maintains all these applications and systems, throughout the Commission. The Information Communication Technology function is cross-cutting and therefore seeks to address connectivity and harnessing of the emerging technologies to enhance productivity and efficiency in the Commission. During the 2012-2013 year, TSC adopted an online module to enhance registration, application for promotions and accessing of pay slips. Further, the Commission continued implementation of the TSC ICT policy and strategy through engagement of a consultant spearhead the process.

Human Resource Management and Development

The Directorate is charged with the responsibility of Human Resource Planning, Payroll Management, Recruitment of Secretariat staff and Placement, Training and Development, Management of Employees Separation, Performance Management, Administration of employees Benefits, Developing, Implementing and Review of Human Resource Policies and Regulations, Management of the Resource Centre (Library), Career Management and Progression for Employees, Total Quality Management and Review of the Schemes of Service for TSC employees.

In this financial year the directorate effected on payroll 8708 promotions and appointment to various designations and grades. In addition, eight (8) training activities and twenty three (23) writing workshops were conducted for secretariat staff.



Josephine Maundu

Teacher Management



Nancy Macharia

The Directorate of Teacher Management is the professional arm of the Commission and is mandated to carry out the following core functions: to register trained teachers; to recruit and employ registered teachers; to assign teachers employed by the Commission for service in any public school or institution; to promote and transfer teachers; to exercise disciplinary control over teachers; to review the standards of education and training of persons entering the teaching service; to review the demand for and supply of teachers; and to advise the national government on matters relating to the teaching profession.

In addition, the TSC Act 2012 further mandates the Commission to facilitate career progression and professional development

for teachers, including the appointment of head teachers and principals and also to take all the necessary steps to ensure that persons in teaching service comply with the standards prescribed by the Commission.

During the year under review the directorate implemented various policies related to teacher management. These include policy on teacher recruitment, policy on management of discipline of teachers, policy on deployment of institutional administrators and the policy on post basic qualification. Most of these policies are undergoing review to align them with the Constitution of Kenya (2010) and the TSC Act 2012.

A major milestone achieved was the rolling out of online teacher registration. This has enhanced the teacher registration process immensely. Thus 18,669 teachers were registered in 2012/13 alone which is a 64% increase from the previous year. In addressing teacher shortages brought about by increased enrollments, opening of new schools and natural attrition, the Commission recruited 10,000 additional teachers and replaced 2,091 teachers who left service through natural attrition for both Post Primary and Primary Schools.

VISION, MISSION CORE VALUES AND MANDATE

Vision Statement

The vision of the TSC is “to be an institution of excellence in the provision of efficient and effective service for quality teaching”

Mission Statement

Mission is “to establish and maintain a sufficient, professional teaching service for public educational Institutions”. This is in tandem with the Commission's mandate of providing adequate and professionally qualified teachers to all public institutions. This Vision, Mission and the attendant programmes are aimed at contributing to the overall national goal in the education sector of enhancing access to, equity and quality education to the Kenyan child.

Core Values

- i **Professionalism:** All TSC staff shall observe requirements for professional conduct. The employees are expected to apply the skills, knowledge, competencies that meet the standards needed for the work assigned.
- ii **Customer Focus:** The Commission is committed to placing the customer first by upholding the philosophy of customer driven business management. Employees are expected to exhibit a high level of responsiveness to customer needs.
- iii **Integrity:** TSC staff members are expected to conduct themselves in a manner that demonstrates honesty, moral and ethical standards, and commitment to work. This shall be in line to the aspirations of Chapter 6 of the Constitution, and the TSC Code of Conduct and Ethics reviewed from time to time.
- iv **Team spirit:** The TSC staff members are committed to working through cross-status and cross functional teams. Staff members are equipped to handle work relationships; and share new information with colleagues.
- v **Innovativeness:** Staff members are encouraged to introduce new ideas and approaches in service delivery.

TSC Mandate

The functions of the Commission are spelt out under article 237 sub-section 1-3 of the Constitution of Kenya as follows:-

- i. To register trained teachers;
- ii. To recruit and employ registered teachers;
- iii. To assign teachers employed by the Commission for service in any public school or institution;
- iv. To promote and transfer teachers;
- v. To exercise disciplinary control over teachers; and
- vi. To terminate employment of teachers.

The Commission shall:-

- i. Review the standards of education and the training of persons entering the teaching service.
- ii. Review the demand for the supply of teachers.
- iii. Advise the national government on matters relating to the teaching profession.

