



REPUBLIC OF KENYA

Sessional Paper No. 5 of 1974

PROPOSALS BY THE GOVERNMENT OF KENYA FOR ACCEPTANCE AND
IMPLEMENTATION OF THE RECOMMENDATIONS CONTAINED IN THE
REPORT OF THE COMMISSION OF INQUIRY (PUBLIC SERVICE
STRUCTURE AND REMUNERATION COMMISSION) 1970/71

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PROPOSALS BY THE GOVERNMENT OF KENYA FOR ACCEPTANCE AND IMPLEMENTATION OF THE RECOMMENDATIONS CONTAINED IN THE REPORT OF THE COMMISSION OF INQUIRY (PUBLIC SERVICE STRUCTURE AND REMUNERATION COMMISSION) 1970/71

The Report of the Commission of Inquiry, Public Service Structure and Remuneration Commission, appointed under Cap. 102 of the Laws of Kenya, under the chairmanship of Mr. D. N. Ndegwa, was presented to His Excellency the President on the 4th May, 1971, and published on the same day. On the 6th May, 1971, His Excellency the President declared that the various recommendations made by the Commission required careful and detailed study by the Government so as to determine how best they could be implemented. With regard to salaries and other remunerative allowances recommended by the Commission for the Civil Service and the teaching profession, His Excellency declared that the Government had decided that these were acceptable and would be implemented with effect from 1st July, 1971. He also directed, as Commander-in-Chief of the Armed Forces, that proportionate adjustments in the salaries of the Armed Forces should be effected as from that date.

2. It has now been possible to study the Commission's Report and the object of this Sessional Paper is to set out in broad terms the Government's views and policies on the major recommendations made by the Commission.

3. The Government wishes to take this opportunity to express its thanks to the Chairman, Members and the Secretariat staff of the Commission for presenting such an invaluable and far-reaching report on the subject-matter of their inquiry and to state that it agrees with and accepts the majority of the recommendations and proposals made.

The Challenge of the 1970's

4. The Government concurs with the Commission's general observations on the basic theme in Chapters I* and II of the Report that the public services of Kenya must be re-structured, motivated and re-oriented towards meeting the demands of an accelerated economic and social development, especially in the rural areas. The Government accepts that certain priorities which the country faced in the immediate post-independence years have altered, and consequently the priorities of the public services in the 1970's must also alter. It accepts the Commission's principal recommendations in Chapters V and XII, that the resources of Government should be redirected towards national development and intends to pursue vigorously the many programmes and activities recommended for creating what will be in effect a new public service dedicated to and effective in the major task of growth and national development.

Salaries and Other Remunerative Allowances

5. It is considered that salaries, salary structure, allowances and other remunerative aspects of the Civil Service are issues which fall under the jurisdiction and the competence of the Head of the Executive and are accordingly effected through the Executive machinery. Consequently, salaries and other remunerative aspects of the Commission's Report have already been implemented for the Civil Service by Personnel Circular No. 6 of 26th May, 1971, as amended by Personnel Circular No. 7 of 23rd June, 1971 and Personnel Circular No. 13 of 8th October, 1971 and for the Teaching Service by

Cap. VII, VIII,
XVII.

*Note.—Chapters and paragraph numbers appearing in this Sessional Paper refer to the Chapters and paragraphs in the Commission's Report.

Teachers Service Commission Circular (Finance) No. 8 of 26th May, 1971, as amended by Teachers Service Commission Circular (Finance) No. 9 of 30th July, 1971.

6. New staffing requirements are also inherent in most of the major recommendations made by the Commission, but they are particularly significant in the implementation of the recommendations made on new management practices and development administration. It is accepted that these staffing requirements will call for more rigorous and effective recruitment, placement, training, performance, evaluation and proper supervision in all the public services so as to ensure quality as well as quantity of the manpower required.

Method of Implementation

Paras. 135, 219,
315, 366-367.

Paras. 189-191,
279, 358, 379.

7. While accepting the Commission's recommendations for re-constructing and strengthening the public services to meet the demands of development, the Government also takes the Commission's caution regarding the methods and timing of the implementation of these recommendations. It accepts that certain recommendations can be implemented immediately while others, primarily those relating to organization, structure, and management, will be of longer term and would require phased implementation often on experimental basis. The Government intends therefore to modify and adapt, where necessary, existing management practices to ensure their applicability and usefulness in the Kenyan situation. In this process of modification and adaptability, the Government accepts the Commission's view that some form of technical assistance, carefully designed and selected, may be required.

CHAPTER III—CIVIL SERVICE RESPONSIBILITIES AND ETHICS

Civil Service Act

Para. 26.

8. The Government considers that there is merit in the Commission's recommendation that legislation should be enacted to define the responsibilities and functions of Civil Servants in detail and proposes to give the matter further consideration.

Code of Ethics

Paras. 31-32.

9. The Government agrees with the Commission's recommendations regarding requiring all Public Servants to adhere strictly to a Code of Ethics as set out in paragraph 31 of the Report and proposes to institute checks to ensure that the precepts put forward by the Commission and the rules and regulations as set forth in the Code of Regulations are scrupulously observed.

Private Interests

Para. 34.

10. The Commission's proposal that the Government should consider requiring all public servants to make a complete statement of their private interests, is a wise one, and is accepted.

CHAPTER IV—THE STATE OF THE CIVIL SERVICE

Need for Change

Para. 40.

11. The Government concurs with the Commission's observations regarding the desirability of the Service accepting the need for change and for introducing new systems and more effective managerial methods. It accepts in particular the recommendation that the Permanent Secretaries should delegate routine matters to a proper extent so as to leave themselves with more time to deal with policy and managerial tasks.

