

REPUBLIC OF KENYA



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FIRST ASSEMBLY –FOUTH SESSION - 2016

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REPORT OF THE  
SECTORAL COMMITTEE OF EDUCATION, YOUTH AFFAIRS,  
GENDER AND SOCIAL SERVICES ON THE RECRUITMENT OF ECDE  
TEACHERS IN 2014/2015 FY

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CLERK'S CHAMBERS,  
ASSEMBLY BUILDINGS,  
SIAYA

FEBRUARY, 2016



## PREFACE

Mr. Speaker Sir,

It is my honour and pleasure to present to this Hon. House, the report of the Education, Youth Affairs, Gender and Social Services Committee on the Recruitment of ECDE teachers in the FY 2014/2015

### 1.0 Committee Mandate

Mr. Speaker, Sir, the Sectoral Committee on Education, Youth Affairs, Gender and Social Services is constituted pursuant to provisions of the County Assembly Standing Order 192 (4) and (5) read together with part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 and is mandated to;

- (a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the County Assembly;
- (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 185(*committee on appointments*);and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

## 1.1 Committee Composition

Mr. Speaker, Sir, the Sectoral Committee on Education, Youth Affairs, Gender and Social Services was constituted on this Assembly on Tuesday 30<sup>th</sup> April, 2013. The Committee comprises of the following members:

1. Hon. Lorna A.O. Adida -Chairperson .....
2. Hon. Andrew Omwende -Vice Chairperson .....
3. Hon. Mary Ojwang -Member .....
4. Hon. Walter Okello -Member .....
5. Hon. Eric Ndonji -Member .....
6. Hon. Zilpah Omondi -Member .....
7. Hon. Rosemary Ogutu -Member .....
8. Hon. Charles Omollo Kowii -Member .....
9. Hon. Joshua Osuri -Member .....
10. Hon. Booker Otieno -Member .....
11. Hon. Nicholas Were -Member .....

## 2.0 Introduction

Mr Speaker Sir, the Committee held consultative meetings with the CEC and CO-Education and the Public Service Board Chairman with a view of establishing the determinants which were responsible for the delay in recruitment of 800 ECDE teachers as had been budgeted for in the 2014/2015FY.

### 2.1 Sub-Mission by the CEC and CO – Education

- The CEC and CO- Education informed Committee Members that in the 2013/2014FY, the County Government constructed 64 ECD Centres. In 2014/15 eighty additional new blocks were to be constructed. At the close of the year, over 87% of the ECD centers had been contracted and contractors taken to site<sup>1</sup>.
- The first batch of 64 ECD centers constructed by the County Government were not furnished nor equipped. The CEC/CO-Education pointed out that there was an urgent need by the County Government to improve the functionality of all newly constructed ECD centers by furnishing and equipping them.
- The CEC/CO-Education informed Members that in the 2014/15, the County Government set aside Ksh 96million to recruit 800 ECD teachers. The intention was to provide at least one teacher to the 691 (including 10 new ECDs) ECD centers in public primary schools across the County. By the first quarter of the financial year it became apparent that engagement of the teachers would not materialize. In March 2014, Kenya National Union of Teachers (KNUT) went to court to stop county governments from recruiting ECDE Teachers because they believed it was their constitutional mandate.
- The County Government made various attempts to circumvent the court order in a bid to recruit the teachers thus; They:-
  - a) Developed the ECDE Bill in order to provide for the recruitment of ECDE Instructors and not Teachers.
  - b) Forwarded a request to the County Public Service Board (CPSB) to recruit 210 ECD Instructors in April 2015. The County Public Service Board subsequently advertised for vacancies for 210 ECD Instructors.
  - c) In July 2015, the Chairman of the Board transferred the responsibility for the recruitment of ECDE to the Department of Education.

