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C0533/459

ORDER NO.           ⇨ FN/E475  
CAMERA NO.         ⇨ 19  
OPERATOR.           ⇨ EM  
REDUCTION.         ⇨ 12  
EMULSION NO.       ⇨ 341081  
DATE.               ⇨ 3/7/72

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65. *As per sub*  
European Local C.S.

Acting Governor Wade 65 (by Air Mail) — 9<sup>th</sup> 9/19

Submits proposals regarding the admission of married women to the European Local Civil Service & married women becoming contributors to European C.S. Provident Fund & request reply may be sent by Air Mail.

The question raised by the O.A.C. affects chiefly the position of <sup>married</sup> women serving ~~in~~ posts scheduled for inclusion in the European Local Civil Service.

Women in exceptional circumstances married women will not be transferred to the new Service and are therefore barred from participation in the benefits of the Provident Fund scheme. The exceptional circumstances in which married women are transferred are where the wife of an officer in the Service and both husband and wife are required for the superintendence of an institution.

The O.A.C. desired to make a special exception in the case of a married woman who is the sole support, not partial support, of an invalid husband, or of a husband in the infirmity of a mental Institution. It thinks that such an officer should be admitted to the Local Civil Service and that the benefits of the Provident Fund Scheme should be extended to her. C.S. Department and Pensions Branch will desire to comment, and Legal Dept. will no doubt advise whether the proposal will necessitate any amendment of the European Civil Service Provident Fund Ordinance. The O.A.C. mentions also the case of the married officer who has been deserted from or deserted by her husband, although no judicial separation has been obtained. It does not propose, however, to transfer such an officer until she has attained the legal status of a single woman. Subject

to legal observations? we could concur in the  
proposal *L*

*C. A. ...  
2/17/30  
L. B. ...  
it*

The Governor proposes two things:-

- (1) that married women who are the sole support of invalid husbands, or whose husbands are in a mental institution, should be eligible in special cases for appointment to the Local Civil Service; and
- (2) that women so admitted should be allowed to contribute to the Provident Fund.

In this connection it is of interest to note the views in paragraphs 30 - 34 of the recent report of the Committee of the National Whitley Council for the Civil Service in this country, on Women's Questions, a copy of which I annex. In paragraph 32 the Committee agree, as regards first appointment to the service, that a woman who is in law a married woman must be so treated and can only be considered for appointment if she satisfies the conditions required to be satisfied generally in the case of married women. (See paragraph 21 of the report as to these).

The Committee were, of course, thinking of established appointments and I do not think we need necessarily follow their views in so far as concerns (1) of the Governor's proposals. I agree with the East African Department that a married woman in the circumstances indicated by the Governor should not be debarred from

entering the Local Civil Service. The grounds on which married women are excluded in the ordinary way do not really exist in such cases, and exclusion might result in real hardship. It would seem necessary, however, to stipulate further, in the case where the husband is in a mental institution, that he has no income from which the wife can be supported.

From the opening words of paragraph 5 of the Governor's despatch it would appear that he sees no difficulty about this part of his proposals; it might even be held that "exceptional circumstances" in Section 24(1) of the Secretariat Circular could cover the cases in question, were it not that 24(1)(a) and (b) limit the nature of the exceptional circumstances. There should, however, be no difficulty in amending the Circular to permit - perhaps expressly - of the cases at the end of paragraph 4 of the despatch being included under "exceptional circumstances".

There is one small point. The exceptional circumstances might be temporary; the invalid husband might recover and resume his earning capacity; but under Section 25(1) of the Secretariat Circular if the wife had been ten years in the service the Government could not terminate her appointment except by dismissal, abolition, invaliding or age limit (Section 20). This point is not, perhaps, of much importance, but it might be thought desirable to provide that in all such cases, notwithstanding anything in Section 25(1), the engagement could be terminated by the Government at any time during service by three months' notice, or one month's salary in lieu of notice.

*I think amendment of  
the circular is to be  
advised. It is not  
from an illustration to  
the extent of the  
provision, and the  
employee*

*\* Should not the  
two correspond?  
as they follow the circular - or  
perhaps it is  
all right*

(2) of the Governor's proposals is more difficult. Perhaps Mr. Roberts Wray will say whether the procedure contemplated in paragraph 5 of the despatch would be effective <sup>whether</sup> i.e. ~~where~~ exclusion from the operation of the Ordinance, or exemption from the provisions of Section 5(e), would legally empower a married woman to do what Section 5(e) says she may not do. It seems rather doubtful, and, if this would not suffice and a special amendment of the Ordinance were required, it might be difficult to draft such an amendment which would not also admit e.g. women appointed to the Local Civil Service on the ground of public interest (Section 24(1)(b) of the Circular). In any event such women would, I think, have a grievance if they, too, were not allowed to contribute to the Provident Fund.

There is also the point, though I do not think it is of much importance, that the invalid husband might be a registered contributor to the Widows' and Orphans' Pensions Scheme, i.e. the Government might have already assisted financially towards provision for the wife in the event of her husband dying before her.

The real difficulty, however, is that the admission of such women to the Provident Fund would be practically the equivalent of establishment in the pensionable grades. I am thinking not so much of the repercussions in other Colonies as of the possible effect on the position of women who might be appointed to a post on the pensionable establishment of Kenya itself. If married women in the Local Civil

Service

Service are allowed to contribute to the Provident Fund, it will make it more difficult to maintain the general rule that married women may not be appointed to the pensionable establishment; and so long as the official policy is that stated in paragraph 3 of No. 5 of 40948 E.A., it seems on the whole ~~not~~ dangerous to contemplate married women being allowed to join the Provident Fund. Paragraph 34 of the report on women questions, mentioned above, indicates that the Official Side took the view that "a proposal to grant "establishment in some or all such cases would give "rise to serious difficulties and is not one which the "can therefore support". The Committee understood, however, that similar cases to those now raised would always be sympathetically considered from the point of view of temporary employment; this translated into Kenya terms is tantamount to the acceptance of (1) of the Governor's proposals and not (2). The arguments seem to lead to agreeing to the admission of women to the Local Civil Service, but not allowing them to contribute to the Provident Fund. I must confess that I do not think that any serious harm would result in allowing them to contribute in Kenya, but the Governor states that cases of the kind he has in mind would be few and far between, and perhaps it would be sufficient to proceed on the above line for the moment; though if there is any real measure of hardship the matter will, no doubt, have to be considered again later.

G. J. Peel  
31/5/35

I think the Gov can under S 10 exempt persons or classes of persons from the prohibition in S. 5(e).

See also memorial at above

The former could hardly do so?

Not a very strong one, surely, if they have husbands to appeal to.

But a woman to die a long time after her husband.

My only other comment is that I do not  
know upon what grounds it is suggested  
in para 3 & 4 of the draft that  
that a woman who is separated  
from her husband & judicial  
separation can contribute under the  
Order in the above. She remains  
a "married woman" & therefore, having  
regard to 55(a), some provision  
could be made. The question of  
making provision for a woman  
destitute of means & separated from  
her husband seems therefore to require  
further consideration of the married woman  
as to what should be included.

R. O. Roberts

5.15

As I understand it, the  
Interpretation Order in Kenya to any that  
"married woman" does not include  
one judicially separated. I did to  
my surprise of this in but will  
be very pleased to hear of any  
change please write.

R. O. Roberts

There is no such definition  
in the Interpretation Order.

D. H. Drummond  
1/6

I don't think we need  
worry about possible repercussions  
in other Colonies. We might  
however put to the O.A.C. the  
Sect's point about the possible  
effect on the policy of excluding  
married women from reasonable  
posts in Kenya itself, but  
we are agreed that if no  
serious importance is attached  
locally to this aspect of the  
matter the proposals may  
be regarded as approved.  
We should also put in  
Roberts' way's point.

C. J. Jepson  
1.6.55

Yes: cases will be few and - perhaps they  
will probably be confined to Kenya.

I think we can tell the O. A. C. there is no  
objection to the appl. of married women in exceptional  
cases as to their contributing to the Provincial fund  
writing as Mr. Jeffries suggests & pointing out that  
any such will have to be exempted by name under § 10  
of the Ordinance, as they remain married.

(I don't know where the Kenya legal people got their

As proposed.

[I don't much mind if this has led to a - careful - extended extension of the offer]

3.6.35

By letter mail 11/6/35

To Kenya, Conf (2) (1 answer) 7 JUN 1935

3. A/G Governor Wada 221 (Answer) 31 May 35

Submits information of his conviction that it is unnecessary to address the S. of S. regarding the extension of leave of officers of the Kenyan Local C.S.

4. A/G Governor Wada 245 (Answer) 31 May 35

Submits proposals regarding passage conditions agree with suggestion that C.A. should issue letter of appointment but make attention to the omission of any reference to the 12 months, suggests that if approved these proposals may be adopted in the case of various vacancies under review.