To operationalize this, TSC is implementing the TSC Act No 20 of 2012 that requires the Commission to among others:

- Develop a framework on teaching standards and ensure that teachers comply with the same;
- facilitate career progression and professional development for teachers in the teaching service including the appointment of head teachers and principals;
- monitor the conduct and performance of teachers in the teaching service;

REPORT ON COMMISSION'S CORE MANDATE

Teacher Registration

The Constitution of Kenya 2010 mandates the Commission to register trained teachers in both public and private institutions. Registration of teachers aims at ensuring that professionalism and quality standards are maintained within the teaching service. Further, the TSC Act 2012 Clause 23 (2) provides that no person shall engage in the teaching service unless such a person is registered as a teacher.

To enhance efficiency in the registration process, TSC has rolled out online teacher registration. This increased the number of teachers registered from 10,000 in 2011/12 to 18,669 in 2012/13.

In the last three years ending June 30th 2013, The Commission registered 38,056 teachers as summarized in table below.

Table 1: Trends in Teacher Registration 2010/11-2012/13

Year	Number of Teachers	% Increase/Decrease
2010/11	10,056	-
2011/12	10,000	-0.6
2012/13	18,000	64
Total	38,056	63.4

Source: TSC Directorate of Teacher Management

Recruitment of Teachers

The objective of teacher management is to establish and maintain a sufficient, professional teaching service for all public educational institutions in Kenya. To this end, the Commission undertook this function at two levels, that is, recruitment of additional teachers to mitigate teacher shortages and recruitment of replacement teachers to replace those who exited teaching service through natural attrition to maintain the teachers' establishment.

In the financial year 2012/2013, a total of 12,091 teachers were recruited both in Post Primary and Primary Schools. Post Primary recruited 5,403 additional teachers and 326 replacement teachers (those who left service and for natural attrition) totaling to 5,729 teachers, while primary recruited 5,682 additional teachers and 680 replacement teachers totaling to 6,362 teachers.

Table 2: Recruitment of teachers

Level	Primary	Post Primary	Total
No. of additional teachers recruited	5,682	5,403	11,085
No. of replacement teachers recruited	680	326	1,006
Total	6,362	5,729	12,091

Source: TSC Directorate of Teacher Management

Table 3: Trends in Teacher Recruitment

FY	Number Recruited
2010/11	18,060
2011/2012	5,000
2012/13	12,091
TOTAL	35,151

Source: TSC Directorate of Teacher Management

Teacher shortage however continues to be the greatest challenge in provision of quality education. The shortage stood at 84,459 as at 30th June 2013 which comprises of 42,950 post primary and 41,509 for primary institutions. This is shown in Table 4 and Annex 1 respectively.

Table 4: National Staffing Position July 2013

NATIONAL SUMMARY							
S/NO	REGION	SCHOOLS	NO OF CLASSES	ENROLMENT	C.B.E.	TOD	TOTAL SHORTAGE
1	CENTRAL	971	7043	323225	17180	12032	5125
2	COAST	310	2350	102240	5466	3053	2429
3	EASTERN	1504	9293	370490	21543	12216	9322
4	NAIROBI	81	975	42826	2310	1892	440
5	NORTH EASTERN	93	559	25989	1308	941	435
6	NYANZA	1352	8804	372182	20418	11522	8896
7	RIFT VALLEY	1691	10541	450064	24337	14434	9903
8	WESTERN	805	5866	253974	13789	7728	5942
9	TECHINICAL	49		48147	3596	3233	404
10	DIPLOMA COLLEGE	4		2902	338	303	35
11	PRIMARY TTC	22	480	19208	1345	1326	19
	TOTAL	6882	45911	2011247	111630	68680	42950

Source: TSC Directorate of Teacher Management

The introduction of Free Primary Education (FPE), Free Day Secondary Education (FDSE) and other financing sources (CDF, LATF and private-public partnership) has continued to increase access to education. Consequently, it is projected that by 2016/17 more than 154,392 additional teachers will be required in primary and post primary institutions. The government should therefore prioritize investing in this area.

Deployment

Teacher deployment refers to the process of assigning teachers duties in institutions based on staffing gaps. Deployment aims at equitable teacher distribution for optimal utilization and providing competent administrators to public education institutions. This is achieved through transfers, teacher balancing, postings and deployment of institutional administrators. During the period, the Commission deployed 707 heads of post primary institutions to various institutions throughout the country. Similarly, 2,911 transfers were granted 980 to primary school teachers and 1,931 for Post Primary teachers, while 1,037 teachers were posted upon returning from study leave and discipline process.