Removal of Ineffective Officers

12. The Commission states that in much of the evidence they received, they gained the definite impression that a small minority of officers in the service are ineffective and that their continued employment is doing real harm to the Service. It proposes that the Government might explore the possibility of setting up a small tribunal to examine the situation and make recommendations. The Government agrees with the views expressed on this situation, but considers that machinery in the form of the Public Service Commission already exists for dealing with such ineffective officers. The Government does not, therefore, propose to set up a separate tribunal, but intends to use the existing machinery more rigorously to rectify the position.

Paras. 41-43.

CHAPTER V—DEVELOPMENT STRATEGY AND POLICY MAKING FOR PLANNED GROWTH

13. The Government agrees with the observations of the Commission in Chapter V on the need for improvement in development strategy and policy making for planned growth and management.

Paras. 45-49.

14. The Government accepts, therefore, the recommendation that the Cabinet Secretariat should assume responsibility for ensuring that all branches of the Government should progressively conform to the agreed development programmes. It also accepts the recommendation made for setting up a new Programme Co-ordination Division in the Cabinet Secretariat, composed of a committee of officials under the Head of the Civil Service for the purposes of co-ordinating forward development programmes of all the Ministries.

CHAPTER VI—ECONOMIC BACKGROUND

15. This chapter of the report has two main themes—a review of past trends of employment and wages in the economy and an analysis of economic factors relevant to consideration of changes in the remuneration of civil servants. The first part of the chapter, therefore, is largely of a descriptive nature and puts the discussion in the second part of the chapter in perspective.

The Government accepts the need to bear in mind some of the general principles which should underline a wages policy not merely for the Civil Service but also for the economy in general. Indeed, the need for a more equitable distribution of income, promotion of employment and for ensuring the supply of high level manpower in the economy is given major importance in the economic policies of the Government as outlined in the Development Plan.

While the Government accepts the general conclusions of this chapter, it has some reservations about a few specific statements and statistics incorporated in it. The discussion in paragraphs 77 and 79 is confined to the significance of wages in gross domestic product. It would perhaps have benefited from the inclusion of other uses of resources also, such as investment. The distinction between the “modern” and “traditional” sectors in real life is probably somewhat less sharp than the chapter suggests because economic activities of a “modern” character have expanded rapidly in the rural areas during the last few years and are subject to the same sort of economic force as those in the “modern” sector. As far as the use of statistics is concerned, it is felt that the data on “internal terms of trade” in Table 22 gives no indication of the basis from which these are derived.

CHAPTERS VII AND VIII—CIVIL SERVICE GRADING AND SALARIES

Professional Staff

Paras. 98-99.

16. The Government concurs with the Commission's observations on the need to increase Kenyan manpower in the professional cadres and has accepted the recommendation that there should be a general upgrading of salaries of professional officers throughout the Service so as to encourage young Kenyans to follow professional careers in the public services.

Minimum Wages for Subordinate Staff

Paras. 108-109.

17. The views expressed by the Commission in paragraph 108 of its Report that the Government has an obligation to raise the minimum wages of its employees to allow them and their families to live at a more socially acceptable standard are shared by the Government. It is, therefore, accepted that an attempt would be made annually to work out up-to-date analysis of relative costs of basic essential commodities to assist in continually reviewing and maintaining a minimum salary for subordinate and other unskilled workers at a socially acceptable level.

18. The Government accepts the principle of incremental scales for all Job Groups. As regards the principle and method of awarding increments, the Government intends to institute a more reliable system by replacing the system of awarding increments automatically with that of granting increments based on an evaluation of the officer's performance.

CHAPTER IX—THE PERSONNEL MANAGEMENT FUNCTION IN THE CIVIL SERVICE

Delegation of Authority

Paras. 136-156.

19. The Government concurs with the observations made by the Commission on the need for making personnel management a more effective tool for managing change. In particular it endorses the view that there should be increased delegation of authority throughout the Government administrative machinery.

Provincial Personnel Branches

Para. 157.

20. The Government does not accept the recommendation of the Commission that Provincial Personnel Branches should be abolished at this time. It considers that in the process of re-structuring and staffing the Directorate of Personnel the Provincial Personnel Branches should also be re-shaped so as to become much more effective units of personnel management function under direct control of the Directorate of Personnel Management.

The Directorate of Personnel Management

Paras. 158-159.

21. The Government accepts that the Directorate of Personnel should be the central personnel agency involved in implementing the Commission's recommendations. However, the Government does not accept the Commission's recommendation that in future the Director of Personnel should cease to report to the Minister for Finance who is responsible at Ministerial level for pay and allowances of the Civil Service. The procedure set out in Presidential Circular No. 2 of 1964 will, therefore, continue to apply. The Government accepts the recommended transfer of O & M and the Pensions Division from the Treasury to the re-structured Directorate of Personnel Management.

The Public Service Commission

22. The Government accepts in principle the recommendations made by the Commission regarding the role of the Public Service Commission. It is considered, however, that the time is not opportune for these recommendations to be implemented at the present time. Prior to the full implementation of the recommendations made, it is considered that internal arrangements will first have to be made to create machinery within which the service would exercise impartially the powers and functions proposed to be delegated to the Ministries. As of now, the Government is of the view that the existing authority delegated to Permanent Secretaries by the Public Service Commission should be extended to cover all the posts falling within Job Groups A to G. However, the Public Service Commission will continue to retain final executive authority on issues affecting all grades of staff.

Paras. 160-163.

Para. 162.

23. The Government also accepts the recommendation of the Commission that there should be established an inspectorate unit in the Public Service Commission to audit personnel functions in Ministries and Departments. The Commission's view that there should be close liaison between the Directorate of Personnel Management and the Public Service Commission is fully endorsed.

Paras. 163, 374.

