

# TEACHERS SERVICE COMMISSION



## REVIEWED POLICY ON TEACHER RECRUITMENT AND SELECTION

**JUNE, 2022**

## PREFACE

One of the substantive roles of the Teachers Service Commission is to recruit and maintain a professional and sufficient teaching workforce for public educational institutions in the country. In this regard, the Commission endeavors to live up to its vision and mission which are: to be a transformative teaching service for quality education and to professionalize teaching service and development respectively. The Commission derives its mandate from the Constitution and the TSC Act 2012 which confer the Commission an important role in the overall development of the country through quality education.

In executing the Mission and Vision, the Commission developed its 2019/2023 Strategic Plan of which strategic area 2 is anchored on reforms and innovations in the teaching service. To this end, the Commission aims at improving the quality of education through recruitment of teachers. It is important that strategies are developed to ensure teacher recruitment and selection process is based on the highest standards without compromising constitutional provisions.

Over the years, the Commission has pursued reforms for the improvement of service delivery in the teaching sector. The reforms include, the development of a robust legal and policy framework for *inter-alia*, the recruitment and selection of teachers and the decentralization of key functions to its field offices and learning Institutions spread across the country.

Following the suspension of recruitment in the public sector in the late 1990's, automatic absorption of trained teachers to public teaching service ceased. Accordingly, in 2001, the Commission adopted a demand driven approach to teacher recruitment. In line with this new approach and to facilitate decentralization the Commission's functions and services, teacher recruitment function has been decentralized to the field offices and to Boards of Management of the public Institutions where the Commission is by law and practice mandated to staff. The implementation of the decentralized and demand – driven teacher recruitment has been effected using recruitment guidelines that are developed and revised from time to time.

It is worth noting that, despite teacher recruitment being a critical and recurrent function of the Commission, the applicable Policy has not been revised to address the contemporary and emerging issues in the sector. In this regard, therefore, review of the "policy on teacher recruitment and selection" will enhance efficiency and effectiveness in managing teacher recruitment.

**Dr. Jamleck Muturi John, MBS**  
**Commission Chairman,**  
**Teachers Service Commission.**

## FOREWARD

The Commission is mandated to recruit teachers. To execute this mandate, the Commission has been implementing teacher recruitment and selection through the existing policy. However, to incorporate contemporary issues in the teaching service, the policy has been reviewed with the intent and purpose of re-engineering the recruitment exercise to make it more effective and efficient. This has been characterized by decentralization and automation of the recruitment processes to ensure enhanced accountability and improved customer satisfaction. Further, there is now greater stakeholder participation in the process.

Review of the policy was also occasioned by the need to provide for a dispute resolution mechanism(s) in the event complaints may arise from misinterpretation of tools/requirements, conflicting stakeholders' interests and limited resources available for the process. By and large, the revised policy aims at enhancing the Commission's capacity to expertly execute its mandate on teacher recruitment.

The reviewed policy applies in teacher recruitment processes for primary and post primary Institutions. It defines the roles and responsibilities of the main actors and further provides direction on the implementation, monitoring, evaluation and reporting on the process and allows for review.

Accordingly, the Commission will issue specific guidelines from time to time to operationalize the policy. It is my sincere hope that the implementation of this policy, along with other relevant policy frameworks, will enhance efficiency and effectiveness in the teacher recruitment process.