It is agreed that the Crown Agents should give to Officers selected for appointment to the Kenya local Civil Service, a formal letter to the effect:-

(1) That he has been selected for service and, on arriving in Kenya, will be appointed by letter on a temporary basis for the period of twelve months, which period may be extended at the discretion of the Head of the

Department

Department.

(2) That on conclusion of twelve months service, he will become eligible for a permanent appointment in the local Civil Service, and if so appointed, will become subject to the regulations applicable from time to time to that Service.

(3) That if his appointment is terminated otherwise than by dismissal while he is serving on a temporary basis, he will be provided with a free passage back to this country, and will be granted a sum of £ 25 towards the cost of passages for his wife and family, if they are with him in the Colony, provided that these rights will lapse if not exercised within six months, and

(4) That if his appointment is terminated otherwise than by dismissal he will, if returning to England immediately on release from duty, be granted leave with full salary for the period of the voyage and for ten days in respect of each completed period of three months resident service or for one month, whichever is the greater; but that otherwise, he would only be granted such leave, if any is required, to enable him to have one clear month on full pay after his release from duty.

As regards 3 and 4 above, the O.A.G., proposed that the words "or resignation" should be added after the word "dismissal". This seems unobjectionable. The O.A.G., considers that it should be specified in the letter of appointment, that half salary will be paid from the date of embarkation to the date of arrival in the Colony. This is customary.

We suggested that a selected candidate should be required to sign a Crown Agent's passage Agreement in the usual form, with a proviso that

liability

liability to refund the cost of his passage should only extend to twelve months.

The O.A.G., proposes, however, that the liability should be extended to four years, but with diminishing effect for each year of the tour (four years). It is also proposed to set-off against the liability, the amount earned by the Officer in respect of his leave passage, which is 25% for each year's residential service. The arrangement is described in some detail in the Despatch. There is nothing in it, however, which would prevent an Officer who completed four year's residential service, from having a free passage to England.

But, if he completes 3 years, he will get only 50% of his passage

ditto ditto 2 " , he gets nothing towards his passage home.

ditto ditto 1 year, he will have to refund 50% of the cost of his outward passage and pay for his own passage home.

ditto ditto under 1 year, he will have to refund the whole of the cost of his outward passage, and to pay for his homeward passage.

In the terms of Paragraph 14 (1) of Secretariat Circular No. 2 of 1935, an Officer will earn 25% of the cost of a passage to England or elsewhere for each completed year of service. Unless, then, the passage liabilities are explained to candidates in their Passage Agreements, it is conceivable that an Officer might think himself entitled to 50% of the cost of a passage to England on the completion of two years and 75% on the completion of three years service.

On the other hand, the existing Passage Agreement makes it clear that an Officer who, prior

prior to the expiration of the "tour of service that shall be fixed by the Government" either quits the Dependency without permission or leaves the service of the Government or is dismissed or removed from his appointment in consequence of misconduct, he shall refund and repay to the Government or to the Crown Agents the amount paid for his passage to the Dependency and transport to his post or such part of it as the Government or the Secretary of State may direct.

Subject to the observations of Colonial Service Department, I would suggest that the existing Form of Agreement meets the case, and that all cases where it is necessary to recover passage costs should be dealt with by the Governor on the lines proposed.

? Inform the Crown Agents and ask them to proceed with the selection of candidates for the vacancies mentioned in Paragraph 4 of the Despatch, accordingly.

No. 3 is registered on this paper for a decision with regard to the second paragraph.

? The Officer Administering the Government may be informed that his assumption is correct.

(Sgd.) G.A. Crossmith.

15/6/35.

#### Passages

I agree that it will be undesirable to set out the proposed arrangement in detail in a legal agreement, and that it will be preferable to make the officer legally liable for the full amount, leaving the Governor to apply the arrangement proposed as a

matter

\*Copy  
flagged on  
38067/35.

A

B

matter of administration, when the occasion arises.

It is however to be noted that the agreement (flagged A in 38067/35) is a perpetual one; it is signed once only and applies thereafter throughout the officer's service. It provides for a liability to refund the cost of a full outward passage. As all officers to whom the agreement has been applied in the past have received free passages on returning to Kenya on the expiration of leave, no difficulty has arisen; and no difficulty will arise about the use of the agreement as it stands for the Local Civil Service, if a member of that Service is to receive a free passage to Kenya on the conclusion of leave irrespective of what he received for his passage when coming on leave. Of the cost of his passage when coming on leave, such an officer gets 25% for each year of continuous resident service. So if he comes on leave after three years he only gets 75%, and has to pay the rest himself. If in such circumstances he nevertheless gets a free passage back to Kenya on the expiration of his leave, the agreement is satisfactory in its present form: but if he only gets 75% of his return passage it would in my view be unfair to make his liability for refund during his next tour in the event of resignation etc. exceed that amount. You

can't

can't reasonably perpetuate throughout an officer's service liability to refund a full passage, because he got one on first appointment (possibly twenty or more years before the question arises).

This despatch suggests that in fact the condition at A may be regarded as satisfied. But the regulations for the Local Civil Service are silent on the point, and we ought to know where we stand before settling the form of the passage agreement.

"Tour of Service" is as Mr. Grossmith points out not defined or indeed, I think, even used in the European Local Civil Service Regulations, and it should therefore be defined in the passage agreement signed by members of the Service. The following might do - "Any period of continuous resident service in Kenya, provided that Local Leave, even if taken outside Kenya, shall be regarded as resident service for the purpose of determining the length of a tour."

I am much inclined to telegraph as follows:-

"Do I rightly understand that members of Local Civil Service <sup>will</sup> receive <sup>full</sup> free passage <sup>back</sup> to Kenya on expiration of leave <sup>on every occasion</sup> irrespective of length of previous tour? If not I consider that liability for refund should not exceed amount of Government contribution towards <sup>to Kenya</sup> outward passage on expiration of previous leave." Do you agree?

Does 'outward' mean passage back from destination to Kenya? If so all right but Kenya may read it the other way. I have added some words to the draft to make it clearer. If you agree please advise.

A. B. Jackson  
2/16  
at once

A. B. Jackson  
19/6



5 Tel to Gov. Kenya No 161 <sup>Govt.</sup> 24/6/35

copy for action  
B in min 1/15/36

copy for reports  
before taking action  
at P. in min 1/15/36

see also  
General (Kenya) 2

6. Crown Agents (Min) \_\_\_\_\_ 11 June 35

Encls. a copy of a letter from the Treasurer regarding the mangagement of the Embusen local C.S. & state that they are proceeding accordingly therein.

7. Crown Agents \_\_\_\_\_ 25 June 35

Encls. copy of letter from Lt. Secy. & presumes copy of No. 4 will be sent to them in due course.

8. O.A. 4. Tel 162 \_\_\_\_\_ 5 July 35.

States as to portion of cost of passage which should be repaid by members of the local Civil Service

9. Crown Agents \_\_\_\_\_ 5 July 1935.

This copy tel. from Col. Leif. Kenya asking the present position of the Northern White Company and draft reply.

No. 6 is satisfactory and may be put by.

No. 7-9. It is convenient to deal first with No. 8 which makes it clear that members of the Local Civil Service should receive on expiration of leave only such portion of passage back to Kenya as they earned cost of passage from Kenya.

I have spoken to Mr. Acheson about these arrangements and I think he is prepared to accept them. I find some difficulty, however,

in interpreting the proposed regulations, e.g. an officer coming on leave after completing only two years of his first tour has earned 50% of passage home; he owes, however, 50% of his outward passage. In effect, therefore, he will be required to meet the whole cost of his homeward passage. So far so good. But is it to be understood (vide No. 3) that he will receive any portion of a passage back to Kenya? I think the answer is, No.

The complicated arrangements in regard to people who do not complete a full tour must, I think, be left in the hands of Govt. to be applied locally, and if this is done there seems no reason to alter the existing form of Passage Agreement.

*It will need amendment*

In the case of an officer resigning, the question of a passage back to Kenya does not, of course, arise. It will be for Govt. to inform the Crown Agents when an officer comes on leave what proportion of a further passage should be provided free.

No. 7 and 9. Kenya is getting restive about the unfilled vacancies. I therefore submit a draft letter to the Crown Agents stating what has been agreed with Kenya and asking them to proceed with the selection of candidates. I have said that the existing Passage Agreement may need amendment. After the letter has gone the Legal Advisers might be asked if in fact any amendment is necessary. A despatch to Kenya will also be required.

*CAF 21/7/35*

No question of refunds arises except when the officer is leaving the service; so that in the case at X above the officer, if he is leaving the service, will get nothing for his homeward passage, and the question of his passage back does not arise; if he is not leaving the service he will get 50 per cent. of his passage home and 50 per cent. of his passage back.