New Management Programmes and Techniques

24. The Government accepts the recommendations of the Commission that new management programmes and techniques should be added to the existing personnel functions in order to make the total Government machinery more effective and more productive.

Paras. 168-195.

CHAPTER X—MANAGEMENT PRACTICES

25. The Government supports the principal arguments and proposals put forth by the Commission on the need for effective management practices to develop a more responsive and motivated organizational climate for the Commission that such management techniques as Management by Objectives and Organizational Development if tried in the Service might provide the management and improvement required. The Directorate of Personnel, when re-structured and strengthened, will be expected to implement these and other management practices and techniques.

Paras. 198-218.

CHAPTER XI—TRAINING

26. The Government concurs generally with the observations of the Commission on modifying and strengthening the Training structure, objectives, programmes and methods. In particular, it accepts the recommendation of the Commission that a Training Review Committee should be established. The Committee under the chairmanship of Mr. W. N. Wamalwa has completed its review on the basis of the terms of reference proposed by the Commission and submitted its findings and recommendations to the Government. These are now being studied.

Paras. 284-286.

CHAPTER XII—FIELD ADMINISTRATION FOR DEVELOPMENT

Development Co-ordination

27. The Government shares the Commission's view that there is need for a more effective co-ordination in planning, programming, budgeting, and implementation. It accepts, therefore, that a form of systems managements described in Appendix 5 of the Report should be established. The Government also accepts that, for the purposes of ensuring full impact at the

Paras. 287-298.

operational level in the field, Districts rather than the Provinces should become the focus of development administration—thereby devolving responsibilities for executive work from the Provinces so as to enable them to fulfil their responsibility for development planning and for programme and project co-ordination.

District Development Officer

Paras. 299-309.

28. The Government accepts that in order to strengthen the Provincial Administration to assume and carry out effectively the developmental role, the new posts of District Development Officer and District Planning Officer should be established. Officers appointed to the new posts will require, however, new kinds of professional skills which would fit them for their new type of job. The Government agrees that in order to enable the Provincial Administration to devote more of their time to development, a review of the agency functions still being performed by the Provincial Administration on behalf of other Ministries should be undertaken. The Government does not accept the recommendation that the District Development Officer should be the Chairman of the District Development Committee. It is considered that in order to give this Development Committee the leadership and the backing so necessary for success, the District Commissioner should be the Chairman. The District Development Officer will, however, be the Executive Officer of the District Development Committee.

Para. 314.

Relationship between Central Government and Field Operations

Paras. 302-304.

29. The Government accepts the Commission's recommendation that in order to associate the County Councils, the Provincial Administration, the planning Ministries and the spending Ministries with development planning and implementation at the District levels, the County Councils, the Provincial Administration and these Ministries should be linked with District Development Committees in the manner indicated in the organization chart on page 121 of the Report.

District Development Committees

Paras. 310-313.

30. The Government accepts the recommendation made on the need for re-vitalizing and strengthening the District Development Committees by amalgamating the old Committees and the previous District Development Advisory Committees to form new effective groups representing both the officials and non-officials. It does not accept however, the proposal that managers of special projects within districts, or Secretaries of principal co-operative unions should become members of the District Development Committees. Such organizations will be expected to make their contributions in the appropriate Sub-committees or such work groups which the District Development Committees will find necessary to establish.

CHAPTER XIII—MANAGEMENT OF PUBLIC FINANCE

The Controller and Auditor-General

Para. 321.

31. The Commission suggests that there is merit in considering whether the independence of the Controller and Auditor-General would be endorsed by his attachment to the Office of the President. In the Exchequer and Audit Act it is clear that the Minister for Finance is responsible for the management of public finances and the powers vested in him require that he directs all matters relating to the financial affairs of the Republic, for which purpose he is answerable to Parliament. The two major functions of the Controller and Auditor-General, namely that of exercising control over issues from the Exchequer and the auditing of all public accounts of the Republic have a

direct bearing on the Minister for Finance's responsibilities and since there is no evidence that the independence of the Controller and Auditor-General has to any extent been minimized by his attachment to the Ministry of Finance, it is considered that the present arrangement should continue. The Government, therefore, does not accept this recommendation.

The Closure of the Financial Year

32. The Government is persuaded that there is merit in abolishing the traditional agency period so as to facilitate the earlier production and submission of the annual accounts to the Controller and Auditor-General. However, it considers it essential that this should be tied to the introduction of an effective system of commitment, accounting and reporting. An improved system of planning and budgeting would also have to be introduced in order to eliminate the present heavy build-up of spending towards the end of the financial year. The Government accepts the concept that the district must now become the basis of all rural development activities with the exception of specific major national programmes. To this end, action is being taken to strengthen the planning machinery and the revenue collection system on a district basis. However, even with the strengthening of District Treasuries and the establishment of a direct link between them and the centre, there will be need to maintain a nucleus of experienced personnel at Provincial Headquarters to carry out inspection and other control functions which would be the residual responsibilities of the present Provincial Accounts Branches.

Paras. 323-325
and 338.

Paras. 328-333.

Public Accounts Committee

33. The Government accepts the view of the Commission concerning the vital function and the fundamental importance of the Public Accounts Committee in the present system of control of public finances. It welcomes proposals for strengthening and widening the Committee's powers. It believes, however, that all Members of Parliament should consider it their responsibility to be fully informed of the content of financial plans. This would result in a much better understanding between members of the Public Accounts Committee and the Accounting Officers in the complex issues and priorities involved in financial planning and management.

Paras. 334, 353
and 354.

Centralized Accounting System

34. The Government is impressed with the Commission's arguments in support of the establishment of an Accountant-General's Department charged with full responsibility for the total management of the accounting system. It recognizes the need for a more centrally directed and logically constructed system of accounting operating to an agreed financial plan. However, the establishment of the proposed Accountant-General's Department will require further detailed study at an early stage to determine fully the scope of advantages it has to offer in relation to the existing organization.