**Dr. Nancy Njeri Macharia, CBS**  
**Commission Secretary/Chief Executive,**  
**Teachers Service Commission.**

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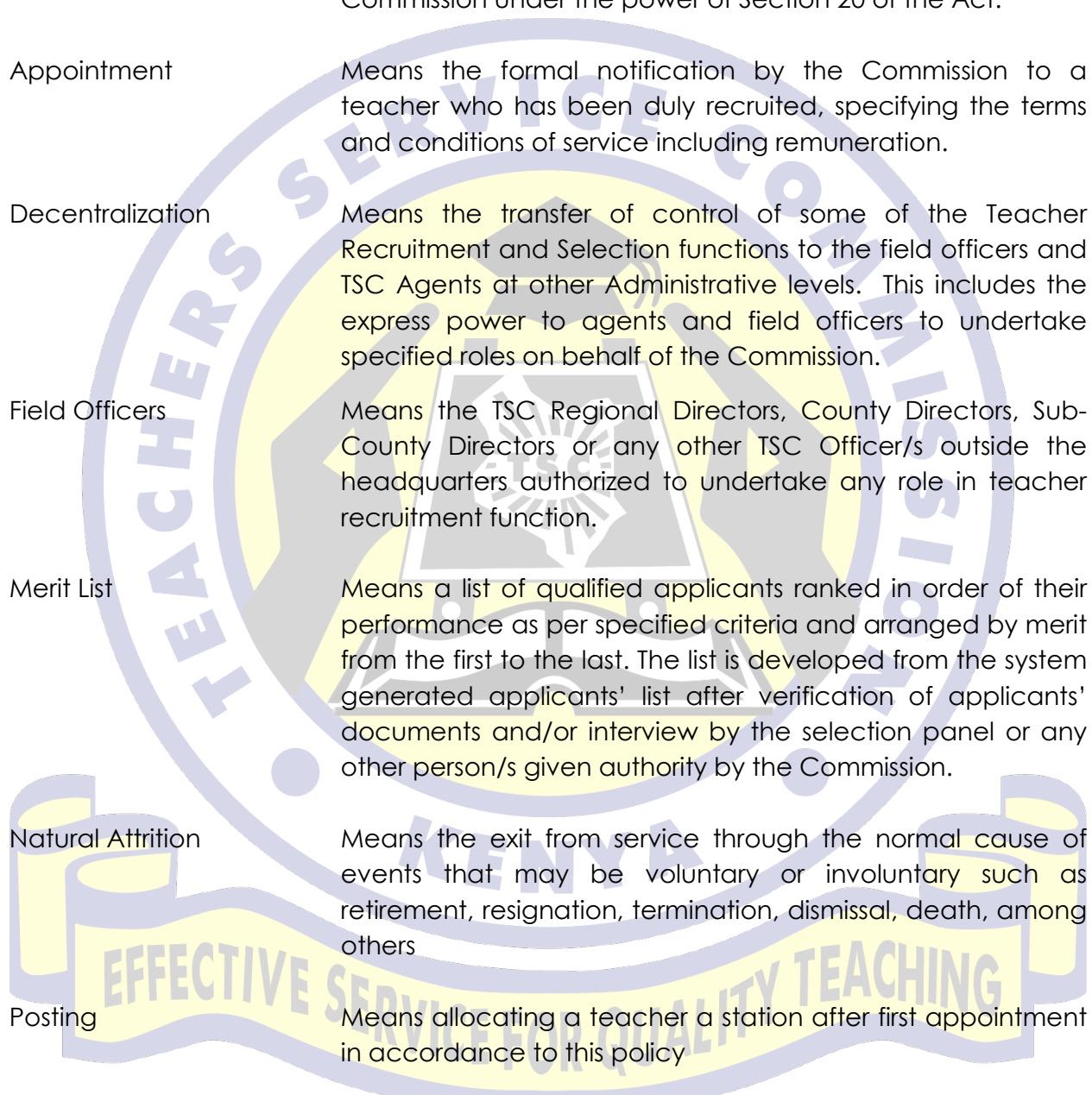
## ACRONYMS

CEO	Chief Executive Officer
CBC	Competency Based Curriculum
COCE	Code of Conduct and Ethics
CORT	Code of Regulations for Teachers
BOM	Board of Management
DPTE	Diploma in Primary Teacher Education
KCPE	Kenya Certificate of Primary Education
KCSE	Kenya Certificate of Secondary Education
KNEC	Kenya National Examination Council
KSL	Kenya Sign Language
KTTC	Kenya Technical Trainers College
NCPWD	National Council for Persons with Disability
PGDE	Post Graduate Diploma in Education
PTE	Primary Teacher Education
TMIS	Teacher Management Information System
TSC	Teachers Service Commission