The passage agreement will certainly, I think, require amendment. On first appointment an officer receives a free passage to Kenya, and the agreement should provide for a liability to refund the cost of the passage if he resigns, etc. within the ~~next~~ <sup>after the date of arrival</sup> four years. On subsequent occasions (i.e. after leave) the officer may not receive a free passage, but only a proportion of the cost, from the Kenya Government; ~~in such~~ <sup>and</sup> cases the agreement must provide for the refund of whatever the Government has paid, if the officer resigns, etc. during the four years following <sup>his</sup> arrival in the Colony. The agreement in its present form does not fulfil these purposes.

The full liability ~~under the proposals~~ <sup>if such the agreement will</sup> ~~made~~ <sup>will</sup> not be enforced in all cases, but the complicated arrangements for remission need not be included in the agreement.

*W. J. ...*  
9.7.35.

yes but we can send it to Kenya to draft their own agreement for the above "local" service which is not local.

The letter to C.A. can go & then we can send a despatch to Kenya & ask them to amend a passage agreement to suit their views

No he won't  
will get no homeward  
passage & no passage  
back  
I received a copy  
of this report, but  
will only  
see it

10  
remarking that in the case of locally engaged candidates the difficulties will presumably not arise and that the trouble is caused by attempting to apply to candidates who have to be recruited overseas terms of service designed for locally engaged ones.

110 7/35  
9.7

10 to CA - (1/2/35) (in No 2) - 9 7 35

AIR MAIL 13/7/35  
11 to Dept 520 (ref 110-4-20-20) 8 am 13 JUL 1935

M. J. ... 12 To G.A. (C.A. 11) 13/7/35

13. Crown Agents (M...)

States that they would prefer to follow procedure indicated in No 4 of 23/1/35 as regards notices for appointment. Encs draft of notices for applicants for vacancy for shorthand writer, which will serve as a model & enquire whether it can be approved or whether it should be sent to Kenya for final approval.

The C.A. have their own views about the form of notice which should be given to candidates. I think the matter that it is for the Kenya Govt to approve the model. I submit a draft minute to C.A. C.A. ... 24/7/35.

*W. J. ...*

14 to CA (13 am) 25 JUL 1935

15 Crown Agents (Min) \_\_\_\_\_ 29 Aug 35

Trans. copy of memo, with Kenya list, together with a copy of paper of particulars relating to vacancy for Stateland Writor, Judicial Dept as finally approved.

An agreed model paper of particulars has been achieved.

The procedure will be that the C.A. will furnish candidates with the paper of particulars.

The selected candidate will be informed by C.A. that he has been selected on the terms shown in the paper of particulars. The C.A. will send a copy of the letter as set to the selected candidate, to the Colonial Post.

? Put by

C. P. Smith  
27.8.35

W. J. ...  
27/8

16 Crown Agents (Min) \_\_\_\_\_ 19 Sept 35.

Trans. copy of further memo, with Kenya list regarding the form of passage agreement to be signed by officers selected for the Civil Service.

Kenya ...  
...  
...

W. J. ...  
23

17. Circular NO. 22 dated 13.8.35 - (The Kenya ...  
...  
Registered for record

Put by  
C. P. Smith  
27/8  
at all

18

Acting Secy Wade - No 110 Conf

F 2  
23 8 35

(orig. sent on 4/6/36 1/2/35)

Secy's approval for proposal that the junior ranks engaged in African & Arab education should be members of the Local C.S. & attach to progress scale of today.

MR. GROSSMITH.

The first paragraph of this despatch reminds us about the 1934 despatch and is being dealt with on 23004/34.

The second paragraph deals with a matter arising out of the proposed new long salary scale for Education officers and is being dealt with on 46507/2/36.

The rest of the despatch is concerned with a suggestion that the European teaching officers engaged in Primary African and Arab education should be absorbed into the Local European Civil Service in the same way as the officers engaged in Primary European education.

Would you mind arranging for this duplicate to be registered on appropriate papers for that point to be considered?



1st January, 1936.

The question for decision on this paper is whether or not <sup>the post of</sup> European Assistant Masters ~~in the~~ ~~Education Department,~~ engaged <sup>in</sup> African and Arab education, should be <sup>transferred to the</sup> Local Civil Service. ~~in the~~ <sup>(to employ)</sup>  
The types of officers referred to are -

- (a) Those engaged in class teaching, more especially in teaching English, either in classes of the African primary schools or in post-primary classes for the training of teachers.

(b)

(b) Assistant Masters engaged in the teaching of agriculture and/or animal husbandry.

(c) Teachers of handwork.

It would appear from the 1935 Staff List that there are officers of this type on salary scales of £246-18-£300-18-£390-18-£480-20-£600 (i.e. the scale proposed from here in 1931) c.f. Mr. F.F. Young, M.A. (Cantab.), who was first appointed as a temporary Assistant Master in 1930 and is now serving on a 48 months' agreement, and Mr. A.G. Gilbert who was first employed as a temporary Leading Artisan in 1932. There are others on consolidated salaries of £300 and £400 per annum.

The Governor desires that these posts should be transferred to the Local Civil Service in the same way as the junior ranks for European primary education were scheduled to the Local Civil Service. Mr. Morris, the present Director of Education, is opposed to the proposal.

It will be remembered that the terms, conditions and requisite qualifications for Education Officers for European primary education (Local Civil Service) were decided upon after discussion at the Colonial Office with Mr. Scott, the former Director of Education, in February 1935. These terms and conditions are set out on page 14 of Kenya Secretariat Circular No. 2 of 1935.

Mr. Scott argues that recruits could

not be obtained on L.C.S. terms and also that it is not fair to compare the staffs in African primary schools with those in European primary schools. He says it is comparatively easy to recruit trained women teachers for the European primary schools but trained male teachers are very difficult to obtain. In his opinion women teachers are excellent for the young children in the European primary schools but would not be suitable in African primary schools for boys. His chief argument appears to be, however, that if the junior ranks for African and Arab education (i.e. posts up to £600 a year) are to be transferred to the Local Civil Service there are a number of tried and selected men now serving on agreement who would not accept L.C.S. terms, and it would be hopeless to attempt to replace them. Also that the transfer would be an injustice to these serving officers who in normal circumstances would have received pensionable status some time ago.

The L.C.S. terms are admittedly less favourable than "overseas terms" but admission to the Local Civil Service does carry with it security of tenure and Provident Fund benefits. As regards Mr. Morris's remarks on injustice, there are hundreds of officers in other Departments in the Colony who have been transferred to the Local Civil Service and only about a dozen have expressed any grievance.

If candidates cannot be found locally on L.C.S. terms they can possibly be found here but we don't know. If the Governor's recommendation is agreed to in principle, and I see no reason why it should not be, the salary scales should be as in

See encl. to No 9 on 17/2/31 Hoq A.

See No 24 23068/2/34 Hoq B.

C. H. Smith.

28.2.36.

I have never heard, nor had any belief in, the Kenya Local Civil Service. But it has been accepted and is in being, and it includes the European Officers engaged in European Primary Education. I ~~agree~~ <sup>agree</sup> that there is no ~~ground~~ <sup>ground</sup> for repeating the Emperor's recommendation that European Officers engaged in African & Arab Education should also be included in the Local Civil Service.

As regards serving Officers - the ~~transfer~~ <sup>transfer</sup> conditions under which they may be transferred to the Local Civil Service and on which in some cases they may contract out, ~~these~~ <sup>these</sup> all seem clearly laid down when the Service was instituted. The European Officers now engaged in Primary African & Arab Education would be treated in precisely the same way as the European Officers who similarly

do no organisation

except possibly the grounds of exp. ems, as to what is read differently since 1916.

activities have been treated in the past. I do not see how they could justifiably be granted more favorable treatment, and there is no suggestion that they should receive anything less.

Accept the Em's proposal.

W. J. Fox 2/2

I would point out in the first instance that Native Education posts should be treated with reference to the needs of Native Education and not referred up to European Education posts.

The Director of Education maintains that people with the proper qualifications for Ken posts cannot be obtained locally. I feel the same. In every other African territory we say that high <sup>general</sup> qualifications and even special courses of instruction are necessary to enable a European to teach native Africans effectively until the time that local teaching will have produced native African teachers to replace the European. Why should Kenya make an exception especially in view of the settler's class from which no doubt

a large proportion of the candidates  
would come?

If according to the Dir. of Lancaster,  
no candidates with the right qualifications  
can be found locally, will the App't.  
Finance be able to recruit at home  
people with these qualifications for a  
local Civil Service on the L.C.S. scale?

In view of the difference of view  
between the Governor and the D. of L.  
and the points raised above I think  
it would be advisable to refer this  
matter to the Adv. Education C. M.

Harro Vidler  
6.3

I agree with Mr. Jackson that,  
insofar as the principle is concerned,  
it will be unwise not to accept  
the Govt. recommendation that some  
posts shd. be transferred to the L.C.S.

There remains the principle of  
expediency, particularly as regards  
the possibility of officers already  
serving might decline to accept a  
transfer to the L.C.S. that it might

be impossible to replace them, either  
by local recruitment or by recruitment  
in this country.