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<sup>1</sup> 3 projects had budgets below requirements- ndegwe, miro, got kokwiri; 1 boq not done; others not awarded in good time such as raliw and kamin ogedo

-The Department of Education adopted the Cabinet recommendation that the County engages Instructors working in the ECD centres constructed by:

- i) The County Government
- ii) Partners such as UNICEF and Plan Int, and the
- iii) 2 centers inherited from the defunct local authority.

-The CEC/CO-Education pointed out that they engaged the Ward Administrators and ECD Officers to assist them in data collection of ECDE teachers within the County. They informed Members that they had projected that by 5th of October 2015, the process of data collection would be completed and the Instructors were to be brought on board before end of October 2015.

-They informed Members that the County Executive had planned to engage a minimum of **450 ECDE** teachers in the 2015/2016FY of varying qualifications. The breakdown of the current number of 1965 ECDE teachers with varying qualification are as outlined in Table 1:

**Table 1: Total number of ECDE teachers within the County with varying Qualifications**

<b>Qualification</b>	<b>Diploma</b>	<b>Certificate</b>	<b>Untrained</b>
Female teachers	200	833	818
Male teachers	36	60	18
<b>Total No. of Teachers</b>	<b>236</b>	<b>893</b>	<b>836</b>

### **2.1.1 Projected employment of Instructors in the Approximately 700 Public ECD Centers**

-The CEC/CO-Education informed Members that the initial targeted number of instructors for recruitment was 800. Due to budgetary Constraints, the Cabinet made decision to stagger the recruitment progressively until the target number is met by 2016/2017FY. They explained that the Department of Education plans to continue with the process of recruitment in the subsequent years as depicted in the Table 2. In order to support this noble course, the Department of Education will make budget provisions for recruitment of ECDE teachers in the subsequent years.

**Table 2: Projected employment of Instructors in the Approximately 700 Public ECDE Centers**

2014/15 FY	15/16	16/17	17/18	18/19	19/20	Total
0	450	350	300	250	250	1600

**2.1.2 Ksh 96,000,000 budgeted for Instructors salary in 2014/15 FY**

-On the matter of budget allocation for payment of ECD Instructors, the CEC/CO-Education explained that the Department reviewed the issue of recruitment of ECDE teachers in September 2014 when it became apparent that the case in court was not ending soon. They proposed a revision of the budget in order to address serious logistical challenges including but not limited to:

- a) Execution of the bursary program.
- b) In adequate office equipments
- c) Transport hiccups faced by the Department

-Besides, the Executive also appropriated funds for tree planting and digging of a borehole as depicted in Table 3.

**Table 3: Appropriation of Part of Money meant for the recruitment of ECDE teachers**

New Items in Supplementary Budget	Amount (ksh)
1. Bursary administration	2,000,000
2. Youth endowment fund	3,000,000
3. Purchase of vehicle	5,000,000
4. ICT equipment for the Culture Center	500,000
5. Purchase of computers, printers, and other IT equipments	1,000,000
6. Purchase of computer software (MIS Youth)	500,000
7. Membership fees dues and subscription to professionals and to trade bodies	500,000
8. Tree planting	7,500,000
9. Borehole drilling, equipping, fabrication of steel tower installation and construction of water kiosk	4,500,000
<b>Total</b>	<b>24,000,000</b>

-The CEC/CO-Education clarified that the revision sought for through the first supplementary budget would reduce the 96 M budgetary allocation for the recruitment of ECDE teachers in the 2014/2015FY by 24M.

-The CEC/CO-Education explained that at the end of the 2014/2015FY, they tried to secure salary for 210 Instructors but this did not materialize due to time constraint. The Department thus had a balance of Ksh. 72M on the teacher recruitment at the end of the year which lapsed.