## DEFINITION AND INTERPRETATION OF TERMS

In this Policy, unless the context otherwise requires: -



Agent	Means Board of Management of a Public learning institution or persons or entity exercising the recruitment function of the Commission under the power of Section 20 of the Act.
Appointment	Means the formal notification by the Commission to a teacher who has been duly recruited, specifying the terms and conditions of service including remuneration.
Decentralization	Means the transfer of control of some of the Teacher Recruitment and Selection functions to the field officers and TSC Agents at other Administrative levels. This includes the express power to agents and field officers to undertake specified roles on behalf of the Commission.
Field Officers	Means the TSC Regional Directors, County Directors, Sub-County Directors or any other TSC Officer/s outside the headquarters authorized to undertake any role in teacher recruitment function.
Merit List	Means a list of qualified applicants ranked in order of their performance as per specified criteria and arranged by merit from the first to the last. The list is developed from the system generated applicants' list after verification of applicants' documents and/or interview by the selection panel or any other person/s given authority by the Commission.
Natural Attrition	Means the exit from service through the normal cause of events that may be voluntary or involuntary such as retirement, resignation, termination, dismissal, death, among others
Posting	Means allocating a teacher a station after first appointment in accordance to this policy
Recruitment	Means the process of attracting and identifying qualified teachers to fill vacancies in Public learning institutions.
Risk Management	Means the process of identifying, assessing, and controlling threats to the Commission related to teacher recruitment process.

Selection	Means the process of choosing applicants who have the set minimum qualifications to fill advertised teaching vacancies.
Subject Specific Merit List	Means a list of qualified applicants ranked in order of their performance as per specified criteria and arranged by merit from first to the last based on applicants' subject combination for Secondary Schools. The Merit list is generated from the compilation of all vacancy specific merit lists submitted to the TSC County Director by the Agency.
Vacancy Specific Merit List	Means a list of qualified applicants ranked in order of their performance as per specified criteria and arranged by merit from first to the last based on applicants' subject combination as advertised for a specific Secondary School.
The Act	Means the Teachers Service Commission's Act No. 20 of 2012.





## 1.0 INTRODUCTION

The Teachers Service Commission was established in 1967 under the Teachers Service Commission Act, Cap 212 of the Laws of Kenya. Upon the promulgation of the Constitution of Kenya (2010), the Commission was elevated to a Constitutional Commission with its mandate provided for under Article 237. Consequently, the Teachers Service Commission Act No. 20 of 2012 was enacted to align the operations of the Commission to the constitutional provisions.

Article 237 of the Constitution stipulates the mandate of the Teachers Service Commission as; to register trained teachers, recruit and employ registered teachers; assign teachers employed by the Commission for service in any public schools/institutions. It has also mandated the Commission to promote and transfer teachers; exercise disciplinary control over the 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.

The expanded mandate of the Commission informed the review of regulations and policies governing its processes. Accordingly, the Policy on Teacher Recruitment and Selection has been reviewed in line with the broader Constitutional principles.

This policy covers the Teacher Recruitment process. It is instructive to note that teachers recruited by the Commission serve under three different terms of service, namely, contractual terms, teacher internship programme and permanent and pensionable terms. A brief exposition of the terms of employment is given hereunder:

### a) Recruitment on Contractual Terms

The Commission shall employ teachers on Contractual terms in accordance with Regulation 58 (1) of the Code of Regulations for Teachers (CORT), or as it may be reviewed from time to time.

### b) Recruitment of Teacher Interns

The Commission shall use applicable clauses of this policy together with Teacher Internship Policy and Guidelines (2019) or as it may be reviewed from time to time to engage teachers on internship programme.

### c) Recruitment on permanent and pensionable terms

This policy provides guidelines for addressing issues related to teacher recruitment on permanent and pensionable terms with a view of ensuring effectiveness and efficiency in the management of the Commission's recruitment mandate.

## 2.0 RATIONALE

The demand for basic education has increased over the years following focused strategies by the national government to improve access to education leading to increased learner enrollment in schools. As a result, it has



led to establishment of new schools, expansion of existing ones and formulation of policies promoted access to education and learning such as the policy on a 100 % transition from primary to secondary, free primary school education, free day secondary school education among others.

The government has embarked on a long journey to review the school curriculum and implementation of the Competence Based Curriculum (CBC). The new diversified curriculum has introduced many learning areas which in turn has raised demand for more teachers hence necessitating the need to streamline the teacher recruitment process.