Paras. 335, 336,
342 and 343.

The Financial Plan

35. The Government accepts the concept that sound financial management should be exercised within the framework of a more precisely defined financial plan. It recognizes that there is need for a careful and fundamental re-examination of current budgetary practices with a view to eliminating a variety of problems which are known to exist. Such re-examination should include among its major aspects:—

Paras. 326
and 337.

- (a) The need for combining the recurrent and development estimates to form one integrated financial plan.
- (b) The need for multi-year programming of estimates.
- (c) The introduction of measures that will make the budget become an effective monitoring system for measuring progress.

The Exchequer Return and the Estimates of Expenditure

Para. 337.

36. The Government endorses the Commission's proposals for an improvement in the presentation and layout of the Exchequer Return and for the adoption of an objective pattern of classification which controls expenditure within projects. The Commission also proposes that in future the Parliament be requested to grant a gross vote equal to the gross estimate thereby abandoning the Appropriations-in-Aid reverting to the Exchequer as revenue. The Government has examined this recommendation and finds that there is considerable merit in a move towards a Gross Estimates system. However, it wishes to make it clear that tangible improvements in a number of important areas will be required before such a system is implemented. The areas concerned include the motivation aspects and a better appreciation of the Government's overall policy requirements in relation to revenue by those involved in the revenue collection process.

The Role of Accounting Officer

Para. 339.

37. The Commission questions the need for specific appointments of Permanent Secretaries as Accounting Officers. However, the Government has decided, after giving full and careful consideration to the views of the Commission on the subject, that the present practice should continue in order to clearly define and determine the responsibility of these public officers in the control of public funds entrusted to their care by the Parliament. The Government concurs with the proposed guidelines regarding the role to be played by the Accounting Officer and his financial responsibility and accountability to Parliament, and it is appreciated that these proposals in essence revolve round the concept of an agreed financial plan. The Government appreciates the recommendation that there should be more use of powers of re-allocation. It considers, however, that there exists a wide range of re-allocation powers which, if fully utilized, should prove effective.

Paras. 340-342
and 355.

Para. 337 (v)
and (vi).

The Computer Unit

Paras. 344-349.

38. The Government shares the views and suggestions expressed by the Commission on the need to have the Computer Services planned, co-ordinated and fully utilized by all the Ministries. The Government has already accepted the principle that the Computer Unit may charge for its services.

CHAPTER XIV—ORGANIZATION OF MINISTRIES

Organizational Structure of Ministries

Paras. 356-359
and 361-362.

39. The Government notes the observations made on the need to continually review the organizational structure of each Ministry as development and national needs demand. It is the intention that these reviews will constitute one of the major functions of the enlarged Directorate of Personnel.

Public Image

Paras. 360-363.

40. The Government accepts the recommendation that there is need to portray effectively the image of all Government Ministries to the public and that in order to achieve this, the Government will review the present situation and provide wider public relations services to Ministries and Departments.

Ministry of Information and Broadcasting

Paras. 364-365.

41. The Government accepts as valid the arguments advanced against commercial advertising and sponsorship where these appear to be in conflict with the national interest of informing, educating and entertaining the Kenya public. The Government is aware of the important role that the Ministry of

Information and Broadcasting must necessarily play in clarifying national aspirations, in marshalling our efforts towards nation building and in enriching our cultural heritage. It is with this in view the Government intends to continue to improve the Ministry's Services while at the same time aiming at projecting a truly Kenyan image.

CHAPTER XV—THE CENTRAL MANAGEMENT MACHINERY

42. The Government accepts the recommendations of the Commission that new management programmes and techniques must be added to the existing personnel functions in order to make total Government machinery more effective and more productive. It accepts that some of the proposed techniques and management practices are long term and would require phased but deliberate implementation. The Government accepts the Commission's views on the need to set up a centrally placed programme co-ordinating unit in the Cabinet Secretariat for servicing the proposed Committee of Officials.

Paras. 366-369.

Para. 371.

43. The Government further agrees with the Commission that in order to implement effectively the recommendations relating mainly to organizational structures and improved personnel management practices and techniques, it is necessary to re-structure and strengthen the present Directorate of Personnel. The Government considers, however, that the title of Central Management Office is not quite in keeping with existing Civil Service nomenclature. For this reason the Government proposes that the Directorate of Personnel should be re-named "Directorate of Personnel Management". It should assume, however, the new role and functions recommended by the Commission for a Central Management Office. The Government concurs with the observation of the Commission that the Director of Personnel Management should be a Permanent Secretary operating with wide delegation of authority, supported by properly qualified and highly trained officers.

Paras. 372-385.

CHAPTER XVI—EDUCATION

General

44. The Commission has proposed far-reaching but constructive recommendations on education and the Government generally accepts that the Report provides a sound foundation on which to build future educational systems.

Paras. 386-391.

District Education Boards

45. The proposal that District Education Boards should be re-established has already been accepted. The Government recognizes that in future it may be necessary to strengthen these Boards in order that they may actively participate in the administration and development of post primary education.

Para. 394.

The Inspectorate

46. The Government accepts the views of the Commission that an overhaul of the Inspectorate should be carried out and that all members of the Inspectorate should be Government officers.

Para. 395.

47. The Government accepts the Commission's recommendation regarding curricular development and the staffing of the Jomo Kenyatta Foundation. It is proposed, therefore, to re-organize the Foundation and administer it as a statutory board.

Paras. 396-397.

Primary School Teacher Trainees

48. The Commission proposes and Government agrees that the minimum qualification for entry into a Primary Teachers' College should be K.J.S.E. or equivalent and not C.P.E. The Government, therefore, intends to implement this decision in a phased programme for all colleges.

