TEACHERS SERVICE COMMISSION

Telephone: Nairobi
2892000/0722-208552
Email: info@tsc.go.ke

Web: www.tsc.go.ke

When replying please quote

Ref.N°:TSC/ADM/192A/VOL.IX/8

TSC HOUSE
KILIMANJARO ROAD
UPPER HILL
PRIVATE BAG- 00100
NAIROBI, KENYA

21ST MARCH, 2017

CIRCULAR NO:6/2017

TO: TSC County Directors
TSC Sub-County Directors
Principals, National Polytechnics
Principals, Institutes of Science and Technology
Principals, Technical Training Institutes
Principals, Diploma Teacher Training Colleges
Principals, Primary Teacher Training Colleges
Director, Kenya Institute of Special Education
Principals, Secondary Schools
Headteachers, Primary Schools
All Teachers

SAFETY OF LEARNERS IN LEARNING INSTITUTIONS

Article 53 of the Kenya Constitution safeguards the rights of all children against all forms of inhuman treatment and punishment. This is amplified in Section 4 of the TSC Act 2012 which provides that the Commission in the performance of its functions and exercise of its powers will at all times take into account the best interests of the learner.

- Further, Section 36(1) of the Basic Education Act, 2013 explicitly states that: ***No pupil shall be subjected to torture and cruel, inhuman or degrading treatment or punishment, in any manner, whether physical or psychological.***

In view of the above, all Heads of Institution are directed to ensure adequate measures are in place to safeguard the rights of all learners in line with the provisions of the Constitution, TSC Act, 2012, Basic Education Act and Code of Regulations for Teachers (2015) and the Teachers Service Commission Code of Conduct and Ethics (2015).

In particular, attention should be paid to the following:

I. **Bullying**

All forms of bullying should be eradicated in learning institutions. In particular, learners should be protected from any form of bullying, whether physical, verbal or psychological. Prefects should be sensitized on their role in school governance, which does not include punishing learners in any way.

II. **Corporal punishment**

Under no circumstances should corporal punishment, or use of physical force to inflict pain, be administered to learners. All teachers are cautioned that corporal punishment, or any other degrading treatment constitutes a professional and/or criminal offence and can lead to disciplinary action and/or prosecution in court of law.

Further it will be considered a professional offence to keep canes in staffrooms, offices, classrooms or any part of the school.

III. **Forced Repetition**

Forced repetition is prohibited under Section 35 of the Basic Education Act. All learners should be assisted to transit to the next class and complete any given segment of education in the learning cycle.

IV. **Holiday Tuition**

All schools should operate within the term dates issued by the Cabinet Secretary for Education. No learners should be detained in school after the end of the term or recalled before the official opening dates.

V. **Prescribed Learning Hours**

It has been noted that in some Day Schools learners are forced to report to school before dawn and are released long after dusk. This posses a security risk. Heads of Institution are required to ensure that learners report and leave within the prescribed hours.

VI. Safety Standards

All schools should comply with the *Safety Standards Manual for Schools* in Kenya. Physical facilities such as classrooms, dormitories, libraries, laboratories, kitchen, and water tanks should be safe, appropriate and well maintained and clean.

VII. Sexual Abuse

Cases of sexual abuse, whether within or outside the school, should be thoroughly investigated, documented and action taken with expediency. Where the offence is of both criminal and professional nature, police and other security agencies should be involved in investigations. It is emphasized that Heads of Institution and teachers should be in the forefront in protecting learners against sexual abuse.

VIII. Drug and Substance Abuse

Learners should be protected from exposure to drug and substance abuse through stringent surveillance programmes to make the learning and surroundings environment free of drugs. Guidance and counselling should be intensified to sensitize learners, parents and guardians on the dangers of drug and substance abuse.

IX. Harmful Cultural Practices

Heads of institutions should liaise with Security enforcement agencies in addressing harmful cultural practices such as early marriages for learners, exploitation and child labour.

The Commission wishes to reiterate on the need to comply with legal and policy provisions on the rights, security and general well-being of learners. TSC County Directors should enlist the assistance of all stakeholders to ensure full compliance with the contents of this circular.

NANCY NJERI MACHARIA
SECRETARY/CHIEF EXECUTIVE

Copy to:

Dr Fred O. Matiang'i, EGH
Cabinet Secretary
Ministry of Education
P.O. BOX 30040-00100
NAIROBI

Dr Lydia N. Nzomo, OGW, EBS
Commission Chairperson
Teachers Service Commission
Private Bag – 00100
NAIROBI

Dr Belio R. Kipsang, CBS
Principal Secretary
State Department of Basic Education
Ministry of Education
P.O. BOX 30040-00100
NAIROBI

Dr. Dinah Mwinzi
Principal Secretary
Technical and Vocational Education and Training
P.O. Box 35625-00100
NAIROBI

Alfred Indimuli
National Chairman
Kenya Secondary School Heads Association (KESSHA)
P.O. BOX 20658-00200
NAIROBI

Shem Ndolo
National Chairman
Kenya Primary School Heads Association (KEPSHA)
P.O. BOX 35598-00100
NAIROBI

Jeff Kariuki
Principal – Thika TTI/National Chairman
Kenya Association of Technical Training Institutes (KATTI)
P.O. BOX 91-01000,
THIKA

Arthur Injenga, HSC
National Chairman
Special Schools Heads Association of Kenya (SSHAK)
P.O. BOX 77220-00611
NAIROBI

James Wachanga
National Chairman
Kenya Teachers College Principals Association (KTCPA)
C/O Aberdares TTC
P.O. BOX 200-20300
NYAHURURU

Regional Coordinators
Ministry of Education

County Directors of Education
Ministry of Education