Promotion

The Commission promotes teachers based on the requirements of the various schemes of service. This is based on the approved establishment and the budgetary provision. During the year 2012/2013, the Commission advertised, interviewed, and subsequently promoted 338 teachers from Job Group L to M. In addition, 5,286 teachers were promoted through Teacher Promotion Course (TPC), 3402 from PI-AT IV and 1884 from AT IV - AT III. A total 19,355 teachers on common cadre were promoted comprising of 6,563 to job group J, 9,751 from Job Group J-K and 3,141 from Job Group K-L.

In the last three years, 28,830 teachers were promoted to various grades as shown in the table below.

Table 5: Trends in Teacher Promotion

Financial Year	Teacher Proficiency Course	Promotion Through Competitive Selection					TOTAL
		J.G M	J.G N	J.G P	J.G Q	J.G R	
2010/2011	5,000	8,920	452	30	5	3	14,410
2011/2012	5,000	2,074	1,489	162	41	30	8,796
2012/2013	5,286	338	-	-	-	-	5,624
TOTAL	15,286	11,332	1,941	192	46	33	28,830

Source: TSC Directorate of Teacher Management

Table 6: Common cadre promotion Job Group J - L

S/No	GRADE	Number of Teachers Promoted
1.	J	6,563
2.	K	9,751
3.	L	3,141
TOTAL		19,355

Source: TSC Directorate of Human Resource Management and Development

During the year under review, the Commission was not provided with adequate funds to undertake this function and consequently there were no promotions in job Group N and above. Towards this end, there is need to provide more funding to address stagnation as indicated in the table below.

Table: 7 Teachers who have served in one job group for more than five years

S/No	Details	Job Group	Over 5yrs
1	Chief Principal	R	16
2	Senior Principal	Q	11
3	Principal Teachers	P	97
4	Principal Graduate Teacher II	N	3,636
5	Senior Graduate Teacher	M	7,454
6	Graduate Teacher I	L	12,411
7	Graduate Teacher II	K	456
8	UT Graduate Teacher/ S1 Diploma /ATS III	J	133
9	UT Tech Teacher/ATS IV	H	22,629
10	P1 Teacher	G	55,815
Total			102,658

Source: TSC Directorate of Human Resource Management and Development

Review the Standards of Education and Training of Persons Entering the Teaching Service

The Constitution of Kenya 2010 empowers the Commission to review the standards of education and training of persons entering the teaching service. Further, the TSC Act 2012 mandates the Commission to ensure teachers comply with the teaching standards as prescribed by the TSC; monitor the conduct and performance of teachers; and facilitate teachers' continuous professional development.

During the period under review, the Commission carried out standard assessment in a number of institutions to ensure compliance with the teaching standards and also interviewed 989 teachers to assess their suitability for upgrading on attainment of higher academic qualifications. Further, the Commission developed guidelines to guide teacher training institutions and teacher trainees on entry qualifications for various levels of teacher education and subject areas of need.

In addition, TSC has held consultative forums with Teacher Training Institutions, which include Kenyatta University, Egerton and CEMASTEAM among others, and given guidance/advice on modules required for the Professional Teacher Development to enable the practicing teachers remain focused and relevant.

Teacher Discipline

The objective of exercising disciplinary control over teachers is to enhance professionalism and integrity in the teaching service. This is achieved through enforcement of the Code of Regulations and the Code of Conduct and Ethics for teachers and the Secretariat staff. The discipline function in TSC is conducted through established discipline panels comprising TSC Commissioners and Secretariat staff.

A significant number of indiscipline cases arise out of ignorance of the rules and regulations governing the conduct of teachers and Secretariat Staff. Indiscipline in the teaching service also manifests itself in different forms with the most common being desertion, absenteeism, negligence of duty, and professional misconduct. In the 2012/13 period, 1027 cases were registered both for ordinary and immoral behavior. A total of 1187 cases which include 160 pending cases from the previous year were finalized.