Para. 398.

The School Equipment Scheme

Paras. 400-401.

49. The Government notes the observations and recommendations of the Commission arising from the present administration of the School Equipment Scheme. The Government shares the views of the Commission that the re-organization of this Scheme should be effected by the Ministry of Education in conjunction with the Ministry of Works.

Improvements of Primary School Buildings and Teachers' Houses

50. The Government notes the observations of the Commission regarding the conditions of many primary school buildings both classrooms and teachers' houses. It supports the view that efforts must continue to be made to improve these buildings.

Secondary Education

Paras. 403-407.

51. The Government accepts the Commission's recommendations concerning changes in the secondary school curricula particularly in the fields of technical and vocational subjects.

The Teaching of Science and Mathematics

Para. 408.

52. The proposal that a thorough investigation should be undertaken into the problems associated with the teaching of science and mathematics at both primary and secondary levels with a view to increasing output and improving the standards of students is accepted by the Government.

The Staffing of Secondary Schools

Paras. 410-412.

53. The Government associates itself with the views of the Commission on the need to improve and reorientate the Development Plan so far as it affects secondary education so as to ensure maximum economic utilization of available facilities and high-level manpower.

Contracts for Expatriate Teachers

Para. 414.

54. The Government accepts the recommended change in the length of initial contracts to three years for expatriate teachers.

Planned Development of Secondary Schools

Paras. 415, 418.

55. The Government shares the view of the Commission that there must be far more local involvement in planning so as to ensure that the educational needs of all areas are fully considered in the light of the overall development plan and the availability of finance and manpower. It agrees with the Commission's recommendation that the present Development Plan should indicate precisely the actual site commitments of new schools and streams and in particular that new Form 5 and 6 classes should in future be allocated only to schools which have been committed to develop full triple-stream status. The proposal that a limited number of Intermediate Colleges should be developed is acceptable and further detailed consideration will be given to this recommendation by the Ministries of Education and Finance and Planning.

Fees Structure

Paras. 420-422.

56. The Government accepts the basic principles on which the Commission has framed its recommendations for a common school fee structure.

57. With regard to the high cost schools, the Government considers that the change-over to maintained status will have to be gradual as it is not the intention of the Government to lower standards at these schools. On the contrary, the Government intends to raise standards at all schools. In addition

to the existing rates of fees the Government has accordingly decided that the cost of incidentals in both assisted and maintained schools will have to be borne by the parents.

Non-Teaching Staff

58. The proposal that the revised Civil Service salaries and terms of service should as far as possible be applicable to all Boards of Governors non-teaching staff is accepted.

Para. 423.

Technical Education

Vocational Courses

59. The Government notes the recommendations of the Commission regarding the content and duration of vocational courses and wishes to state that a review of such courses is now being undertaken.

Paras. 424-427.

Industrial Training

60. The Government endorses the views of the Commission that there must be very close liaison between the private and public sectors in the promotion of training schemes to be operated through the National Training Council and the Industrial Training Levy.

Secondary Technical Schools

61. The Government accepts the recommendations of the Commission that the number of secondary technical schools offering Form 5 and 6 courses should be increased. The Government proposes to introduce not only science courses but also engineering and business study courses at this level.

Para. 428.

Diversification of Curriculum

62. The Government notes the recommendations of the Commission that the diversification of the secondary schools curriculum towards a more practical bias should be accelerated and wishes to state that action has already been taken towards this end.

Paras. 429, 430.

Post-Secondary Training

63. The Government accepts the recommendation that there is need to expand technical education facilities throughout the country, particularly at post-secondary level. It shares the views of the Commission that the Kenya Polytechnic and the Mombasa Technical Institute should concentrate on higher level technical courses and that all lower pre-technical courses should be transferred to secondary vocational schools. The Government will endeavour to implement these recommendations bearing in mind existing financial and manpower constraints.

Paras. 431-434.

Teacher Education

Structure

64. The Government agrees that the Primary Teachers' Colleges recommended in the 1970-74 Development Plan should be substantially expanded so as to ensure subsequent increases in student enrolment per college.

Paras. 435-437.

65. The Government notes the recommendation of the Commission that the Teachers' Colleges are inadequately financed. An immediate review of the grants structure for these colleges, therefore, will be undertaken with a view to implementing realistic increases.

Para. 438.

Staffing

Paras. 439-442.

66. The Government notes the observations of the Commission regarding the serious shortages of secondary school teachers, particularly in the fields of science and allied subjects and agrees that the necessary priority must be given to expanding training facilities in order to increase the output of graduate science teachers. Accordingly consideration will be given to the Kenya Science Teachers' College becoming a constituent college of the University of Nairobi. The Government supports the proposal that suitably qualified S1 students from this institution should be accepted for two year continuation degree courses.

67. The Government further supports the Commission's proposal that candidates selected for the S1 courses at Kenyatta College and the Kenya Science Teachers' College should in future have all completed a two year "A" level course and that the S1 course should be of two years duration instead of one year.

Para. 445.

68. The proposal to introduce new salary scales for posts in Teachers' Colleges with the view to retaining only the best qualified staff is acceptable to the Government.

University Planning and Development

Para. 449.

69. The Government notes the observations of the Commission regarding University planning and development and wishes to state that it intends to review and evaluate as soon as possible the present policies on development of higher education.

Organization of the Ministry of Education

Paras. 450-494.

70. The Government associates itself with the views of the Commission on the need to reorganize the Ministry of Education on the general lines suggested by the Commission.

The Teachers Service Commission

Paras. 495-497.

71. The Government shares the view of the Commission that the Teachers Service Commission has an important role to play and that it should be strengthened so as to control effectively the affairs of all teaching staff under their charge. It is, therefore, intended to increase the size of the Commission from three members to five as proposed.