The only possible way to answer  
at a minimum on this aspect of  
the matter wd seem to be to  
explain the proposal fully to the B.I.E.  
& see for their views as to the possibility  
of ~~any~~ our being able to obtain suitable  
candidates in this country.

I doubt whether any useful  
purpose wd be served by referring this  
particular problem to the Education  
Advisory Centre.

J. P. Parn  
2/4

The Committee would almost certainly be against the  
proposal, cost and hence. Their policy is wholly & properly  
to uphold the Education Service and they would be expected  
to reserve engines and agree to this. The B.I. of Lancaster  
also can't very well help.

Kenya has lately failed to get two local candidates  
for the European teaching service & has asked the C.S. to  
try to get them on local level service terms (38058/36)  
so I think it can fairly well be admitted that the broad  
words in para 5 of the despatch are good words, and that  
Kenya does not produce young men who are fitted to teach  
Africans or Europeans.

It is, therefore, probable that the Govt. is right  
and that local terms ought not to be applied to the  
'officer' ~~the~~ teaching staff. In any case I think those  
terms should not be applied to any serving officers. Kenya  
will have to make the serving staff pensionable on

overseas conditions. As Mr. Morris says they will be eventually replaced by African staff, which is not the case with those engaged in European Education.

So I would come down in favour of the Director.

2.12.36

15.4.

I certainly don't want to object if it is thought possible to make a differentiation in this matter between officers engaged in European Primary Education and officers engaged in Native Primary Education, even though (so far as I can make out from the memorandum in No. 6 on 17273/31) the qualifications required in both cases are substantially the same.

*[Signature]*

17. 4. 36.

Sir C. Bitterley

This is very difficult. The arguments used by Major Vischer at the end of his minute of 19.2.32 & in his minute of 1.6.32 on 17273/31 seem to me to be of great weight in this connection. I agree with Mr. Flood.

*[Signature]*

27.4.36

So do I. The principle that the junior should be the sort of man who can become a member of the Institute, and I entirely agree that the present one should not be forced into the local service.

24009/347  
flagged  
below

Before, however, a final 21000 for 1936 (It would be well if the 1934 paper - 21000 could be sent on with the draft)

W.D.  
28/4/36 above

Sir J. Moffat

A draft despatch is being prepared on the above minutes - covering also other points which I can send with it, if possible.

Major Vischer wants to mark down the junior European posts in connection with the local education to local level service terms, although no local Europeans are at all employed (and those employed from here on these terms must be much below the type of man necessary for this work).

It is a matter in which the local Govt, for one, is certain of the necessity of the



the settlers; but we feel  
that if this educational  
work is to be carried on  
properly we must stand out  
for a higher scale of remunera-  
-tion.

I am worried about the  
amount of expenditure, in  
many directions, but we  
are pressing on F. H. Scott's (the  
cumulative effect is important)  
but in this case I see no  
alternative.

20.7.36

I agree with the above  
and regard it as a matter  
of principle. I shall see to  
it that the paper issue (para 1-3)

Yours  
W. H.

S. J. Stahl

I am not happy about  
this. Considered purely from  
the educational point of  
view, I think it is highly  
desirable that teachers

both in the European & in the  
African. Arab schools  
should remain in the Overseas  
Service. But unfortunately  
it has already been decided  
that teachers in the junior  
posts in the European schools  
should be placed in the  
Local Civil Service. If you  
are now going to say that  
teachers holding similar posts  
in the African & Arab schools  
should be placed in the  
Overseas Service, I can imagine  
the comments that will be  
made by the <sup>the</sup> settlers' community.  
The most satisfactory way of  
dealing with the situation  
should be to reverse the decision  
about junior teachers in  
European schools & place  
them all again in the Overseas  
Service. Frankly I cannot  
see how you can well distinguish  
between the two.

They cannot  
find the right  
people in  
Africa.

20.7.36

The Secretary of State discussed the draft on this paper with Sir C. Bottomley and Mr. Acheson on the 24th of July and I understand that he was not prepared to agree to the proposed differentiation between the arrangements for recruiting primary teachers for European and African education which would be involved by the retention of the latter in the Overseas Service while the former have been transferred to the Local Civil Service.

X

I understand that the Secretary of State directed that a despatch should be prepared reviewing the whole of the arguments for and against the transfer of any of these posts to the Local Civil Service, in order that the Governor might consider whether the two sets of posts should again be assimilated either by the transfer of the African posts to the Local Service or the re-transfer of the European posts to the Overseas Service. With a view to deciding the lines on which the draft should be prepared it was suggested that there should be a further preliminary discussion between the Personnel Division and the East African Department; and as a basis of discussion Mr. Crossmith has prepared the notes now annexed (No. 19).

It

It will be seen that since the discussion with the Secretary of State a new factor has arisen in the situation in that the Crown Agents have encountered no difficulty whatever in recruiting two primary teachers for European education on Local Civil Service terms. Their advertisement resulted in about 277 candidates and this field was narrowed down to 24, from which the final selection was made in conjunction with the Board of Education. The files of these ~~22~~ 22 candidates are annexed and it will be seen that (so far as paper qualifications are concerned) they were all very well qualified, not only academically but also from the point of view of experience and educational diplomas, and it seems inconceivable that out of such a field of candidates it would not be possible to find a number with the necessary personal qualifications.

While, therefore, it is true that if the African primary education posts in Kenya were transferred to the Local Civil Service the Govt. of Kenya would still have to come to this country for candidates, there seems no reason to doubt that suitable candidates would be forthcoming on Local Civil Service terms. In this connection it is relevant to quote the following passage from the recent report of Sir Alan Pim (paragraph 289) :-

"While it must be fully accepted that special qualifications are required to develop an African school in such a way as to extend its influence not only among its pupils but in the wider circles of the tribe, it is

hard to believe that these qualities are only to be found in those who have had a special kind and degree of educational training. They may be developed by such training, and may therefore be more easily found among those who have received it; but there are certainly examples of teachers who have not received this type of training, but who are nevertheless conspicuously successful in their difficult task. Selection becomes more difficult, but it should not be impossible if a sufficiently wide search is made".

In all the circumstances, and having regard to the fact that the intention ultimately is to train Africans as primary teachers for African education, and that the recruitment of Europeans will not be required in any large numbers in the future, - I am now inclined to doubt whether we have a very strong case on which to go back to the Governor with a proposal involving, as one alternative, the restoration of the European primary education post to the Overseas Service, and I am inclined therefore to think that we might agree to his proposal that the African posts should be transferred to the Local Civil Service as an experimental measure.

J.J. Basson  
13.8.36.

Being inserted separately

I received from Mr. Acheson as we have now received (No. 5 on 38052/4/36) a request from Kenya to select a candidate for a vacancy for a Primary Education Officer for African Education.

I understand that you were present at a meeting held on 1.8.36. I am glad to hear that the proposal for the Govt. of Kenya that these posts should be transferred to the Local Civil Service.

J.J. Basson  
13/9

Mr. Acheson.

It is necessary to do something in regard to these education posts and to do it pretty quickly. When Kenya asked for the engagement through the Crown Agents of teachers on Local Civil Service terms to look after the European primary education we thought there would be great difficulty in getting them. It turned out, however, that the Crown Agents got applications from 277 people and 24 of them were not only university graduates but were in possession of education diplomas as well. These candidates were probably not as good as those who would be recruited on overseas terms from the P.S., Appointments, and it will be seen from an examination of the Crown Agents files that they come from the universities of Glasgow, Edinburgh, London, Wales and one from Queens, Belfast. It is quite possible, then, that socially they would not be as successful as officers

from Oxford or Cambridge on overseas terms.  
It is also possible that they might not prove as successful in teaching Africans, but I think the fact must be faced that Kenya has got to go in for economy and Sir Alan Pin has given in the passage quoted by Mr. Paskin a strong lead in favour of broadening the basis of recruitment.

I therefore reluctantly have come to the conclusion that our policy should be reversed and that the primary education for both European and African should be turned into the Local Civil Service, candidates being recruited through the Crown Agents on Local Civil Service terms. If this policy is adopted it will be all the more necessary to see that the higher staff are as well qualified as we can get.

It is quite possible that there may be difficulty hereafter if some of the teachers recruited on Local Civil Service terms find that the salary is not sufficient for them, but that is for Kenya in the first place. I don't like it but I see no choice.

J.L.S. Ford

21.9.36.

I agree that there is no alternative to offering Local Civil Service terms, and seeing how things work out. It is perhaps worth while, however, to consider whether the

views of the Educational advisers might not be met to some extent if recruitment for these African posts were undertaken by the Appts. Dept., the selected ~~and~~ candidates being handed over to the C.A. for actual engagements.

C.J. Jobbins  
22.9.36

Mr. Vischer

Please see above and advise on it and then let <sup>the</sup> Appts. have a look.