Table 8: Trend for Registered cases for the year 2010/2011 -2012/2013

NATURE OF OFFENCE	NO. OF CASES REGISTERED		
	2010/2011	2011/2012	2012/2013
Desertion	854	781	733
Absenteeism	60	76	60
Immoral behavior	166	140	92
Misappropriation /Embezzlement	60	18	10
Fraud/Forgery	19	21	11
Professional Misconduct	105	7	32
Insubordination/Incitement/Corporal Punishment	112	100	54
Criminal offence	4	1	3
Negligence of duty	-	-	26
Exam Irregularities cases	-	124	6
TOTAL	1380	1268	1,027

Source: TSC Teacher Management (Discipline)

Over the last three years, the Commission intensified sensitization programmes aimed at improving professionalism and retaining teachers in class. This led to significant reduction of cases recorded as depicted in the table below.

Table 9: Trends For Dispensed Discipline Cases For The Years 2010/2011-2012/2013

S/NO	DECISION	2010/11	2011/12	2012/13
1	DISMISSED	294	212	297
2	CONTRACT TERMINATED	0	19	8
3	SUSPENDED	742	713	647
4	WARNED	168	165	153
5	REVOKED	47	22	17
6	LIFTED	32	27	19
7	REINSTATED INTO REGISTER OF TEACHERS	2	5	9
8	REMOVED FROM REGISTER OF TEACHERS	87	63	56
9	DENIED REINSTATEMENT INTO REGISTER OF TEACHERS	0	3	0
18	TOTAL	1372	1229	1206

Source: TSC Directorate of Teacher Management

Table 10: Trend on registered discipline cases in the last three years

YEAR	NO. OF CASES REGISTERED
2010/2011	1,380
2011/2012	1,268
2012/2013	1,027

Source: TSC Teacher Management (Discipline)

INTEGRATED SUPPORT SERVICES

These are technical services that support delivery of Commission's core mandate. They include accounting services, administrative services, finance services, human resource management and development services, information and communication technology services and internal audit services.

Finance and Accounting Services

The Commission's 2012/13 budget was prepared at Kshs 119,802,263,563. Following harmonization of teachers' salaries with those of civil servants, the budget was revised to Kshs 140.41 billion comprising of Kshs 139 billion for salaries and Kshs 517 million for operational expenses for both headquarters and counties.

During the year under review, the Commission complied with the provisions of The Public Finance Management Act 2012 and the Constitution of Kenya 2010. Towards this, several manuals were developed to operationalize it namely, Finance and Accounting Manual, the County Finance Management Manual and The procurement Manual. The Commission complied 100% with the set budgetary levels and all statutory requirement. During the presidential award ceremony for tax remitters, TSC was ranked the highest PAYE remitter in the country having remitted Kshs 22.5 billion.

Below is an analysis of TSC's budget for the last three years

Table 11: Analysis of Commission Total Expenditure 2010/11-2012/13 Financial Year (Kshs Millions)

	PRINTED ESTIMATES			APPROVED EXPENDITURE			ACTUAL EXPENDITURE		
	2010/ 2011	2011 /2012	2012/ 2013	2010 /2011	2011/2012	2012/2013	2010/ 2011	2011 /2012	2012/ 2013
RECURRENT	96,821	103,488	137,460	99,341	112,049	140,411	99,441	112,425	140,410
DEVELOPMENT	30	-	-	30	-	-	11	-	-
TOTAL	96,851	103,488	137,460	99,371	112,049	140,411	99,452	112,425	140,410
REC AS % OF TOTAL	99.97%	100.00%	100.00%	99.97%	100.00%	100.00%	99.99%	100.00%	100.00%
DEV AS % OF TOTAL	0.03%	0.00%	0.00%	0.03%	0.00%	0.00%	0.01%	0.00%	0.00%
ANALYSIS OF EXPENDITURE BY ECONOMIC CLASSIFICATION									
	APPROVED EXPENDITURE			ACTUAL EXPENDITURE					
	2010/2011	2011/2012	2012/2013	2010/2011	2011/2012	2012/2013			
Recurrent Budget									
Compensation to employees		99,307	111,669	139,505	99,128	111,843	139,505		
Use of goods and services		313	362	602	292	545	608		
Acquisition of non-financial asset		21	18	304	21	37	297		
Total recurrent budget		99,641	112,049	140,411	99,441	112,425	140,410		

Internal Audit Services

To enhance capacity on School Financial Management, the Commission trained its auditors to effectively deal with discipline cases on school financial misappropriation /mismanagement. A Paradigm shift in audit practice from pre-audit to systems, risk based and value for money audits was adopted during the year.