The Constitution has provisions for non-discrimination on the basis of among other factors; age, gender, disabilities status, ethnic and marginalized communities. In addition, the Constitution lays emphasis on fundamental rights and freedoms including the right to education and the interest of the child which obligates the Commission to develop appropriate strategies to conform to the constitutional threshold. Further, the Constitution directs public institutions to ensure accessibility to services through strategies such as decentralization. This has caused the Commission to decentralize some of its functions, including teacher recruitment to the decentralized units and agents.

In its reform agenda Integration of ICT in teacher management processes has led to innovations in the area of recruitment. Such innovations include online advertisement, online applications for vacancies and an automated Entry/Exit Reports Module. All these innovations have informed the need to review the policy on teacher recruitment.

### **3.0 LEGAL FOUNDATION OF THE POLICY**

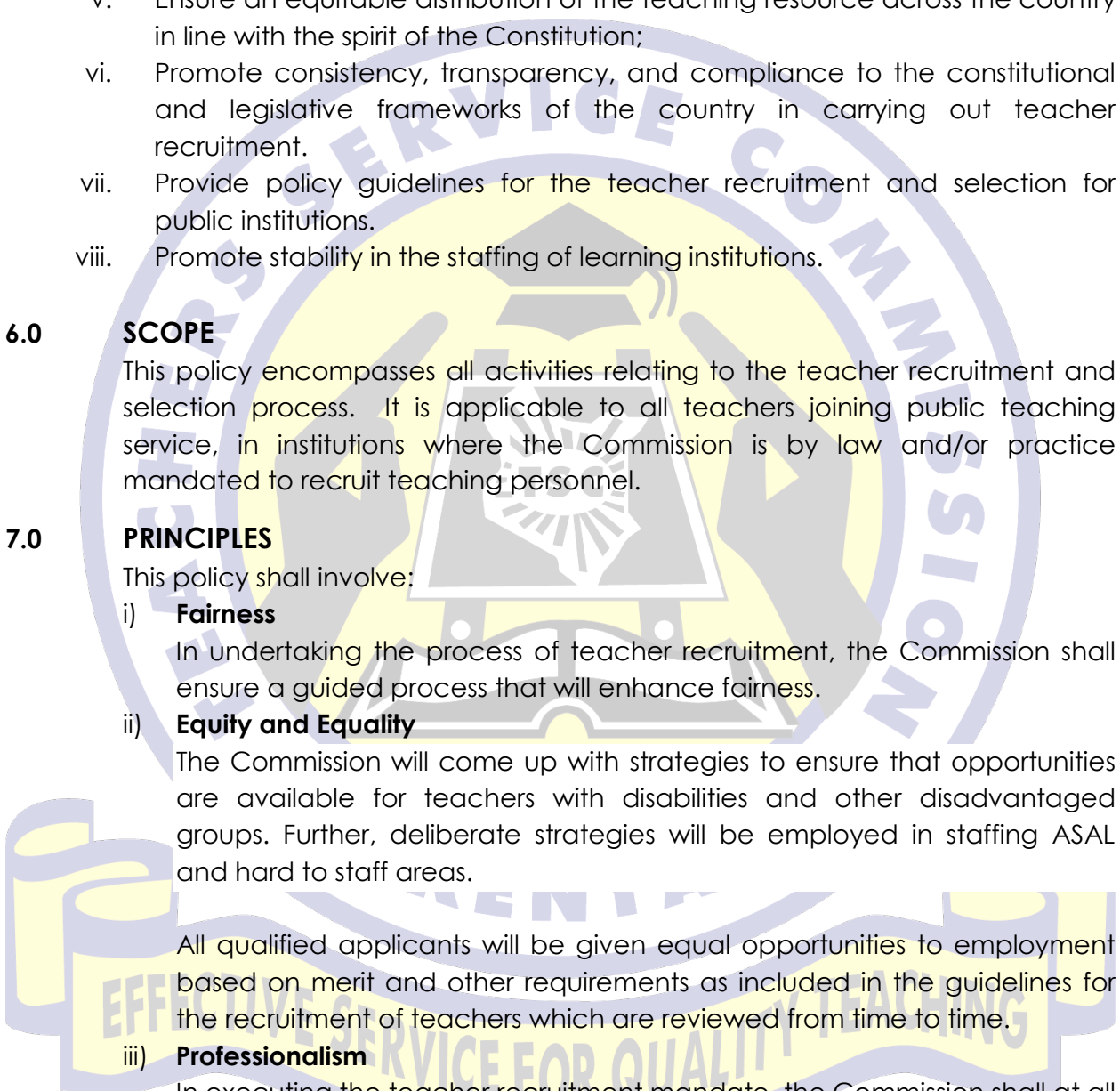
This policy is anchored on inter-alia, the Constitution, the TSC Act and the Regulations thereunder, the Basic Education Act and the Employment Act. This policy is derived from the Constitution, the TSC Act (Cap.212, Laws of Kenya) and the TSC Code of Regulations for Teachers.