MISERERE DOMINE!

I certainly would prefer the Appts. Dept. to recruit for these posts, if they are willing to do so.

Hammick  
23.9.36

9 in  
17275/51

In 1932 we told Kenya that if they wanted to employ Elementary "Certificated Teachers" for Native Education the arrangement should be regarded as exceptional and experimental, and the number of such officers should be strictly limited; and that Africans

*A*  
*cont*

Africans ought to be trained for this work instead. At that time Mr. Scott told us there were only 5 such posts. Unless, therefore, this figure has since increased, recruitment should not prove formidable.

But I submit that the proper people to recruit for such posts from this country are the Board of Education, who have the best knowledge and control of all the Certificated Teachers, Elementary Schools, and institutions which turn out Manual Instructors (in carpentry, masonry and the like). No one else has machinery or experience to be compared with that of the Board in this field, and I would ask the Board to take on the Elementary teachers for European Education as well.

To meet Major Vischer's views, there is the analogy of recruitment of women, which for some years now has been entirely undertaken by the B. of E. He or Mr Mayhew invariably, I believe, attend the interviewing committees and often an officer from the Colony concerned is also present. This surely provides ample safeguard that only desirable, and the best available, candidates will be recommended.

But of course no method will produce the ideal recruit on Local Service terms.

*I take it that in view of Mr. Paskin's minute of 18/9 in 3807 for the existing vacancy at 5 in that file will be dealt with by the Comm. Agents, as he has proposed.*

*J.P. Newbolt*  
*25.9.36*

Appendix A to  
10 in 38121/35.

- I agree with Captain Newbolt; but
- (a) I think it is important that the number of Europeans to be recruited on Local Civil Service Terms for the Native Education Department should be kept down to a minimum and that they should be replaced as soon as possible by Africans. Perhaps in any despatch that issues the Kenya Government might be reminded of the points mentioned at "A" in Captain Newbolt's Minute?
- (b) I am nervous of what might happen if the extract from Sir A. Pim's report, quoted by Mr. Paskin in his Minute of 13/8 should eventually open the door to the recruitment of men of a lower standard, than is at present aimed at, for the higher grade posts in the Native Education Department. This danger was foreseen in 1932 - see green flag "A" in 17273/31 Kenya.

Perhaps Captain Newbolt and I might have a word with you before you send these papers on?

*L.D. Jones*

28th September, 1936.

Mr. Flood.

Sir G. Bottomley.

I am extremely sorry that I have kept this file so long. It seems to me that if we ask Kenya to consider whether the two sets of posts for elementary teachers for European and African education should be assimilated, they are quite certain to say that both sets should be in the local Civil Service. It is true that we had some doubt whether suitable candidates could be obtained for European

education

education on local Civil Service terms, but this doubt has been dispelled by the result of the Crown Agents recruitment described in Mr. Paskin's minute of the 13th August. This argument would certainly be used by Kenya and it <sup>would</sup> be difficult to resist it. At the same time I am not very happy about the whole business, and we have still to see whether or not teachers recruited on local Civil Service terms will not be gravely discontented when they get out to Kenya and see the difference between their own terms of service and those of the higher grades.

In all the circumstances I am inclined to think, with some reluctance, that we had better agree at once that for the time being at any rate elementary teachers for African and Arab education should be included in the local Civil Service, but I suggest that a despatch should be drafted stating that the Secretary of State is not without misgivings and that the experiment will have to be carefully watched, and that if it is not justified by its results the whole question may have to be reopened. In particular, I hope that the points in Major Purse's minute of the 20th September may be made.

There remains the question of the method of recruitment. In minutes written at the end of March on 38058/36 it was agreed that the recruitment of teachers for European education should be entrusted to the Crown Agents who should make use of the Board of Education in making the final selection. It is now suggested that recruitment of elementary teachers

against any reference to transfers from posts to the overseas service

I would leave this to Kenya to say, after all the C.A. did get very good candidates though there were no E.A. & British among them nor even perhaps T.C.A. N.S.P.

African (both the best) teachers for Arab education should be entrusted to Appointments Department. I confess I do not like this proposal. Appointments to the local Civil Service are not Secretary of State's appointments - they are made either by the Kenya Government or by the Crown Agents on that Government's behalf. I think it would be much better that Appointments Dept. should only come in where appointments to overseas grades are concerned, i.e. appointments for which the Secretary of State is responsible. I am, however, inclined to agree with Captain Newbolt that the Board of Education has the best machinery and experience for making selections of this kind, and that they should be asked to take on selection both for European and African educational posts. After the selection has been made all further correspondence, etc. with the selected candidates could be conducted by the Crown Agents.

G.I.F.S.  
20.11.36

I agree: the only practical solution is to turn all the primary Education posts into local Civil Service and hope (what a hope!) that they will be able to get local candidates. If they can't then we can recruit here but the apple branch and not the people to do it and I agree that it should normally be done with the Board of Education (of course Kenya won't get what they want and I think they will demand)

X I don't quite follow this. If, as (understand) to be the case, the S.P.S. policy is that Africans should replace Europeans in posts then it is rather as soon as they can be trained for them in Kenya so the S.P.S. can help themselves such a change over within a few years - see para 4 of Schedules to No 10 N.S.P.

I would not say anything about keeping down the number of posts on local terms. On the contrary, Kenya's policy is to get more & more because they are cheap. To say they must be replaced by Africans is just to be comic because it can't be done for years. As to (b) in Major Purse's minute I was not sure.

I certainly should not oppose such promotion. What had in mind was the risk that a demand might follow that other types of post in the dept should be filled on Local Service Terms.  
all Kenya can't afford the more expensive article and if we get good men from other sources who prove their merit, why not promote them?  
I don't think it best to let Kenya have its way, without any hedging.

11.10.76  
U.H.

Sir J. Haefley. The position is as follows:

1. As the C.A., with the help of the B/E, have been able to get quite good men for European Education or local Civil Service terms, we consider that there is no reason to stand out for better treatment (in the form of getting better men) for the Arab-African side.
2. We propose to write the same letter, except that we should approach the B/E, so as to have closer contact with the selection. The C.A.'s Dept would not come into the matter, as that their standards of all work would remain high.

Here remains the question of what should be said to Kenya by way of presentation. On this I am rather with Mr. Flood than Sir G. Tomlinson. The arrangement must have a fair trial, and I am not inclined to invite some

Director of Education to ask for the question to be reopened. We shall be able to keep an eye on the promotion of these people and we shall know standards.

The one point I would make to Kenya by way of presentation is that they should not switch off from U.H. to local recruitment without reference to the J. H. The whole experience depends on getting the best men available at the price and there will be pressure to select Kenya men of a lower standard unless though at the moment there are no suitable men available of course, as soon as we are satisfied that there are suitable men locally they can be appointed, but this will be best looked for sometime if training is taken into account.

W.L.S. 23.11.76

A draft report on the above shall be prepared by the J. H. & considered.

J.H.  
24/11

I submit it for comment. I had

intended to deal, in this despatch,  
with the proposed scales of salary.  
The point is however rather  
complicated in that it is not  
clear whether the scales recommended  
in No. 18 on this file are to be  
regarded as superseded by a  
scale suggested for various individual  
officers (who are already serving on  
agreement), or, as it is desirable  
to get an early decision on the  
principle (it does not seem  
unnecessary to trouble the S. G. P.  
with the rather complicated details  
of the suggested scales) I am  
proposing to refer separately on  
that question.

J. Paskin  
30/11.

as per  
explanation on  
the point in  
margin

I was away when Mr. Paskin reached  
Cape Mombasa. He arranged with  
Mr. Paskin that I should deal with this  
later when I got back.

In view of the later Minutes on this paper  
I write with some hesitation, but I cannot help being  
apprehensive about the course this question is <sup>now</sup> taking.  
I feel too that the proposed draft - though I sympathise  
with the draftsman over his task - might be misconstrued  
in an undesirable way.

When I Minuted on this paper before  
(28th September) I felt that, if the two points I made  
in that Minute were in some way embodied in the  
proposed despatch, the risk of recruiting for these  
particular appointments on Local Service terms might  
in all the circumstances legitimately be run; having  
regard to the technical and subordinate nature of the  
appointments and of the fact that, provided the points  
mentioned in my Minute were borne in mind in Kenya, the number  
of posts to be filled would be small.

Now, however, it is proposed to omit the  
caveats which Sir G. Tomlinson and I would have liked  
to see embodied in this despatch; while the wording  
of paragraphs 2 and 3 in Mr. Paskin's draft might, it  
seems to me, be read as indicating that as a result of  
the advertisement a number of candidates have unexpect-  
edly shown themselves ready to accept Local Service  
terms who were not only technically qualified but  
possessed personal qualities up to the standard normally  
insisted on in recruiting candidates for appointments  
in connection with native education - see "A" in  
paragraph 2 in conjunction with "B" in paragraph 3.  
I realise of course that Mr. Paskin did not intend this  
but I think the despatch might be construed in that  
light; and there is plenty of opinion in Kenya which  
would gladly seize on any argument for extending  
the employment of officers on a lower rate of salary

But that is just  
what has happened  
& the despatch ought to be  
so worded.



salary than is in force for the overseas service. I fully appreciate the economic arguments for such a policy where it is practicable, but it seems to me very dangerous to allow it to go any further than is absolutely safe, and particularly so in Native Education.