In addition, Computer Assisted Audit Technologies (CAATs) was institutionalized through use of IDEA and Teammate audit software's. A post analysis of teachers' payroll was carried out using IDEA to ascertain the effectiveness of appointments, promotions, and deployments, change of salary scale points and payment of arrears to teachers.

Information and Communication Technology services

During the year, TSC witnessed tremendous growth in ICT capacity, which has contributed to effective cost management and reduction in duplication of effort in performing different tasks. The aims was increase efficiency in operations and to ensure services are available to the teacher and other stakeholders on the TSC website (www.tsc.go.ke) and teachers' portal (www.teachersonline.go.ke). Teachers are now able to access pays lips, apply for registration and promotion online and can keep track on the progress.

Teacher Management Information System (TMIS)/ National Integrated Education Management Information System (NIEMIS) on data integration was redesigned and database schema developed. An ICT baseline survey carried out by e-government indicated that TSC had a 50% achievement in computerization of its functions. In addition, TSC website was upgraded in accordance with e-government standards to make it more interactive.

The year also witnessed mass digitization of records notably, file tracking process was completed, VPN was rolled out and tested in 12 counties. Testing of the IFMIS Payroll module was initiated and is now awaiting complete functionality.

Administrative Services

Following enactment into law of the TSC Act no 20 of 2012, TSC decentralized its functions to counties. Operationalization of these county offices has seen the number of teachers and mail received at the headquarters significantly reduce. For instance, the number of mail received reduced from 731,967 to 581,551.

In addition, upon fulfillment of all the conditions set by the Commission on Administrative Justice (CAJ), the Commission was granted a Certificate of Compliance by CAJ after attaining a composite score of 70% on resolution of public complaints. On Corporate Social Responsibility (CSR), the Commission participated in two campaigns; the "seeing is believing" organized by standard Chartered Marathon and the Mater Heart Run.

During the year 2012-2013, 11,529 teachers and Secretariat Staff were Sensitized on HIV stigma reduction in nine (9) counties. A number of Wellness Sub-Units were operationalized and social support groups equipped with leadership skills in 12



counties. In addition, nutrition supplements were supplied to 800 TSC employees and 1,916 TSC employees were sensitized on Primary Health Care. The Commission also Sourced and awarded bursaries to three hundred and sixty six (366) secondary school going children of Kenya Network for Positive Teachers (KENEPOTE) members

Human Resource Management and Development Services

The Commission conducted a Skills and Competency Needs Assessment survey (2012 - 2013) for the secretariat staff and sample public learning institutions in parts of Central, Coast, Rift Valley and Western regions. The survey revealed that training had a positive impact and enabled officers to perform their assigned duties more efficiently and effectively.

During the year 2012-2013, a total of 921 voluntary retirement and 1154 Death gratuity cases were processed and submitted to Treasury for payment and 1079 NSSF benefits claims processed and submitted to the managing trustee. In addition, 11624 teachers aged 50 years and above were sensitized on retirement issues.

FINANCIAL REPORT

This financial report is presented pursuant to section 68 (2) (k) of Public Finance Management act 2012. Below is the unaudited report for the 2012-2013 year.

STATEMENT OF COMPREHENSIVE INCOME		
<u>FOR THE YEAR ENDED 30 JUNE 2013</u>		
<u>INCOME</u>	<u>2012/2013</u>	<u>2011/2012</u>
	-	-
	KSHS.	KSHS.
TOTAL INCOME	140,185,162,498	112,657,855,681
EXPENDITURE		
PERSONAL EMOLUMENTS		
T.S.C. Secretariat	3,285,022,822	1,829,784,655
Primary, Secondary & Special Institutions	135,757,612,157	110,013,255,188
	139,042,634,979	111,843,039,843
Operation Expenses	100,609,399	75,702,737
Maintenance Expenses	188,712,775	112,158,319
Other Expenses	326,816,334	357,421,291
Depreciation	53,139,729	64,345,874
	669,278,237	609,628,222
Total Expenditure	139,711,913,216	112,452,668,065
Deficit / Surplus	473,249,282	205,187,616