### **4.0 POLICY STATEMENT**

This policy aims at providing equal access to employment for all registered teachers and to ensure that the best persons in terms of knowledge, skills, experience, aptitude and integrity are selected for public teaching service. In addition, the Commission is committed to ensuring an effective and efficient way of undertaking teacher recruitment process. The policy also takes into consideration, transparency, accountability, fairness, equity, effectiveness and efficiency in teacher recruitment process.

### **5.0 OBJECTIVES**

The objectives of this policy are to:

- 
- i. Improve efficiency in teacher recruitment;
  - ii. Improve capacity of the personnel including agents involved in teacher recruitment;
  - iii. Enhance integrity and credibility of the teacher recruitment and selection Process;
  - iv. Attract and retain teachers of high moral and professional aptitude;
  - v. Ensure an equitable distribution of the teaching resource across the country in line with the spirit of the Constitution;
  - vi. Promote consistency, transparency, and compliance to the constitutional and legislative frameworks of the country in carrying out teacher recruitment.
  - vii. Provide policy guidelines for the teacher recruitment and selection for public institutions.
  - viii. Promote stability in the staffing of learning institutions.

## **6.0 SCOPE**

This policy encompasses all activities relating to the teacher recruitment and selection process. It is applicable to all teachers joining public teaching service, in institutions where the Commission is by law and/or practice mandated to recruit teaching personnel.

## **7.0 PRINCIPLES**

This policy shall involve:

### **i) Fairness**

In undertaking the process of teacher recruitment, the Commission shall ensure a guided process that will enhance fairness.

### **ii) Equity and Equality**

The Commission will come up with strategies to ensure that opportunities are available for teachers with disabilities and other disadvantaged groups. Further, deliberate strategies will be employed in staffing ASAL and hard to staff areas.

All qualified applicants will be given equal opportunities to employment based on merit and other requirements as included in the guidelines for the recruitment of teachers which are reviewed from time to time.

### **iii) Professionalism**

In executing the teacher recruitment mandate, the Commission shall at all times be guided by the need to hire the best applicants by considering meritocracy.

### **iv) Integrity and Transparency**

The Commission shall ensure that the integrity of teacher recruitment process is in line with the Constitution and the Commission's Legal and policy framework.

The Commission shall conduct recruitment in an open manner. Further, information on recruitment shall be made available using print and electronic platforms.

v) **Rule of Law**

The Commission shall adhere and comply with existing laws, policy frameworks and best practices in the teacher recruitment process. This will include ensuring that set minimum standards for recruitment and selection are met.

vi) **Efficiency**

The Commission will execute the teacher recruitment mandate by efficiently and effectively using allocated resources.

vii) **Affirmative Action**

In discharging the teacher recruitment mandate, the Commission shall apply affirmative action in accordance to constitutional provision where applicable.

## 8.0 **ROLES AND RESPONSIBILITIES**

Roles and responsibilities under this policy shall be exercised at 3 levels: i.e the Board, Management (headed by the CEO) and at the agency level pursuant to Section 20 of the Act.

### i. **The Roles and Responsibilities of the Board**

The roles and responsibilities of the Board shall be to:-

- a) Provide strategic direction on teacher recruitment;
- b) Formulate and approve policy on teacher recruitment for the Commission;
- c) Advise the national government on teacher recruitment;
- d) Mobilize resources from state and non-state actors;
- e) Oversight the teacher recruitment process including monitoring and evaluation.