I would therefore in any case suggest that the wording of these two paragraphs be carefully revised, and I would be inclined, if a despatch on these lines does issue, to base the Secretary of State's change of view on a desire to give a trial to Sir A. Pim's recommendation - (a) in paragraph 3 of draft and to put very little stress on (b), the result of the advertisement.

Incidentally it seems important to be quite clear as to just how much has been proved by this result. The candidates have been judged from the point of view of their suitability for certain elementary and rather subordinate work only; and the judges, I understand, were people who had little or no experience of selecting men for the normal type of education appointment in Africa or of the personal standard set in such cases. It seems important that nobody should infer from what has happened that any of the candidates considered - or others who might in future be attracted by Local Service terms - would be found suitable for the normal type of appointment. There is no proof on this point since no appropriate test has been applied.

I am not, however, at this stage

stage attempting an alternative draft of paragraphs 2 and 3 of the despatch, because I should like, with great respect, to suggest that an entirely fresh despatch should be drafted on the line of what I understand from Mr. Paskin's Minute of 13.8.36 to have been the Secretary of State's original direction.

The despatch might then, if desired, mention the result of the recent advertisement, but in such a way that false inferences may not be drawn from it; and say that in view of Sir A. Pim's recommendation the Secretary of State would be prepared to agree, if the Governor so wished, to try the experiment of recruiting for the particular posts in question on Local Service terms; and continue as in paragraph 6 of Mr. Paskin's draft as amended; though - if I am not out of order - I would like to plead that the question of adding something on the lines of "2" in Sir G. Tomlinson's Minute might be reconsidered.

R. S. S. S.

2nd December, 1936.

Major Furse.

The unfortunate fact is that Kenya wants to put these education posts into the Local Civil Service, and wants to fill these posts with candidates recruited from here on Local Civil Service terms if there are no suitable people forthcoming in Kenya.

There are no suitable people forthcoming in Kenya and therefore the Crown Agents were asked to endeavour to get people in this country who would

be

But it was then that finally I replied to the Secretary. J.P.

W

It may be possible to turn out that some of the candidates

be willing to accept Local Civil Service terms and who were found to possess the necessary qualifications. I didn't think they would be forthcoming, but they are, and surprisingly good ones, although they may not come from ~~the~~ <sup>some</sup> universities. (There was one T.O.D. man among them, but I don't think he was placed among the men suitable). It follows, I think, that the fact must be faced that Kenya wants to get these people recruited in this way and that <sup>the</sup> Appointments Branch ~~will not be used for them any longer.~~ <sup>will not be used for them any longer.</sup> It may be hereafter that Kenya will be sorry that it adopted this method of recruitment and will find that the men obtained in this way are not suitable, but it is for Kenya to find that out by bitter experience, and there is no good trying to do anything else. The question of eventually replacing by Africans is one which Kenya must have in mind, though there is no necessity to lay too much stress upon it. As regards your comment on my minute of 21st November, if Kenya does decide that a suitable kind of man is got on Local Civil Service terms, why not appoint him? We cannot maintain the attitude that the Colonial Service is a preserve for a definite class of individual when the administration concerned says it doesn't want them and can get along quite well with a different kind. The administration may be in error, but it is not our business to correct it for itself, and it will have to do so for itself and not be invited

to

26  
to submit to pronouncements from here. After all the Governor of Kenya is surely entitled to say what kind of thing he wants. The Secretary of State may think that another article would be better, but if the Governor wants his cheaper article, why should he not have it, if it will do the job, a job which only the Governor can judge.

What has happened in this case is ~~clear~~ Sir A. Pim's recommendation ~~was~~ the surprising result of the Crown Agents' advertisement, which I own has completely shaken me and caused me to come down in favour of getting people as long as we can on Local Civil Service conditions. I don't admire the Local Civil Service conditions, I think the whole thing is a farce, but so long as people are willing to take it, then, in the interests of economy in Kenya, we must go on with it. So I think the draft can stand. As I say, I am not in favor with the situation and I see your point of view but Kenya already speaks about "being forced by the C.O. to employ expensive people ~~from England~~" and we need not give them a justification for the expense

V. L. H. H.  
4-12'

I recognise the force of much that Mr. Flood says. In particular I agree as to the general importance of devolving work on to the shoulders of a cheaper type of officer, where this can safely be done. I also sympathise with his view that the wishes of "the man on the spot" should be followed so far as possible. How far we should go in this respect, where personnel matters are concerned, is more for you than for me. But I think it would be wise to consider what might be the implications of a policy which let each of thirty odd Governors decide on the qualifications needed in the various departments in their Colonies, irrespective of the views of the Secretary of State and his advisers (So far as I know the Advisory Committee on Native Education have not been consulted on this particular point at issue).

Mr. Flood has gone some way to allay my fears about the present draft by his amendment to paragraph 3 (b). But I must say I should still prefer a draft on the lines suggested at the end of my Minute of 2.12. I

It is clear from Mr. Flood's marginal comment at "Y" on that Minute, that either he and I misunderstand each other or that we have entirely different views as to the inferences which can safely be drawn from the result of the recent advertisement. I stand by "W" in my Minute of 2.12.

In order to make sure that I was not making a mistake on this point, I arranged with

with Mr. Faskin on Saturday that I should hold up this Minute until we had had a chance of refreshing our memory about the papers of what were judged to be the most suitable candidates who answered the advertisement, since these papers have not been in Appointments Departments since September. I find however no reason to alter what I said at "W" in my Minute of 2.12. It ~~will~~ <sup>would</sup> be impossible for me to judge their suitability for the normal type of educational appointment in Africa, without putting them through the usual mill. As I said before, they might prove suitable. On the other hand we have had scores of applications from men, with paper records like these, who on investigation were not found suitable.

*R.D. Furse*

7.12.36

Sir C. Bottomley,

I do not want to appear obstructive but I cannot conceal my misgivings about this despatch. It is not enough to argue, as Mr. Flood does, that Kenya must be allowed to stew in her own juice and to find out her mistakes by bitter experience. If mistakes are made through the introduction of the wrong type of man for EUROPEAN education we shall very soon hear about it and the mistakes will quickly be put right. If the same kind of mistake is made in African education it may be a long time

before

26  
before it comes to light and in the meantime it is the African who will suffer.

If the Secretary of State has any misgivings about the transfer of these subordinate posts to the Local Civil Service I hope he will say so - not in order to invite future Directors of Education to reopen the question but to put the new Governor (who has had no previous experience of these problems) on his guard and to ensure that the experiment will be carefully watched.

I think we must beware of drawing too optimistic inferences from the response to the Crown Agents advertisement for posts in European education. The reason is given at 'W' in Major Furse's minute of 2nd December. They may be quite good stuff, but we know well how fallacious it is to judge men by their purely paper records. If, however, they turn out well, there is no reason why they should not be promoted, but I submit that the endorsement of paragraph 289 of Sir Allan Pim's report should not go so far as to suggest that the result of the Crown Agents advertisement gives adequate grounds for inferring that the Local Civil Service may in future come to be regarded as the normal source of recruitment for the higher (i.e. overseas) grades. It is on this point that there seems to be a misunderstanding between Mr. Flood and Major Furse (see 'Y' in the latter's minute of 2nd December.)

I agree with Mr. Flood that the replacement

of

of European by African teachers may be a longer process than the Director of Education supposes. For that reason I don't think we can accept the argument that we are dealing with a small and rapidly diminishing class of European employees and that consequently cheapness is the main consideration.

I have had some discussion with Major Vischer who agrees with me that if it is decided to assign these subordinate posts in African and Arab education to the Local Civil Service, it would be better not to consult the Education Advisory Committee on the matter. The Committee's advice would be against this course. There would therefore be no point in seeking advice which was certain to be rejected. The fact, however, that the Committee's view can be confidently predicted makes it all the more necessary to move with caution.

For all these reasons I should prefer to see the despatch re-drafted in the sense indicated in the last paragraph of Major Furse's minute of 2nd December. The important thing, as I see it, is not to prevent the experiment being made, but to bring to the notice of the new Governor the considerations which I think he should bear in mind.

S.J.F.T.  
9.12.36

Sr. G. Toulouse

Get X clear see to 9 in

17/3/36. Check that the C/S  
was

were prepared to agree to "inferior qualifications" for these posts, whether in European or African education. On the same paper the point was taken that these people (on the African education side) would eventually be replaced by Africans and that therefore their numbers should be limited.