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2013

<u>ASSETS</u>	2012 / 2013	2011/2012
<u>NON-CURRENT ASSETS</u>	KSHS.	KSHS.
-		
Property, Plant and Equipments	1,570,790,954	1,396,950,994
Mortgage Fund	150,000,000	
Total Non-Current Assets	1,720,790,954	1,396,950,994
<u>CURRENT ASSETS</u>		
Inventory	11,654,249	9,914,325
Trade and other Receivables	383,888,265	2,785,288,945
Cash on Hand and Bank Balances	865,271,796	705,851,707
Short Term Deposits Pioneer Building Society	6,618,980	6,618,980
Interest Receivable - P.B.S.	1,194,270	1,194,270
Total Current Assets	1,268,627,561	3,508,868,229
<u>CURRENT LIABILITIES</u>		
Trade and other Payables	799,881,419	3,190,881,918
Provision for bad debts	13,700,208	13,700,208
Provision for Contingency Liability	382,838,879	382,838,879
Total Current Liabilities	1,196,420,507	3,587,421,005
Net Current Assets	72,207,055	(78,552,777)
TOTAL ASSETS	1,792,998,009	1,318,398,217
<u>EQUITY AND LIABILITIES</u>		
Revaluation Surplus Fund	42,000,000	42,000,000
Accumulated Fund	1,750,998,009	1,276,398,217
Total Equity	1,792,998,009	1,318,398,217
The financial Statements were approved by the Commissioners on 18th September, 2013 and signed on its behalf by :-		
GABRIEL K. LENGOIBONI EBS, CBS	Ms SAADIA KONTOMA	DR SALOME GICHURA
SECRETARY/CHIEF EXECUTIVE	COMMISSIONER	OGW
T.S.C.	T.S.C.	AG. CHAIRPERSON
T.S.C.	T.S.C.	T.S.C.
Date: 18/9/2013	18/9/2013	18/9/2013

STATEMENT OF CASH FLOW FOR THE YEAR ENDED 30 JUNE, 2013

	YEAR ENDED 30.6.13		YEAR ENDED 30.6.12	
	TOTAL		TOTAL	
<u>OPERATING ACTIVITIES</u>	KSHS.	KSHS.	KSHS.	KSHS.
Excess Income/ Over Expenditure/Income		473,249,282		205,187,616
Less Gain on Sale of Motor Vehicles		-		(2,364,132)
Adjustments for items not involving cash movement				
Add: Depreciation - Motor Vehicles				4,924,808
-Furniture & Equipment	3,889,348			23,220,026
-Computer Equipments	21,525,255			
		27,725,125		36,201,041
		53,139,729		64,345,875
Less : Donation - Computer Equipments		(700,000)		
				267,169,359
		525,689,011		
Adjustment for changes in working Capital/Operational balances				
Decrease /Increase in accrued expenses				
Provision for Contingent Liability				
Decrease / Increase in stationery		(1,739,924)		3,407,681
Decrease / Increase in Debtors		2,401,400,680		(886,001,452)
Decrease / Increase in Creditors				1,308,153,972
		(2,391,000,499)	8,660,257	425,560,200
Net cash inflow - operating activities		534,349,269		692,729,560
INVESTING ACTIVITIES				
Sale of Motor Vehicles				3,056,000
Work In Progress				-6,290,815
Loss of Stores-computers		9,281,160		
Purchase - Permanent Equipment				
Adjustments on Equipments (Note 7) - Computers		-12,390,000		-28,450,443
- Furniture		-15,771,641		-2,265,684
- Motor Vehicles				
		(207,399,209)	(235,560,849)	(3,263,600)
Net cash inflow - investing activities		(226,279,689)		(37,214,542)
FINANCING ACTIVITIES				
Statutory Barred Stale Cheques				
Mortgage Fund		1,350,510		2,139,754
		(150,000,000)		
Net cash inflow - financing activities		(148,649,490)		
Decrease In Cash		159,420,089		657,654,771
Change in cash				
Closing cash balance NOTE 10		865,271,796		705,851,708
Less: Opening cash balance		705,851,708		48,196,937
Decrease in Cash		159,420,089		657,654,771

i. Teacher shortage in Primary and Post Primary Institutions

This arises from unplanned establishment of new schools without exhaustive consultation with TSC, expansion in existing schools and increased number of National schools and the Centres of Excellence. There is serious Shortage of teachers in the rural- ASAL areas and in certain subjects at the secondary school level. Following the implementation of compulsory free primary and free day secondary education, the Teacher: Pupil ratio has increasingly gone up resulting to big workloads for teachers making it difficult to have personal attention for learners

ii. Limited funding

The Commission lacks adequate funding to meet the cost of the expanded TSC mandates, decentralization of TSC functions at the counties, recruitment, promotions, provision of adequate office equipment at the headquarters and counties, capacity building and review of its policies and other documents to align them with the new laws. An annual provision for TSC operations and maintenance is only 0.04 percent of allocations on personal emoluments. In addition the Commission rarely benefits from the Development Vote allocations in the budgetary cycle. This situation adversely affects service delivery and ultimately compromises the quality of teaching services and overall learning outcomes.