Para. 499.

72. The Government also agrees that all disciplinary cases should in future be heard by the Teachers Service Commission sitting periodically at each Provincial Headquarters.

Para. 500.

73. It is also accepted that the Teachers Service Appeals Tribunal should be a direct responsibility of the Ministry of Education and should no longer be serviced by officers of the Teachers Service Commission.

Paras. 501-502.

74. The Government agrees with the recommendation that the staffing of schools and posting of all teachers should be the full responsibility of the Teachers Service Commission.

Paras. 503-504.

75. The Government shares the views of the Commission on the need to amend the Teachers Service Commission Act regarding the constitution and administration of the Teachers Service Remuneration Committee. It considers that this body should be representative of the employer, the Kenya National Union of Teachers, and the Government, but that the Government must at all times reserve the right to accept, reject or amend any proposals recommended by this Committee.

76. The Government accepts the recommendations of the Commission regarding the reorganization and strengthening of the administrative structure of the Teachers Service Commission. The financial proposals necessary to allow the Teachers Service Commission to function efficiently as an employer are also acceptable.

Paras. 505
and 506.

77. The Government accepts the recommendations of the Commission regarding the transfer of Government teachers to the employment of the Teachers Service Commission without loss of pension privileges. It also recognizes that there is need to introduce greater mobility between the professional appointments under the Teaching Service and the administrative service of the Ministry of Education.

Para. 538.

Teachers Housing Board

78. The Government agrees with the proposal that the Teachers Service Commission should establish a Teachers' Housing Board on the lines recommended since such a Board may be usefully employed to meet, in part, the national need for increased housing for teachers in the rural areas.

Paras. 545-546.

Teaching Service Code of Regulations

79. The Government accepts the recommendation of the Commission concerning the proposed amendment of the Teaching Service Code of Regulations to make re-employment of teachers possible after they have been removed from the Teachers' Register. However, each case would be examined and decided on its own merits.

Para. 550.

80. The Government also agrees that the proposed regulations regarding sick leave should be implemented and that teachers should enjoy the medical privileges recommended for civil servants. A revised Teaching Service Code of Regulations will be issued by the Teachers Service Commission.

Para. 551.

CHAPTER XVIII—STATUTORY BOARDS, CORPORATIONS AND CONSULTATIVE BODIES

General

81. The analysis, observations and recommendations of the Commission on Statutory Boards and Public Corporations are generally accepted by the Government and appropriate instructions for implementation will be issued in due course.

Paras. 552-597.

82. The Government accepts the broad criteria which the Commission has recommended for governing the creation or continued existence of boards, corporations and other statutory authorities as being principally:—

- (i) State participation in critical areas of economic activity;
- (ii) Performance of certain operations on quasi-commercial lines;
- (iii) Minimization of dependence on private sector and promotion of indigenous commercial enterprises; and
- (iv) Contribution to accelerated and balanced economic growth, with particular reference to rural development.

83. The Government associates itself generally with the views and observations of the Commission on the merger or abolition of certain boards and the future role of others. It is considered, however, that appropriate parent Ministries should study the implications in greater detail and take the necessary measures in consultation with other interested Ministries and the boards and corporations themselves.

Relationships between Parent Ministries and Boards

Paras. 598-602.

84. The Government accepts the recommendation that the parent Ministries should continue their role in the formulation of policies and programmes for each board and corporation under their charge and retain the right to exercise such controls with regard to examination of capital and recurrent budgets; authorization of borrowings above a certain level; direction on disposal of surplus funds; approval of acquisition and disposal of high-value assets; and detailed formulation of pricing and marketing policies. The Ministries should not, however, involve themselves in day-to-day decision-making and execution which functions should be entrusted to the management of the Board. The Government further agrees that clarity of enabling legislation, observance of the management precepts proposed by the Commission, proper management capabilities and unambiguous delineation of authority are necessary in making parastatal bodies efficient.

Management of Boards

Paras. 603-608.

85. The Government accepts the Commission's view that the directors and top executives of boards and corporations should place equal emphasis on financial management which has hitherto left a lot to be desired. Ministries with parastatal bodies under their charge will, therefore, be required to ensure that suitably qualified and experienced financial managers are available within the boards to help in promoting their overall efficiency. The Government also agrees with the Commission's views regarding the appointment of Board members and chairmen as well as holding the size of such Boards at an effective and manageable level.

Inspectorate of Statutory Boards

Paras. 609-610.

86. The Government accepts the recommendation to strengthen the Inspectorate of Statutory Boards and to provide this unit with the necessary authority and manpower so as to enable it to perform its functions much more effectively.

CHAPTER XIX—STATUTORY BOARDS, SALARY SCALES, TERMS AND CONDITIONS OF SERVICE

General

Paras. 611-620.

87. The Government agrees with the Commission that a centralized personnel management system for all boards and corporations would cause inefficiencies and that, therefore, the parastatal bodies should continue to carry out their existing personnel management functions. However, the newly established Management Services Division of the Directorate of Personnel Management should be available in a consultative role to the boards and corporations, through their parent Ministries. Accordingly any revisions of terms and conditions of service should be referred to this Division so that reasonable comparability and consistency, both internal as well as external are maintained. It should be noted, however, that emphasis will be on harmonization of salary scales and other benefits particularly at the middle and lower levels and not on standardization.

Allowances for Members

Para. 621.

88. The Government accepts the recommendation of the Commission with regard to the allowances payable to members of Boards of Directors and the maximum figure of £600 per annum proposed by the Commission for part-time Board Chairman.

General

89. The Government associates itself with the views expressed by the Commission on the need for democratic participation in the affairs of the country at the local level. It concurs with the Commission on the objectives that a Local Government system should have in view.

