

TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000

Email: info@tsc.go.ke

Web: www.tsc.go.ke



TSC HOUSE
UPPER HILL
KILIMANJARO ROAD
PRIVATE BAG
NAIROBI, KENYA

When replying please quote :
Ref. No.

TSC/ADM/192A/VOL.VII/151

29TH APRIL, 2010.

TSC/CIRCULAR NO. 3/2010.

TO: All Provincial Directors of Education
The Director of City Education
All Municipal Education Officers
All District Education Officers
All Principals, Diploma Teachers Colleges
All Heads of Public Secondary Schools
All Heads of Public Primary Schools I
All heads and managers of private primary and secondary schools,
All Principals, Institutes of Science and Technology
All Principals, Primary Teachers Colleges
All Principals, Technical Training Institutes
The Director, Cemastea
The Director, Kenya Institute of Special Education

RE: PROTECTION OF PUPILS/STUDENTS FROM SEXUAL ABUSE

Pursuant to the enactment of the Sexual Offences Act (2006), and in accordance with the professional ethics espoused in the TSC Code of Regulations, the Commission hereby wishes to bring the following to your attention:

The Commission is concerned with the increasing cases of violence (physical, psychological and sexual) against pupils/students and recognizes that it is a violation of their human rights wherever it occurs - in their homes, educational institutions, communities and places of care.

Sexual abuse against pupils/students affects them physically and psychologically and interferes negatively with their learning process.

All teachers and other employees of the Commission are therefore required to protect pupils/students against sexual abuse and to do everything possible to offer assistance to them in the event of abuse.

A pupil/student for purposes of this Circular, is any male or female, whether aged below or over 18 years of age, who is enrolled in any educational institution including pre-primary, primary, secondary or any tertiary institution.

A teacher for purposes of this circular is any person who carries on the profession of teaching in any pre-primary, primary, secondary or any tertiary institution.

Sexual abuse by a teacher to a pupil/student shall include sexual intercourse, sexual assault, touching of a pupil/student's body which is of a sexual nature, any suggestive language or gesture, any form of inducement, threats or violence to force them to engage in sexual intercourse, exposing pornographic material or any form of flirtation with or without consent.

The Commission categorically states the following.

1. Sending of pupils/students to teachers' houses for any reason whatsoever is prohibited.

2. Any teacher who at any given time has reasonable grounds to believe that sexual abuse has been committed against a pupil/student in their school, in any other school, or outside the school, must report such a case or suspicion to the head teacher, education officials, School Management Committees, Boards of Governors, Police or any organization working with Child Protection issues in the area **AND** the Teachers Service Commission within 24 hours.

3. No teacher shall induce, coerce, threaten or intimidate a pupil/student in any way and particularly in regard to their academic performance, in order to have sexual relations with that pupil/student.
4. Any teacher, TSC employee or TSC agent who fails to report a case of sexual abuse, actual or alleged shall face disciplinary action.
5. Any teacher, other TSC employee or agent who facilitates and/ or arranges the cover-up of a case of sexual abuse against a pupil/student shall be considered an accomplice and shall face disciplinary action
6. Any pupil/student sent away from school for any reason shall only be allowed to leave the school strictly after notification to the parent or guardian and not earlier than 6.00am or later than 12.00pm.
7. All head teachers shall ensure that for any co-curricular activities outside of the school, pupils/students will be accompanied by at least one teacher of the same sex.
8. School rules must include specific provisions aimed at protecting pupils/students from sexual abuse. These rules must include adequate measures for reporting, responding and any other form of support for pupils/students affected in sexual abuse within the school which would protect them from stigma and embarrassment.
9. Head teachers must put in place systems to implement their school rules to protect pupils/students in their schools from sexual abuse.
10. Cases of child sexual abuse by other people who are not teachers that come to the attention of teachers or TSC agents; whether happening at school or outside the school must be reported to the police, the Children's Department or any organization dealing with Child Protection issues.
11. Cases of sexual abuse of pupils/students involving other public servants should be reported to the Children's Department, Teachers Service Commission and any of the following authorities including;- the area chief, police as well as other organizations working with child protection issues.

Help can also be obtained through the National **Child helpline Number-116 which is toll free from Safaricom, Orange, YU, Telkom, landline and wireless networks.**

"Let's break the silence on Child Sexual Abuse".

Any breach of the provisions of this circular shall result in disciplinary action.



**GABRIEL K. LENGOI BONI, EBS
SECRETARY/CHIEF EXECUTIVE
TEACHERS SERVICE COMMISSION**

cc:

1. The Permanent Secretary
Ministry of Education
P.O Box 30040-00100
NAIROBI
2. The Permanent Secretary
Ministry of Higher Education,
P.O. Box 9583 – 00200
NAIROBI.
3. Education Secretary
Ministry of Education,
P.O. Box 30040,
NAIROBI.
4. The Permanent Secretary
Ministry of Gender, Children and Social Development
P.O Box 16936-00100
NAIROBI
5. The Secretary, Children's Affairs
Ministry of Gender, Children and Social Development
P.O Box 16936-00100
NAIROBI

6. The Secretary General
Kenya National Union of Teachers
P.O Box 30407
NAIROBI

7. The Director Children's Department
P.O. Box 46205, Jogoo House 'A'
NAIROBI.

8. The Secretary General
KUPPET
P.O Box 30412-00100
NAIROBI

9. The secretary
Teacher Service Appeals Tribunal
P.O. Box 30040-00100
NAIROBI