Other challenges that affect the operations of the Commission include:

iii. Management of discipline cases

There rising cases of professional misconduct among teachers being manifested in various forms such as desertion, absenteeism, negligence of duty among others. Other challenges include; delays in the submission institutional final audited reports by the Ministry of Education which hamper immediate corrective action by the Commission, Limited number of officers with technical capacity to investigate cases and interpret reports, failure by accused teachers and some witnesses to appear for the hearing among others

iv. Rising number of Court cases

There has been a sharp rise in Court Cases instituted by teachers to challenge the Commission's decisions on discipline, transfers, postings etc. Responding to queries on Nakuru Court case (1997) has become a major challenge

v. Stagnation

Many teachers have stagnated at on grade for many years due to Limited opportunities for upward mobility among the various cadres of teachers. This has resulted low morale, poor performance of duties and indiscipline cases

vi. Processing of pension benefits for teachers

These include: Outdated Pension process documents like the GP 178 & 213, Multiple next of kin and Legal battles emanating from next of kin or spouses of retirees delaying the process and delay in submission of required documents by retirees and next of kin, Manual processes which negatively impact on the fast tracking of the pension process, delayed payment of retirement benefits and death gratuity benefits by the Treasury leading to constant inquiries by clients and delays in issuing Income tax clearance certificates by the KRA due to Tax liabilities causing delay in the pension processing.

vii. Largely manual operations

Currently the TSC manages over 280,000 active teachers's files and a similar number of inactive files through a manual records management system. This has occasional caused delays in service delivery.

viii. Delay in the appointment of Commission Chairman and 5 other Commissioners

Under article 250 (1) of the Kenya Constitution 2010 the commission is required to have a maximum of nine (9) including the chairman. Currently the commission has only three commissioners. The controversy and delay in the appointment of the Commission Chairperson and other five Commissioners has posed a big challenge in the implementation of the key constitutional requirements TSC mandates especially the management of discipline cases and promotions.

RECOMMENDATIONS

Recommendations

Based on the above cited challenges, the Commission wishes to request support from the government in the following:

1. Provision of adequate funds for:-
 - i. Recruitement of 20,000 teachers annually to address the current shortage that stands at 84,459
 - ii. Promotion 42,000 teachers annually;
 - iii. Teacher Capacity Development;
 - iv. Transport, logistics and infrastructure for field offices;
 - v. O&M for the TSC headquarters
2. Provide funds to fast track the automation of the TSC operations and creation of linkages with the counties and sub-county offices.
3. Additional funding to enhance the ongoing capacity building for teachers in curriculum delivery to incorporate emerging programmes such as integration of ICT in learning.

CONCLUSION

Investment in human capital is an important ingredient to the realization of the country's development goals. Quality human resources in the education sector is a key factor not only in terms of resource utilization in the sector but also in the setting of standards. Teacher shortages have been widespread as a result of increased enrolment arising from FPE and FDSE and other government initiatives without commensurate recruitment of teachers. This has impacted negatively on the quality of education and this situation needs to be reversed.

In order to deepen the ongoing reforms in curriculum implementation the Commission must undertake a comprehensive review of its Codes of Regulations and Policies and develop implementation guidelines in line with the Constitution and TSC Act 2012. In addition there is need for a comprehensive programme to continuously sensitize TSC employees on various legislation and regulations that will enhance their contribution and performance in delivery of teaching services.

This report has indicated that TSC's operations and maintenance budget is seriously underfunded. In this regard efforts should be made to mobilize additional resources to supplement the annual budgetary allocations from the National Treasury that is largely consumed in personal emoluments for teachers.