### ii. **Roles and Responsibilities of the Commission Secretary/CEO**

The roles and responsibilities of the CEO shall be to:-

- a) Implement the policy on teacher recruitment and selection;
- b) Offer technical advice to the Board on teacher recruitment;
- c) Provide overall leadership to the personnel engaged in the teacher recruitment including sensitization;

- d) Oversee the utilization of the resources earmarked for teacher recruitment;
- e) Identify and declare teaching vacancies,
- f) Ensure the teacher recruitment process is conducted efficiently and effectively,
- g) Be the custodian of the data and information related to teacher recruitment process,
- h) Develop and review tools/guidelines to fully operationalize the recruitment process,
- i) Effectively articulate and disseminate information on teacher recruitment and selection,
- j) Verify applicants' data and develop Merit Lists;
- k) Appoint and post successful applicants;
- l) Conduct monitoring and Evaluation of the teacher recruitment and selection process.
- m) Undertake any other roles and responsibilities appropriate for the implementation of this policy,

### iii. The Roles of the Agency

The roles of the Agency shall be to: -

- a) Verify the applicants' data;
- b) Conduct interviews;
- c) Recommend for appointment in accordance with this policy.

The specific roles and responsibilities of an agent/s appointed by the Commission for purposes of this policy shall be as provided in the teacher recruitment guidelines.

## 9.0 BROAD POLICY GUIDELINES

This policy shall be applied as per the following guidelines:

### 9.1 Eligibility for Recruitment

For the purpose of this policy, persons meeting the following requirements shall be considered eligible for recruitment into public teaching service.

- i) Registered as a teacher in accordance with Section 26 of the TSC Act;
- ii) Must not have been dismissed from service through the Commission's disciplinary process;
- iii) Must not have been convicted for a sexual offence, any offence against a learner/child, robbery, forgery, fraud or any finance related offence;
- iv) Any other factor which in the opinion of the Commission makes a candidate ineligible for recruitment.

## **9.2 Declaration of Vacancies**

### **The Commission shall:**

- i) Establish shortage of teachers in schools, sub counties and counties;
- ii) Advertise posts depending on the teacher shortage and availability of funds.
- iii) Allow for at least fourteen (14) days before the closure of an advert.

### **Applicants shall:**

- i) Submit applications for advertised posts in accordance with the recruitment guidelines.
- ii) Attend interview in person if shortlisted and invited.

## **9.3 Recruitment of Teachers with Disabilities**

In undertaking the recruitment exercise the Commission shall ensure that 5% of all available vacancies are set aside for teachers with disability in accordance with the provisions of the Persons with Disability Act. This clause shall apply to teachers duly registered by the National Council for Persons with Disability.

## **9.4 Recruitment of Teachers in ASAL and Hard to Staff Areas**

In undertaking teacher recruitment exercise, the Commission shall apply the principal of affirmative action in the allocation and distribution of teaching vacancies. The specific allocation for each county/sub-county shall be spelt out in the Recruitment Guidelines which may be reviewed from time to time.

## **9.5 Verification of Applicants' Academic and Professional documents**

The Commission and/or its agent/s shall conduct verification of applicants' academic certificates and any other relevant documents. The verification process shall be conducted as provided for in the teacher recruitment guidelines. The Commission may from time to time require applicants to present additional documents that could assist in the verification process as circumstances may require.

## **9.6 Shortlisting Criteria**

For the purpose of shortlisting of applicants under this policy, the Commission will consider the following factors: -

- i) Academic and Professional qualifications;
- ii) Registration status of the applicant;
- iii) Engagement in the Teacher Internship programme and other relevant post teacher-training experience;



- iv) Affirmative action including disability status as guided by the Commission;
- v) Number of vacancies declared in accordance with the recruitment guidelines;
- vi) Number of applicants to be shortlisted in accordance with the recruitment guidelines;
- vii) Any other factor that may be considered by the Commission at the time of recruitment.

### 9.7 Merit Lists

- i) A Merit list shall be processed from the generated list of applicants.
- ii) The guidelines for recruitment shall:
  - a) Provide and/or prescribe the manner and the mode of generating the merit list;
  - b) Rank the applicants as per the criteria set in the guidelines.
- iii) Merit lists for primary school applicants will be used in subsequent recruitments within the same financial year or as directed by the Commission from time to time.
- iv) For secondary schools;
  - a) The agency shall compile vacancy specific merit lists which shall be forwarded to the TSC County Director.
  - b) The TSC County Director shall compile subject specific merit lists for the county.
  - c) The subject specific merit lists shall be used in the subsequent teacher recruitment processes within the county for the financial year.
  - d) The selection of the suitable applicants shall be conducted by the County Selection Panel in accordance with the provisions of Sub Section **9.6** of the Broad Policy Guidelines (**Clause 9.0**) of this policy.
  - e) In the event that a required subject area attracts no applicants or generated Merit list has been exhausted, the Commission shall give direction on the way forward.

