

TSC STAFF SUPERANNUATION SCHEME



TRUSTEE APPOINTMENT AND REMOVAL POLICY

2024

VISION

An exceptional pension scheme offering comfort in retirement

MISSION

To ensure prudent utilization of Scheme Funds and provide timely benefits to members and their beneficiaries

CORE VALUES

- Integrity
 - Equity and fairness
 - Respect for members
 - Accountability
 - Innovativeness
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1.0 Introduction

The Teachers Service Commission Staff Superannuation Scheme is committed to upholding the highest standards of governance through transparent, equitable, and democratic processes in the appointment of Trustees.

2.0 Objective

This policy sets forth the guidelines for the fair and transparent election of Trustees, ensuring compliance with legal and regulatory requirements.

3.0 Scope

This policy applies to all Scheme members and stakeholders involved in the appointment process. It covers the nomination, election, resignation and removal of Trustees.

4.0 Authority

This policy is based on the authority provided by the Retirement Benefits Act, and other relevant legislation, as well as the Trust Deed and Rules, governing the Scheme.

5.0 Qualifications of Trustees

As provided in the Annexure: Policy Guidelines on Elections

6.0 Election Committee

- **Composition:** The Committee will consist of the Scheme's Administrator, Secretary, and a minimum of two Board nominees.
- **Duties:** The Committee will oversee the entire election process, from candidate verification to the resolution of disputes.

7.0 Voting Process

- Voting shall be conducted by secret ballot, with physical and digital options available.

- Where manual voting is done, the Election Committee shall ensure that all ballots are secure and that the voting process is transparent and fair.
- Where digital voting is done, the Election Committee shall ensure that the system is secure and that the voting process is transparent and fair.

8.0 Appointment of Trustees

The Appointment of Trustees will be in line with the provision of the Trust Deeds and Rules

9.0 Dispute Resolution

The election committee will handle any disputes, with decisions rendered within a specified timeframe.

9.1 Mandatory Training and Certification

All elected or appointed Trustees must complete a training and certification program within six months of their election or appointment.

10.0 Removal of Trustees

The Removal of Trustees will be in line with the provision of the Trust Deeds and Rules.

11.0 Review and Revision of Policy

This policy will be reviewed every three years or as required by changes in legal, regulatory, or business requirements. Any revisions must be approved by the Board of Trustees.

12.0 Appointment of Trustees

12.1 Nomination by the Commission

The Commission Secretary, in consultation with the Chairperson of the Commission, shall nominate 50% of the Trustees who shall possess the requisite skills and competences.

12.2 Election of Trustees

All Members shall be eligible to participate in the election of 50% of the Trustees under the principle of "One person, one vote."

12.3 Election Date

A vacancy in the office of a Trustee shall be filled within twelve months. The election date shall be determined by the Board.

12.4 Eligibility for Voting in Elections

The following persons shall be eligible to vote in the election of a Trustee:

- Current employees of the Commission who are contributors; and
- Deferred members whose funds are in the scheme.

12.5 Election Committee

An Election Committee shall comprise:

- The Administrator;
- The Secretary;
- Two Sponsor appointees; and
- Two Board nominees.

12.6 Duties and Responsibilities of the Election Committee

The Election Committee shall:

- Verify candidates to determine their eligibility for the election;
- Conduct the elections of the Trustees;
- Organize and administer all aspects of the voting process;
- Appoint returning officers;
- Determine the legitimacy of charges and adjudicate electoral disputes; and
- Certify the election results.

12.7 Elections

12.7.1 Vetting and Short-listing Process

The following process shall be applied for vetting and shortlisting of successful candidates:

- The notice of elections of Trustees shall be issued at least forty-five days before the election date;

- Interested applicants will be required to download the application forms from the Scheme Website or collect them from the Secretariat office;
- The applications should be received at the designated office at least 30 days before the election date;
- An ad hoc committee comprising of serving Trustees will be established by the Secretary to the scheme to handle the vetting and short-listing process;
- The candidates who meet the requisite qualifications will be informed of their clearance to participate in the elections;
- The disqualified applicants will be notified in writing; and
- The names of the shortlisted applicants will be posted on the Scheme website.

12.8 Campaigns

Upon clearance, the shortlisted candidates may start campaigning until the day before the election, subject to the following guidelines:

- Scheme funds should not be used for campaigning;
- The campaigns should not interfere with the normal operations of the Sponsor; and
- Sitting Trustees should not endorse any particular candidate.