ANNEX

Staffing Situation of Primary Schools as at 30th June 2013

COUNTY	Sch	Classes	Enr. Female	Enr. Male	Total	Teachers Female	Teachers Male	Total	Est	Under	Over
BARINGO	633	5250	72903	77399	150302	2642	2736	5378	5381	-3	
BOMET	582	5733	101617	103401	205018	1771	2646	4417	5876	-1459	
BUNGOMA	564	8243	205494	201613	407107	3496	3405	6901	8449	-1548	
BUSIA	410	5380	118251	117943	236194	1933	2193	4126	5515	-1389	
ELGEYO/MARAKWET	359	3510	55150	55339	110489	1318	1783	3101	3598	-497	
EMBU	299	3047	47652	47724	95376	1664	1364	3028	3123	-95	
GARISSA	81	669	11068	16943	28011	180	336	516	686	-170	
HOMA BAY	828	7974	144117	150339	294456	2457	3654	6111	8173	-2062	
ISIOLO	61	551	9492	9855	19347	268	266	534	565	-31	
KAJIADO	394	3762	66351	70885	137236	1606	1248	2854	3856	-1002	
KAKAMEGA	804	11486	250471	241437	491908	4709	4643	9352	11773	-2421	
KERICHO	460	5230	93392	95549	188941	2064	2363	4427	5361	-934	
KIAMBU	513	6811	121701	124552	246253	4219	2320	6539	6981	-442	
KILIFI	508	6642	137548	142172	279720	2106	2839	4945	6808	-1863	
KIRINYAGA	199	2493	46528	46437	92965	1481	1248	2729	2555	0	174
KISII	682	8278	144034	141391	285425	2948	4359	7307	8485	-1178	
KISUMU	567	5859	112639	111574	224213	2496	2643	5139	6005	-866	
KITUI	1159	10304	161115	165221	326336	3615	4304	7919	10562	-2643	
KWALE	324	3750	75954	79035	154989	1143	1623	2766	3844	-1078	
LAIKIPIA	243	2506	39661	41741	81402	1129	1175	2304	2569	-265	
LAMU	71	681	10492	11244	21736	320	381	701	698	0	3
MACHAKOS	800	8136	132104	136138	268242	3825	3606	7431	8339	-908	
MAKUENI	933	9058	143982	149182	293164	3563	3838	7401	9284	-1883	
MANDERA	164	1434	23704	43756	67460	139	628	767	1470	-703	
MARSABIT	154	1325	24059	26882	50941	365	713	1078	1358	-280	
MERU	684	8226	143533	137441	280974	3556	3310	6866	8432	-1566	
MIGORI	619	7039	129686	134207	263893	2123	2993	5116	7215	-2099	
MOMBASA	97	1677	36651	38485	75136	1263	461	1724	1719	0	5
MURANG'A	451	5528	91916	94742	186658	2841	2534	5375	5666	-291	
NAIROBI CITY	173	3657	88026	83655	171681	3075	678	3753	3748	0	5
NAKURU	575	8287	169034	172404	341438	3817	3306	7123	8494	-1371	
NANDI	635	6062	97079	96946	194025	2431	2621	5052	6214	-1162	
NAROK	506	5442	97523	107454	204977	1397	2149	3546	5578	-2032	
NYAMIRA	403	4442	67926	68280	136206	1672	2400	4072	4553	-481	
NYANDARUA	310	3647	62734	64320	127054	1476	1614	3090	3738	-648	
NYERI	450	4628	68788	72063	140851	2594	1828	4422	4744	-322	
SAMBURU	154	1345	22143	28671	50814	321	656	977	1379	-402	
SIAYA	622	6469	118144	119992	238136	2195	3091	5286	6631	-1345	
TAITA/TAVETA	175	1818	30259	31254	61513	907	865	1772	1863	-91	
TANA RIVER	159	1441	25589	29145	54734	469	667	1136	1477	-341	
THARAKA-NITHI	308	2617	34259	33969	68228	890	1175	2065	2682	-617	
TRANS NZOIA	352	5204	117873	117463	235336	2375	2304	4679	5334	-655	
TURKANA	258	1901	42912	49769	92681	421	767	1188	1949	-761	
UASIN GISHU	458	5405	93162	97217	190379	2690	1956	4646	5540	-894	
VIHIGA	351	4455	82602	79973	162575	1882	1889	3771	4566	-795	
WAJIR	105	990	16117	26281	42398	206	489	695	1015	-320	
WEST POKOT	530	4489	89355	94445	183800	1260	1745	3005	4601	-1596	
TOTAL	20167	222881	4074790	4E+06	8E+06	91318	95812	187130	228453	-41509	186



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