As it is agreed to recommend that the experiment should be tried I should like to have a fair start. If we maintain, while agreeing to the experiment, that the proper course is to have men on overseas terms it means that if there is at any time a temporary shortage of suitable men available on local terms we shall switch over to overseas terms and the men now under consideration (I believe that an offer of appointment is at this moment held up until we have finished minuting) will stand a very poor chance of a future career.

There can, of course, be no objection to an alternative draft being prepared (perhaps Major Furse would be willing to do it) so that higher authority may choose between the two, but as regards the new Governor it would sufficiently meet the case if the original draft were sent out and he were told privately of the misgivings felt on the personnel side.

W.C.S.  
10.12.36.

Major Furse  
Will you prepare an  
alternative draft.

S.J.F.T.  
10.12.36

Sir S. Tompkins to speak at the  
 issued an alternative to h.w.  
 I am sorry we have not been  
 able to finish it before, but we  
 have been a good deal troubled  
 by pressure of other urgent  
 work. I thought it best  
 to let Major Fisher see the  
 draft before he went on leave  
 last night. I attach a  
 minute from him.

J. S. [Signature]

19.12.36

Mr Jeffries  
 Mr Flood

The alternative draft  
 results from Sir C. Bottomley's day

Sir G. Tompkins 24/11/36 minutes of CO. SEC.  
 Sir C. Bottomley

E. J. D. D.

21.12.36

I have endeavored to make  
 some suggestions in pencil

J. S. [Signature]  
 21.12.36

I agree to Mr Jeffries's suggestions & have made a few  
 more. The draft appears to imply that a 'university teacher'  
 is necessarily a lower order of animal. But he isn't, & the  
 men of C.A. got into university graduates too well.

J. S. [Signature]

31

I can turn down this draft. If it has been decided to accept the Kenya proposal for appointing European Elementary teachers in African schools then I consider this draft puts the position as well as possible. I would however point out that if you want Africans trained to fill these posts with least delay you must necessarily keep up the highest standard of European to do the work.

Hanns Vidler  
18.12.16

What work? If it is training teachers the answer is that these shops won't be training teachers.

I have seen one of the C.A. men (or whitehead) and he struck me as a thoroughly nice fellow, capable, well set up, a thorough 'colit' and an acquisition to any Colony, far more so than some of the things that appear as administrative Cadets. That is my view and I stick to it.

J.S.W. Hood

Dr J. Maffey.

On the 14th Nov. you gave  
directions for a draft to be  
prepared for the S. B.'s account.  
We now have five drafts, &  
several pages of additional  
minutes.

So long as a sum of good personal  
type can be obtained for these  
appts. at "good" rates, we are  
not justified in paying more. There  
is the danger that they, or  
some of them, may be left as  
a permanent reminder as  
being unqualified responsibility  
for more responsible & better paid  
work. That is the main thing.

I enclose it with Jervis's draft  
for approval.

Oct. 29. 12. 76.

To call this a "lost" sum is to  
apply a strange label. It is to lay  
it back like a coin for going  
on from the UK a day later.  
There is no man who is for old  
as to that. Hence it will be  
difficult to appear to be of  
large in his action.

Draft B for approval.

John  
31/10/76

W. J. Maffey



20 January, 1957.

Sir,

In my confidential despatch of the 14th of January I have informed you of my acquiescence in the proposal to include in the Kenya Local Civil Service the posts of Primary Education Officers engaged in Arab and African education. I now have the honour to address you in regard to the salary scales to be attached to these posts.

2. In your confidential despatch No. 110 of the 23rd of August, 1955, you reported that the scale recommended by the Director of Education, and that proposed by Government were as follows (concerning the posts for which a lower qualification than a degree or Board of Education Certificate or other similar qualification was adequate):-

Qualifications	Scale recommended by Director of Education.	Scale proposed by Government.
Degree plus approved certificate	£200 x 20 - £250	£220 x 20 - £250 x 15 - £200.
No degree but approved certificate plus 10 years experience.		
Either degree or approved certificate (or approved practical experience in lieu).	£240 x 15 - £290 x 15 - £420.	£240 x 15 - £290 x 15 - £400.

S.

34  
3. The scales recommended by the Director of Education could be regarded as forming two parts of the long scale of £245 x 15 - £290 x 15 - £420 x 20 - £600 which was recommended for "Class II" officers in the memorandum which accompanied Sir Robert Hamilton's Confidential despatch of the 16th of September, 1933. The scales proposed by Government on the other hand do not bear the appearance of two parts of a "long" scale, as the step from £420 to £500 does not correspond to an increment of either £15 or £20.

4. In your Confidential despatch of the 6th of June, 1933 it was recommended that Mr. Young, Mr. Gilbert and Mr. Louche should be re-engaged on the long scale mentioned in the preceding paragraph, and in your confidential telegram No. 217 of the 15th of September you recommended that a post on this scale should be offered to Mr. Whiddell. It is not, however, clear whether it is now proposed that this long scale should replace the scales mentioned in paragraph 3 above as the permanent scale applicable to all European officers engaged in Primary African and Arab Education. If so, I have to observe that the top end of this scale (Steps £500 to £600) is superior to the corresponding part of the scale for Primary Education officers for European education, as set out on page 15 of secretariat Circular No. 2 of the 26th of January 1933, in that the increment would be £20 instead of £10, while the lower half of the scale is inferior, in that the increment up to the point £420 would be £15 instead of £20.

5. In your Confidential despatch of the 23rd of August, 1933, no explanation was given for these

discrepancies

discrepancies, for which I can see no justification. In the memorandum which accompanied Sir Robert Hamilton's Confidential despatch of the 14th of September 1958 a common scale was proposed for all "Class II" Education officers whether engaged in European, African or Arab Education.

6. It seems particularly odd that it should have been proposed that a candidate with a Board of Education certificate selected for an appointment in an African School should enter at £345 while a candidate with the same qualifications and experience, selected for an appointment in a European School enters his scale at £360. (In the case of a candidate with a degree, but not a Board of Education certificate, the corresponding discrepancy would only be £5). Quite apart from the discontent which would be likely to arise from these discrepancies, they would create quite unnecessary complications in the arrangements for recruiting candidates. I feel confident that you will agree that it would be desirable to assimilate these scales of salary, and I request that you will review the position and furnish me with your observations in due course.

7. I have not in this despatch referred to the proposals in regard to the salaries proposed for candidates with qualifications inferior to a degree or Board of Education (or other approved) certificate, or for women teachers, but I request that you will review those proposals also in the light of the observations in this despatch.

I have the honour to be,  
Sir,  
Your most obedient,  
humble servant,

C. O.

Mr. Nantall 16/12  
Major Purcell 18/12  
Mr. Jeffries 21/12  
~~Mr. Tomlinson~~ Mr. Wood 23-12

38121/35  
B 20  
C.D.  
7-JAN  
1936

14 JAN 1936  
December, 1936

X Sir G. Tomlinson 24.12.36

X Sir C. Bottomley 29-12

Sir J. Shuckburgh

+ Perm. U.S. of S. 3/12 (18)

Party. U.S. of S.

X Secretary of State. WJ 1.1.37

Sir,

I have the honour to refer to Mr. Wade's confidential despatch No. 110 of the 23rd of August 1935, and to express my regret at the delay which has occurred in furnishing you with my views on the proposal that the posts of European Assistant Masters engaged in African and Arab Education should be included in the Kenya Local Civil Service.

2. ~~I would say,~~ In the first place, I agree that I share the view that in principle it is so difficult ~~would be impossible~~ to justify any material differentiation between the terms of service of Assistant Masters engaged in African and Arab Elementary Education and of those engaged in European Elementary Education. If this ~~view is~~ <sup>view is</sup> ~~accepted~~ <sup>accepted</sup> it

would follow that assimilation of the two classes

Alternative DRAFT. correct

Kenya

Confidential

General

Copied into 38058/12/36

FURTHER ACTION.

Copies for  
38058/36  
+ 38058/12/36

classes of posts ~~can~~ be achieved

either by adopting Local Civil Service

terms for the "African" appointments, or

by re-adopting overseas terms for the

"European" appointments.

3. I have given careful consideration to the arguments in favour of each ~~of these~~ alternatives. Looked at solely from the point of view of the saving to revenue, the advantage of including both ~~types~~ <sup>classes</sup> of appointment in the

Local Civil Service is, of course, self-

evident ~~and may well be regarded as over-~~ <sup>riding</sup>

riding. Moreover, I have not been unmindful

of the general recommendation contained in

Sir Alan Fin's Report that, wherever possible,

the more expensive machinery of the "overseas

service" should be replaced by the cheaper

agency of the Local Civil Service. On the

other hand, I have been impressed by the argument

contained in Mr. Morris' letter of the 4th of

July, 1935, and referred to by Mr. Wade, that

owing to the lack of facilities in Kenya

for local Europeans to obtain the necessary

professional

C. O.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

*by candidates recruited on local civil service terms through*

*candidates who were good only to accept appointment on the existing civil service terms*

FURTHER ACTION.