Paras. 622-625.

Structure and Representation

90. The Government generally accepts the rationale of the Commission in respect of the single tier system of Local Authorities. The Government does not, however, agree that Urban Councils as today constituted should be abolished as these Councils have continued to function usefully in our growing Urban Centres. Accordingly, therefore, the Local Government system will consist of Municipalities, Township Authorities, Urban Councils and County Councils.

Paras. 647-648.

91. The Government further accepts that Local Advisory Committees within each County Council, be set up. These will be known as Local Advisory Committees and will be set up as far as possible on the basis of the present Electoral Areas and/or Administrative Locational Boundaries. The Local Advisory Committees will in addition consist of all the Councillors from each area within the County and will advise the County Councils on local matters especially on priorities, scales and the siting of public facilities and services.

92. It is agreed that all Councillors should be elected, except the District Commissioner who would continue to be an ex-officio member of the Council.

93. The Government accepts the need to have competent and effective members in local authorities and to help achieve this end, it is agreed that:—

- (i) Regulation No. 3 (e) of the Fifth Schedule of the Local Government Regulations 1963 regarding the official language of the Council will be enforced. Gazette Notice No. 2327/1963 dated 29th May will be repealed because it exempted everybody from literacy qualification.
- (ii) Teachers will be permitted to participate in Local Government affairs, but not as members of the District Education Boards.

94. In the light of the Commission's observations, the Government accepts the recommendation that functional Standing Committees should be abolished and replaced by a single Policy Committee to be known as the General Purposes Committee. The Government, however, considers that for the time being, this should apply only to County Councils, Township Authorities, Urban Councils and the smaller Municipalities. In the case of the larger Municipal Councils there may be two but not more than three Committees to be set up on functional basis.

95. The Government does not accept the recommendation of the Commission that Mayors and Chairmen should be appointed by the Minister responsible from a panel of names submitted by the elected Councillors because such a system would undermine the foundations of democratic representation.

96. The Government agrees that the staff of the Ministry of Local Government should be strengthened in order to meet the need for adequate supervision and guidance at the Ministry, Provincial and District levels.

Finances

97. The Government believes that on abolition of the Graduated Personal Tax other sound ways of getting finance should be considered so as to give the Councils a reasonable financial basis on which improved planning and more effective provision of services would be realized at the local level.

Para 649

98. The Government further accepts that grants-in-aid should continue to be given to those Local Authorities whose cases deserve consideration. Development finance as well as recurrent expenditure should be strictly related to the recommendations of the District Development Committees.

Para. 650. 99. The Government accepts the need to strengthen the Local Government Loans Authority so as to enable it make adequate loans available to County Councils. The Government further accepts that improved site value rating should be introduced in Municipalities and Township Authorities in order to fetch more revenue from valuable and highly developed properties. In cases of genuine need, Government financial assistance will be given to Municipalities for their development projects. Development budgeting will be co-ordinated through District Development Committees chaired by the District Commissioners responsible for these areas including Nairobi and Mombasa.

Financial Procedures

Para. 652. 100. It is agreed that financial procedures should be brought in line with those of the Central Government and that the financial year of Local Authorities should be the same as that of the Central Government, i.e., 1st July to 30th June. It is further agreed that auditing will continue to be carried out by the Controller and Auditor-General. However, continuous inspection of accounts and the rendering of advice will continue to be done by the staff of the Ministry of Local Government.

Staffing

Para. 653. 101. The Government accepts the establishment of the Local Government Service Commission. The proposed Commission will determine and deal with appointments, promotions, discipline and terms and conditions of service for all local authority employees.

102. The Government accepts that the National Joint Negotiating Council will comprise the Local Government Service Commission, representatives of the Kenya Local Government Workers' Union and the employing authorities. However, any substantial changes proposed by the Council will require the approval of the Minister for Local Government prior to implementation.

103. It is agreed that Area Council staff will be absorbed as necessary by the County Councils on abolition of the former Councils.

104. The Government concurs with the Commission's recommendation that the practice whereby individual councillors give instructions to staff should cease immediately. Any instructions to the Council staff should always be given by the Clerk to the Council who is the Chief Administrative and Executive Officer.

Remuneration of Councillors

Para. 654. 105. The Government accepts the recommendation that councillors' allowances should be reviewed from time to time and that their allowances should be paid monthly in arrears as there seems to be no justification for paying allowances in advance.

CHAPTER XXI—SUPERANNUATION

Paras. 682-690. 106. The Government shares the Commission's views on equality of reward in relation to superannuation and full mobility of labour and accepts in principle that in order to ensure further rapid development of the Republic the best means of catering for complete equality of pensions and the encouragement of full mobility of labour between all sectors of the economy

would be to establish a National Pensions Fund. However, it is considered that this matter should be examined further and as a separate exercise both with regard to the shorter term and long term recommendations made by the Commission on the subject.

CHAPTER XXII—THE OMBUDSMAN

107. The Government associates itself strongly with the views and observations of the Commission on the need for a definite shift towards greater accountability and openness among public officers and also with the view that there is merit in the institution of a Kenyan equivalent of the "Ombudsman". However, the Government considers that the office is unnecessary in a parliamentary democracy where the maxim that the State can do no wrong no longer holds true by reason of the fact that the Government and Government Servants can be sued and prosecuted in civil matters. A citizen injured by an abuse of office by public servants can also have the matter raised in Parliament by means of a Parliamentary Question. Furthermore, it is feared that the "Ombudsman" might be misused by unscrupulous elements in the society for witch-hunting and undue victimization. The Government does not, therefore, accept this proposal at this time.

Paras. 50-55
and 691-700.