## **2.2 Committee Members Reaction on the Sub-mission by CEC/CO- Education**

- Members pointed out that the process of delegating the responsibility of recruiting 210 ECDE instructors from the Public Service Board to the Department of Education should have been done in respect to Article 64(4)(a) and (b) of the County Government Act, 2012.
- Members pointed out that the CEC/CO-Education failed to offer proper explanation on the expenditure of Ksh. 96M allocated for the recruitment of 800 ECDE teachers in the 2014/2015FY.
- Members were concerned that the CEC/CO-Education failed to account for the expenditure of 24M which was part of the money allocated for the recruitment of ECDE teachers in the 2014/2015FY. The CEC/CO-Education failed to provide supportive documents to account for the alleged expenditures.
- In order to ascertain the physical existence of the alleged expenditures, Members resolved to conduct a spot check to verify the existence of the items bought. A letter dated 17<sup>th</sup> November, 2015 (Refer to Appendix –I) was written to the CEC- Education to facilitate this process by availing supportive documents to justify the transactions and where necessary details of the physical locations of the items bought.

Unfortunately, the CEC- Education frustrated the committees' effort to justify the expenditure of public funds by refusing to respond to the letter.

### **3.0 Meeting with the Public Service Board Chairman (PSB)**

- The Public Service Board Chairman- Mr. Joe Donde informed Members that he advised the Executive to formalize the recruitment of ECDE teachers with the County Assembly. He pointed out that the proposal to recruit 800 ECDE teachers was supported by a budgetary allocation of 96M approved by the Assembly.
- He explained that the Executive wrote to the board to recruit 210 teachers at a flat rate of ksh. 10,000 per month. The board went ahead to advertise for the teaching vacancies for prospective ECDE teachers to apply. He informed members that the 210 ECDE teachers who were to be employed in the 2014/2015 FY would mark the 1<sup>st</sup> phase of teachers to be recruited. He promised that ECDE teachers were to be recruited progressively in the subsequent years.
- He informed committee members that the Board contemplated on various ways of operationalizing the selection of 210 teachers who were to be hired by the Executive. One of the options was to identify 210 existing needy structures to be used as avenues of absorbing the 210 teachers. Alternatively, serving volunteer teachers in public ECDE centres were to be hired at a flat rate of ksh.10,000 backdated for 12 months in the 2014/2015 FY.

### **3.1 Committee Members Reaction on the Sub-mission by Public Service Board Chair**

- Members emphasized that 96m was budgeted for in the 2014/2015 FY to hire 800 ECDE teachers. They were concerned that the Executive unilaterally reduced the number of ECDE teachers to be employed from 800 to 210 without the Assembly's approval. They questioned the rationale used to arrive at 210 teachers to be hired by the Executive. Members proposed that clear guidelines should be put in place to inform the Board on even distribution of the 210 teachers to be hired across the County.
- They pointed out that employment of 800 ECDE teachers was politicized by the Governor. A move which they said raised people's expectation, thus employing a figure less than the much published 800 will raise eyebrows among people. Members felt that the advertisement of 210 ECDE teachers in the Newspaper was a political gimmick perpetuated by the Executive to sugar-coat the real issues surrounding the employment of ECDE teachers. They supported this observation by noting that since

the advertisement was posted in the Newspaper in the month of June, no substantive steps had been taken by the Executive to hire the targeted 210 ECDE teachers, yet the 2014/2015 had come to an end.

- Members were concerned that the procedure stipulated in the County Government Act, 2012, Article 64(4)(a)and(b)for delegating the responsibility of recruitment from the Public Service Board to its designate was flawed.

#### **4.0 Invitation by H.E the Governor**

- His Excellency the Governor, invited Education, Youth Affairs, Gender and Social Services Committee members for a joint meeting with CEC- Education, CEC-Finance and CO-Education at the Governors Boardroom on 23<sup>rd</sup> September, 2015 in a letter dated 21<sup>st</sup> September, 2015.
- Due to the short notice given to the committee, the Chair on behalf of Committee members requested the County Secretary (CS) – Mr Kepha Marube to re-schedule the meeting to 24<sup>th</sup> September, 2015 at 11.00am.
- Members responded to the Governors invitation as had been re-scheduled by the County Secretary. Unfortunately, the Governor, though present did not meet committee members.
- The Executive through the County Secretary made frantic efforts to once again re-schedule the aborted meeting to Wednesday 30<sup>th</sup> September, 2015. This time round, committee members were not in a position to honor the invitation because they had embarked on a three-days field visit across the County to monitor the status of implementation of newly constructed ECDE centers and Youth Polytechnics in the 2014/2015FY.