12.9 Electoral Process

The Trustees will determine the mode of election of Trustees, which will either be manual or electoral.

12.9.1 Designing of the Candidates' Profiles

The candidates' profiles will contain the following information:

- Full names;
- National identification number;
- TSC Number; and
- A colored passport size photo.

12.9.2 Ballot Boxes

A minimum of four ballot boxes will be prepared, labelled, and sealed; or

The agreed platform will be designed.

12.9.3 Voting Process

The voting process shall be determined by the Trustees.

- The voting will be by secret ballot.
- All candidates appearing on the ballot papers/voting portal, as the case may be, will be eligible for voting regardless of their physical presence at the voting venue.
- Any candidate who wishes to withdraw from the election must submit their request for withdrawal in writing to the presiding officer before the election time.
- All candidates shall be represented by a maximum of two agents.
- The election process will be presided over by the Administrator or designated persons appointed by the Board.
- Each Member shall be given one ballot paper/token.
- The presiding officer will declare the end of the voting process.
- The votes will be counted in the presence of the candidates and their agents.
- The results of the elections will be announced by the presiding officer immediately after counting.
- In case of a tie, the candidates with the equal number of votes will go for a re-run at a date that shall be communicated by the Secretary.

12.9.4 Spoilt Votes

The following shall be considered as spoilt votes:

- Votes received after the election period;
- Photocopied ballots; and
- Ballots where the voter's intent cannot be determined.

12.10 Electoral Malpractices

The following shall constitute electoral malpractices:

- Paying a person to vote;
- Allowing a person who is not eligible to vote;
- Showing a marked ballot to another person in a way that reveals the content of the ballot;

- Interfering with an agent;
- Destroying or defacing a ballot paper or delivering a package of ballots to unauthorized persons;
- Knowingly causing disturbance and interfering with the work of the electoral officials;
- Interfering with the secrecy of the voting process;
- Inducing or persuading a voter to vote for a candidate while serving as an electoral official;
- Intimidating, threatening, or coercing a voter to vote in any manner.

12.11 Run-off Elections

If candidates attain the same number of votes, making it impossible to determine the winner, a run-off election shall be held within one month from the election date.

12.12 Electoral Disputes

Any electoral dispute shall be heard and determined by the Election Committee, which shall deliver its decision within fourteen days. The decision of the Election Committee shall be final.

13.0 Adoption and Sign Off

This policy is adopted by the Teachers Service Commission Staff Superannuation Scheme and is effective from the date of approval by the Board of Trustees.

Signed by the Trustees of **Teachers Service Commission Staff**

Superannuation Scheme on this ^{20TH} day of SEPTEMBER 2024

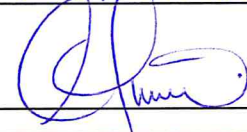
COMMISSIONER MBAGE NJUGUNA NG'ANG'A



MR. FRANKLIN KIPRONO CHOGE



MR. GEORGE MUNENE GICHONJO



MS. JENNIFER WAITHIRA NDEGE



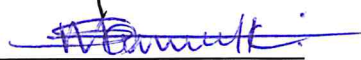
MS. ERICA KIPSOISOI RUTTO



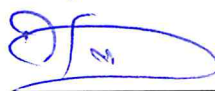
MR. GEORGE ONYANGO ODAWO



MR. SAMUEL MWENDA KITHINJI



MR. JOSHUA KITHUNU KAMANA



In the presence of the Trust Secretary

MRS. SALOME KARAMBURI MWITI



Annexure: Policy Guidelines on Elections

1.0 Qualifications of Trustees

- A person shall be qualified to be a Trustee if such person possesses the following qualifications:
- A Bachelor's Degree from a recognized University Experience in management and leadership, having served in a position of responsibility for at least 5 years;
- Has served at the level of Job Group 'L' TSC Scale 8 and above;
- A Clearance certificate from Ethics and Anti-Corruption Commission (EACC);
- A Certificate of Good Conduct from the National Police Service;
- A Clearance certificate from Credit Reference Bureau (CRB);
- Has not undergone a disciplinary process in the last two years and does not have a pending disciplinary case;
- Has not been sentenced to imprisonment by a court of competent jurisdiction for a period of six months or more;
- Has no pending criminal case;
- Has not been adjudged bankrupt;
- Was not previously involved in the management or administration of a scheme which was deregistered due to management failure; and
- Is not disqualified under any other written law, or his holding office as such is not deemed by the Authority as being detrimental to the scheme.