### 9.8 Appointment, Posting and Reporting

- i) The Commission shall appoint successful applicants through the issuance of Offer of Employment letter as a teacher;
- ii) The Offer of Employment letter as a teacher shall specify the terms and conditions of service including the teacher's designation and county/institution the teacher has been posted;
- iii) The Commission shall post a teacher to any public learning institution in Kenya and follow up on reporting;
- iv) In case of a dissatisfaction in posting, a teacher shall submit an appeal within fourteen (14) days from the date of the letter;



- v) The Commission shall convene an ad hoc appeals committee to consider the appeal on its own merit. The decision of the committee shall be final;
- vi) The Commission may cancel the Offer of Employment in the event of a flawed recruitment process, a mistake, misrepresentation of any relevant information by the applicant, forgery or fraud and/or any reason which in the opinion of the Commission will dis-entitle the applicant.

## **10.0 IMPLEMENTATION**

### **10.1 Institutional Framework**

The policy shall be implemented by the Commission Secretary within the existing institutional framework.

### **10.2 Implementation Committees/Panels**

The Commission Secretary will from time to time, appoint ad hoc committees/panels into the teacher recruitment process for efficient execution of this policy.

### **10.3 Location**

Recruitment of teachers may take place at the Sub County, County or at the TSC Headquarters as the case may be.

### **10.4 Dispute Resolution**

Dispute arising from the conduct or outcome of the teacher recruitment process will be handled as per the recruitment guidelines developed by the Commission Secretary to operationalize this policy.

### **10.5 Risk Mitigation**

The Commission is faced with inherent risks while executing its mandate of teacher recruitment hence the need to identify emerging risks, assess new and existing risks and report on them. These risks include among others:

- i) Shortage of teachers in public learning institutions;
- ii) Inaccurate and/or insufficient data;
- iii) Stakeholder preference and interests.

Details on causes and mitigation measures are provided in Annex III.

### **10.6 Recruitment tools**

The following tools shall be used in the implementation of this policy:

- i) Recruitment Guidelines
- ii) Score Sheets
- iii) Merit Lists
- iv) Check Lists
- v) Teacher Recruitment Roadmap