#### **4.1 Committee Members Reaction on the Invitation by the H.E the Governor**

- Members were concerned that the Governor invited them only to snub them upon honoring the invitation.

## **5.0 CONCLUSION**

In the 2014/2015 FY, a total of 96M was budgeted for to support the recruitment of ECDE teachers. In Sept, during the supplementary budget, the Executive appropriated 24M of the 96M leaving a balance of 72M for the recruitment of ECDE teachers. The then CO-Education, Madam Dorothy Owino gave a list to the Committee on how Ksh. 24M i.e part of the money meant for the recruitment of ECDE teachers was spent. Members were not persuaded that the money was put into proper use.

## **6.0 RECOMMENDATIONS**

- 1. Budget, Finance and Appropriation Committee to investigate the utility of 24M**
- 2. Committee Members expressed their displeasure at the way they were taken in cycles for a whole year. In this regard, they recommend that the then CO-Education, Madam Dorothy Owino bear responsibility of any losses incurred in the Education Department as a result of delay in the recruitment of ECDE teachers.**
- 3. The then CO-Education, Madam Dorothy Owino if found culpable by the Budget, Finance and Appropriation Committee should NOT hold any public office**

Mr. Speaker Sir, I now call upon Honorable Members of this House to adopt this report.

Signed: .....

Date: .....

**Hon. Lorna A.O. Adida**

**Chairperson**

**Education, Youth Affairs, Gender and Social Services Committee**

Signed: .....

Date: .....

**Misoloh .A.E**

**Committee Clerk**

**Education, Youth Affairs, Gender and Social Services Committee**

APPENDIX I:

LETTER WRITTEN TO THE CEC-EDUCATION

SC. ASS/CORRES/C.EXC/15 VOL V - 036

17<sup>TH</sup> NOV, 2015

THE CO – EDUCATION,  
COUNTY GOVERNMENT OF SIAYA,  
P.O BOX 803-40600,  
SIAYA

THROUGH

THE INTERIM COUNTY SECRETARY,  
COUNTY GOVERNMENT OF SIAYA,  
P.O BOX 803-40600,  
SIAYA

Dear Sir/ Madam,

**RE: PHYSICAL VERIFICATION ON EXPENDITURE OF KSHS. 24 MILLION**

The Sectoral Committee on Education, Youth affairs, Gender and Social Services is constituted pursuant to provisions of Standing Order 191(1) (4) and (5) read together with Part 2 of the Fourth Schedule of the Constitution of Kenya 2010 and is mandated to;

- (a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the County Assembly;
- (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 185(*committee on appointments*)
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

During Education Committee meeting held in Miriam House – Kisumu on Friday, 13<sup>th</sup> Nov, 2015, members felt that it was necessary to ascertain the expenditure of Kshs.24M (Part of the money

allocated for the recruitment of ECDE teachers). In this regard, members resolved to conduct a spot – check on Tuesday 24<sup>th</sup> Nov, 2015 at 10.00am to verify the existence of the items bought. Kindly facilitate the committee with supportive documents to justify the transactions and where necessary details of physical locations of the items bought. If need be, a point person may be required to guide the committee in this mission.

Please oblige to this humble request by committee members within the stipulated timeline.

**Misoloh A.E** (0723-368967), [misoloelijah@yahoo.com](mailto:misoloelijah@yahoo.com) is the clerk to the committee and is responsible for facilitating this matter.

Thank you.

Yours Faithfully,

**ISAAC FELIX OLWERO,  
ASSEMBLY CLERK,  
COUNTY ASSEMBLY OF SIAYA**

**CC – HON LORNA ADIDA –CHAIRPERSON EDUCATION, YOUTH AFFAIRS, GENDER  
AND SOCIAL SERVICES**