CHAPTER XXIII—CIVIL SERVICE, OTHER TERMS AND CONDITIONS OF SERVICE

Housing

108. The Government notes the Commission's views on housing and wishes to state that its long term policy is to move away gradually from the responsibility of housing civil servants with the aim of paying a clean wage when the stock of housing in the country is sufficiently large to meet the need. However, the fact that there is still pressure on the available housing with consequential effects on prices and rents makes it imperative that civil servants' housing should continue for the time being to be subsidized to maintain the morale and efficiency of the Service.

Para. 713.

109. The Government proposes to accept the Commission's recommendation regarding assistance towards civil servants' house ownership through making loans available to them for the necessary initial deposit required for participation in home ownership schemes. The Government also accepts the Commission's recommendation that houses for junior Government staff should normally continue to be found within the local authority housing estates.

Paras. 714-715.

Leave

110. The Government shares the Commission's views that the present leave earning rates enjoyed by the Civil Service are excessive and accepts the new leave rates recommended. The Government also accepts the Commission's recommendation that there should be no leave accumulation in future. Accordingly, annual leave will be due to a civil servant at the commencement of a "leave year" (1st January to 31st December) and any leave not taken during a leave year will automatically be forfeited.

Paras. 719-720.

Sick Leave

111. The Government accepts the Commission's recommendation that officers should be eligible for up to three months sick leave on full pay and three months on half pay in any one leave year.

Para. 726.

Maternity Leave

112. The Commission's recommendation that maternity leave should continue to be treated as unpaid leave has already been reviewed by the Government.

Para. 731.

Revision of the Code of Regulations

Paras. 733-738.

113. The Government accepts the Commission's recommendations regarding the continuing up-dating of the Code of Regulations so that it continues to meet the changing needs of the Kenya Government and the Civil Service.

Private Interests

Paras. 739-740.

114. The Government associates itself with the views of the Commission regarding the ownership of land and other private interests.

Membership of Political Associations

Para. 742.

115. The Government concurs with the Commission's recommendation that all civil servants, irrespective of their position or terms of service, should not be allowed to become active members of any political party or any other associations which may be classified as political.

Undue Use of Influence

Para. 744.

116. The Government accepts the Commission's recommendation that appointments, promotions, postings, etc., in the Service should be decided essentially on the basis of individual merit and the interests of the Service generally.

Discipline

Para. 745.

117. The Government notes the Commission's observations on the apparent effect arising from laxity or non-enforcement of disciplinary rules but wishes to state that it will ensure that Service regulations are scrupulously observed in future.

Retirement from the Civil Service

Para. 746.

118. The Government accepts the recommendation of the Commission for retaining the normal retirement age at 55 years. With regard to the Commission's recommendations on premature retirement, however, the Government considers that the existing arrangements should continue to apply for another experimental period of five years.

Employment of Married Women who are Kenya Citizens

Para. 747.

119. The Government agrees that in future all married female officers other than members of the Subordinate Service should be able to choose whether to serve on pensionable or agreement terms. Unmarried female officers will also have the same option extended to them.

Duration of Local Agreements

Para. 748.

120. The Government accepts the Commission's recommendation regarding the extension of the duration of local agreements to three years.

Advances

Advances for the Purchase of Motor Vehicles

Para. 749.

121. The Government proposes to modify the recommendation of the Commission regarding advances for the purchase of motor vehicles so that the amount of the advance is restricted to a maximum of K£900 for officers in Job Groups K and above and a maximum of K£750 for other officers; or 75 per cent of annual basic salary in both cases, whichever is the less. The repayments will, however, continue to be paid off within a period of three years so as to extend this facility to a much greater number of officers since the total amount of money available for advances is limited.

Overhaul of Motor Vehicles

122. The Government does not accept the recommendation of the Commission to cease granting advances to officers to meet the cost of major overhaul of motor vehicles as it is considered that the recommendation is inconsistent with the spirit under which the Government grants advances for the purchase of motor vehicles. Para. 750.

Purchase of Bicycles

123. The Government accepts the Commission's recommendation that the amount of advance for the purchase of bicycles should be increased from K.Sh. 360 to K.Sh. 450 and that repayment should be spread over a period not exceeding 18 months. Para. 751.

Purchase of Refrigerators

124. The recommendation of the Commission that officers working or posted to the North-Eastern Province and its adjacent areas may, if they wish, apply for an interest free advance not exceeding Sh. 1,800 repayable in not more than 18 months to purchase a refrigerator is accepted. Alternatively, the Government has decided to install refrigerators in Government houses in these areas as part of the furniture. Para. 752.

Medical Privileges

Outpatient Treatment at Non-Government Hospitals

125. The Commission's recommendations regarding out-patient treatment at non-Government Hospitals are accepted. However, the Government considers that the present aggregate maximum claim of £50 should be raised to £100. Para. 753.

A Contributory Medical Scheme

126. The Government appreciates the Commission's proposal for a contributory medical scheme for civil servants. However, the proposal will require detailed examination before a decision is taken. Meanwhile, the Government intends to review the provisions of the National Hospital Insurance Fund Act to check whether these provisions could be modified to provide for enhanced and more varied benefits to the contributors to the Fund. Paras. 754-756.

Forest Resident Workers

127. The Government proposes to accept the recommendation of the Commission that Forest Resident Workmen should be employed on contracts and that they should receive wages that are no less than the rate payable to rural agricultural workers. The Government, however, is unable to accept the recommendation that where Forest Resident Workmen are allocated land for cultivation they should be charged rent because such an arrangement would place both the Forest Department and the Resident Forest Workmen at a disadvantage. Paras. 795-796.

Workspaid Staff

128. The Government accepts the proposals and recommendations of the Commission with regard to assessment of the terms of employment for seasonal workers and workspaid staff in the Civil Service.