### **10.7 Recruitment Cycle**

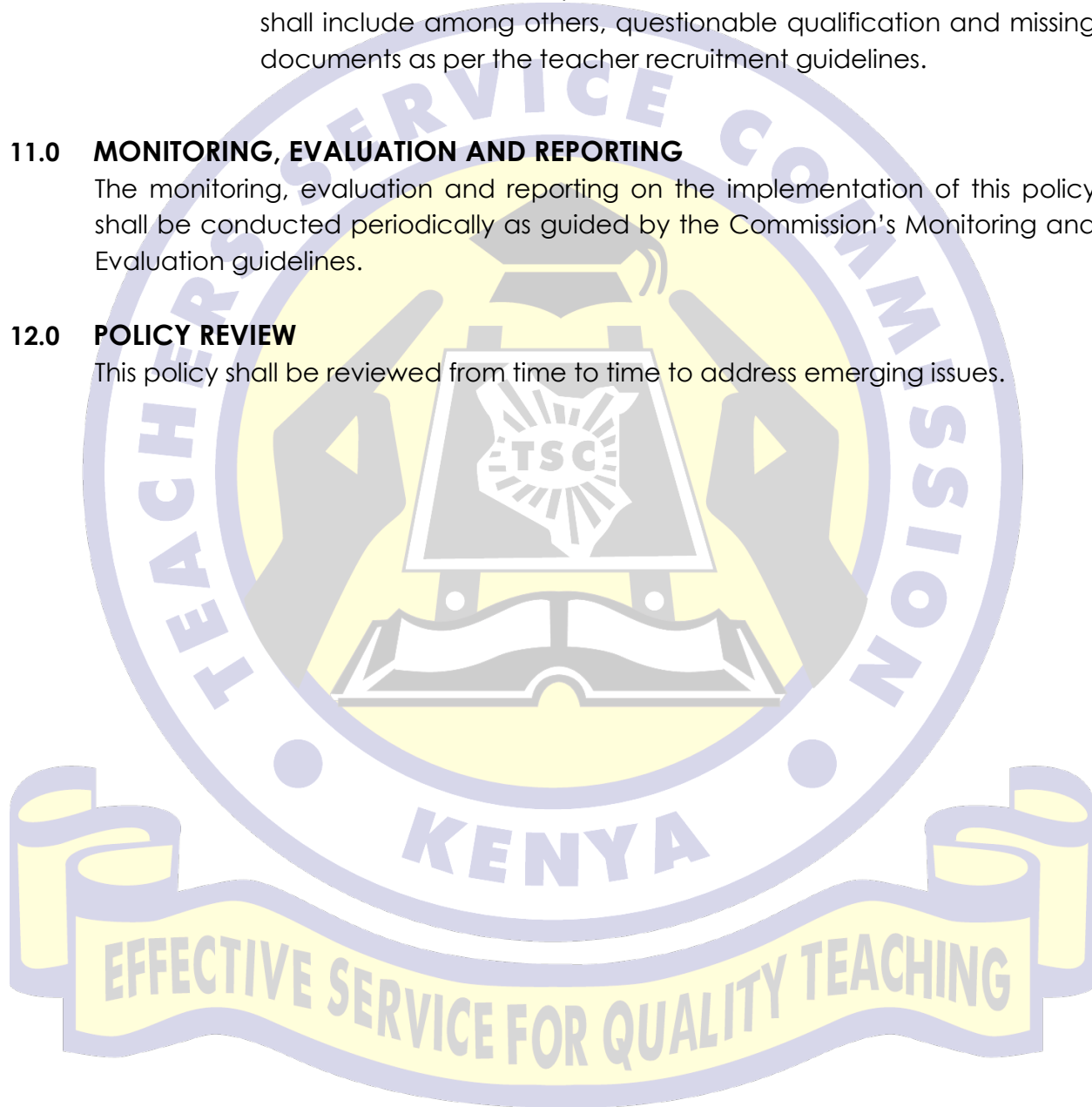
- i) Teacher Recruitment exercise is a time bound process.
- ii) The Commission shall endeavor to complete the process as per approved teacher recruitment roadmap.
- iii) Any unresolved recruitment cases shall be nullified after six (6) months or as directed by the Commission from time to time. These shall include among others, questionable qualification and missing documents as per the teacher recruitment guidelines.

### **11.0 MONITORING, EVALUATION AND REPORTING**

The monitoring, evaluation and reporting on the implementation of this policy shall be conducted periodically as guided by the Commission's Monitoring and Evaluation guidelines.

### **12.0 POLICY REVIEW**

This policy shall be reviewed from time to time to address emerging issues.



**ANNEX I**  
**IDENTIFIED RISKS, CAUSES AND MITIGATION MEASURES**

<b>S/No</b>	<b>Risk</b>	<b>Causes</b>	<b>Mitigation Measures</b>
1.	Shortage of teachers in public learning institutions.	<ul style="list-style-type: none"> <li>• Increased enrolment in schools.</li> <li>• Increase in number of schools.</li> <li>• Inadequate resources</li> </ul>	<ul style="list-style-type: none"> <li>• Review the staffing norms</li> <li>• alternative modes of curriculum delivery.</li> <li>• sourcing for more funds to recruit additional teachers.</li> </ul>
2.	Inaccurate and/or insufficient data.	<ul style="list-style-type: none"> <li>• Lack of capacity among actors in data management</li> <li>• Diverse sources of data</li> <li>• Dynamism of data</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous capacity building of the actors in data management.</li> <li>• Provision of infrastructure for data management.</li> <li>• Integration of data management systems within the education sector.</li> <li>• Establishment and implementation of data governance structures.</li> </ul>
3.	Stakeholders' preference and interests.	<ul style="list-style-type: none"> <li>• Dynamic and diverse stakeholders' interests.</li> </ul>	<ul style="list-style-type: none"> <li>• Adherence to existing policies.</li> <li>• Continuous stakeholders' engagement.</li> </ul>