Professional qualifications for these

posts it will in fact normally be necessary

to recruit candidates from this country.

This contention appears to be borne out

to some extent, at any rate, by ~~your~~ <sup>Mr. Joseph Byrne's</sup> despatch

No. 137 of the 14th of March 1936, in which

~~you~~ <sup>he</sup> reported that no suitable local candi-

dates were forthcoming for two vacancies

in the staff engaged in European Elementary

Education. These vacancies have now been

filled by the Crown Agents for the

Colonies, and I may say, in view of the fears

expressed by Mr. Morris, that I am given

to understand that the advertisement by

the Crown Agents of these posts produced

a considerable field of quite well quali-

~~fied candidates~~ <sup>certified candidates</sup> Nevertheless, it must be

admitted that the practice of recruiting

overseas candidates for the Local Civil

Service <sup>(personnel from this country)</sup> on terms designed for local candi-

dates is in itself anomalous and open to,

objection. <sup>obvious</sup> Nor am I convinced that it will

in all cases secure <sup>well qualified</sup> as good a type of officer

*opportunity*

is desirable  
as should be required, especially for work in  
African Schools, or that it will in the long  
run conduce to a contented service.

4. A further consideration, to which  
I attach great importance, concerns the whole  
policy of employing European Elementary  
certificated Teachers in Native Education. It will  
be remembered that this question formed the  
main subject of Sir Robert Hamilton's Confi-  
dential despatch of the 14th of September  
1932, which enclosed a Draft Scheme for the  
Kenya Education Department, a Memorandum  
explaining the scheme, and the considered views  
thereon of the Advisory Committee on Education  
in the Colonies to whom it was referred. I would  
especially commend to your notice the conclusion  
then reached by my predecessor, with which I am  
in complete agreement, that, pending the time when  
trained Africans are available for this work,  
the number of European teachers with inferior  
qualifications so employed should be strictly  
limited. When the Draft Scheme to which I have  
referred was drawn up in 1932, Mr. Scott informed

(9 enclosures  
in 17278/31 Kenya  
- see 6 in - )

(But the qualifications  
of the non-c.a. staff  
are far ahead of anything  
appts have since passed  
on as I think.)  
I  
Have advised  
and  
led

C. O.

- Mr.
- Mr.
- Mr.
- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley
- Sir J. Shackburgh
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

cover I desire to  
make it clear that  
I should not favour  
any extension of  
the employment of  
officers of this  
class in substitution  
for Class I. Education  
Officers. And I must  
place it on record that  
in the view of my  
advisers the admitted

**FURTHER ACTION.**  
object of providing an  
supply of African  
teachers will most  
quickly be achieved  
by employing the  
most highly qualified  
European staff obtainable  
to train them.

my advisers that there were approximately  
such posts then existing; nevertheless  
it would appear from the 1936 Staff list  
that there are at present some  
European officers employed in this work.  
I trust that in the not far distant future  
the number of these officers can be reduced  
and their places gradually filled by  
suitable African teachers.

5. For the immediate present,  
however, it is clear that the existing  
arrangement of employing  
European Assistant Masters in African  
and Arab Elementary Education must be  
continued, and in all the circumstances  
I am prepared to agree to their transfer  
to the Local Civil Service.  
As this arrangement continues I assume  
that, if the necessity for filling any  
further vacancies should arise, it will  
probably be necessary to obtain candidates  
from this country. In such an event I  
should propose to request the Board of  
Education, as being the most appropriate

inclusion  
However  
I think for

activity for this purpose, to undertake the selection of candidates, with the assistance of some officer of my staff or of one from the Kenya Education Dept should there be a suitable officer available in this country.

On the other hand, should you be in a position to recommend any suitably qualified local candidate for such a vacancy, I should be glad if you would <sup>be pleased</sup> inform me. you will be able to engage him on the local civil service terms.

6. I am addressing you in a separate despatch as to the scales of salary to be attached to these posts.

I have etc

Signed W. OSMERY GORE

C. O.

Mr. Pascoe 20/11.

~~Capt. M. Wood~~

Mr. Hood

Sir C. Parkinson.

\* Sir G. Tomlinson

Sir C. Bottomley.

Sir J. Shuckburgh.

\* Permt. U.S. of S.

Privy. U.S. of S.

Secretary of State.

DRAFT. COMMON.

KENYA

CONFIDENTIAL

GOVERNOR.

FURTHER ACTION.

Copies to be placed

on 38058/26 &

38058/4/36.

Recd by Mr. Pascoe.

A  
38121/25

See 5/13

Sir,

I have the honour to refer to

(18) Mr. Wade's Confidential despatch No. 110

of the 23rd of August 1955 and to express my

regret at the delay which has occurred

in reaching a decision on the proposal

that the posts of Primary Education

Officers engaged in Arab and African

education should be transferred to the

Kenya Local Civil Service. The reluctance

of my predecessors and myself to agree to

the transfer of these posts to the Local

Service has been due partly to the con-

sideration that since there are no

facilities in Kenya for candidates to

acquire the necessary professional

qualifications as set out in the first

paragraph

paragraph of Mr. Morris' letter of the 4th of

July, 1936, it will in fact be necessary

(generally speaking) to continue to recruit

candidates for these posts in this country.

It appeared difficult to justify the inclusion

in the Local Service of posts for which there

is no prospect of suitably qualified candidates

being, or becoming, available, from local sources.

2. It was also felt that candidates in

this country would be most unlikely to be

attracted by Local Civil Service terms and that

the field of applicants would accordingly probably

be so restricted that as to make it a matter

of extreme difficulty to select candidates poss-

essing those personal (as distinct from pro-

fessional qualifications) which have always been

rightly regarded as essential in the case of

officers engaged in the teaching of natives.

It was felt that this consideration would apply

with even greater force in the case of the

occasional candidates, possessing the necessary

professional qualifications, who might be found

in

*That this is not an exaggerated view of the situation is to some extent at any rate borne out by some Insp. No 137 of the 4th of March 1936, in wh. you reported that no suitable local candidates were forthcoming for two vacancies in the Staff engaged in European primary education, for which similar professional qualifications are required.*

A

G. O.

Mr.

Mr.

Mr.

Sr C. Parkinson.

Sr G. Tomlinson.

Sr C. Bottomley.

Sr J. Shuckburgh

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

(No. 2 in  
38058/34).

FURTHER ACTION.

B

in the Colony.

3. I have however recently given further consideration to the proposal in the light of:-

(a) the recommendation in paragraph 289 of Sir Alan Pim's report, which is in conformity with his general recommendation that, wherever possible, the expensive machinery of the "Overseas Service" should be replaced by the cheaper agency of the Local Service.

(b) the unexpected fact that the advertisement by the Crown Agents of the two vacancies reported in your despatch No. 137 of the 14th of March, produced a large field of well qualified candidates who were prepared to accept appointments in Kenya on Local Civil Service terms.

4. I have also had regard to the consideration that it is difficult



to justify a differentiation between the conditions of service of the classes of officers engaged in the primary education of Europeans and Africans. In this connection, however, I may mention that, for the reasons given in paragraphs 1 and 2 above, I was at one time inclined to request you to consider whether the assimilation of the two classes of posts ought not to be achieved by the re-transfer to the Overseas Service of the posts of officers engaged in European education.

5. On the whole, however, for the reasons mentioned in paragraph 3 above, I am now prepared to acquiesce in the transfer to the Local Civil Service of the posts of Primary Education Officers engaged in Arab and African education.

6. In view, however, of the probability that applicants with both the required professional qualifications and the essential personal qualities will seldom be available in Kenya I consider that, at any rate for the present, candidates

C. O.

- Mr. (I assume that this is intended.)
- Mr. (P.P.)
- Mr. C. Parkinson.
- Sir G. Tompkinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

candidates for these posts (and for the corresponding posts for European primary education) should normally be recruited in this country, though this would not of course preclude your recommending any properly qualified candidate who might happen to be in Kenya. As these posts

DRAFT.

Is this the way to put it?

will normally be filled by teachers with Board of Education qualifications I propose to request that Department to undertake the advertisements of vacancies and the selection of candidates, with the (in the final selection) assistance either of a member of the of one officer of my staff ~~Appointments Department of the Colonial Office or of an officer of the Education Department of Kenya~~ when such an officer is available in this country.

*Use the appri dep  
to keep clear of  
the S.S. Bottomley's  
minutes - ? substitute  
one of the Secretaries  
to the Advisory Com a  
Native Ed. in  
Capt. Hambro's minute  
p. 10/1*

**FURTHER ACTION.**

*l.S.  
G. 7.7.*

7. I am addressing you - a separate despatch  
2. As regards the scales of salary to be attached to these posts, I observe that (disregarding those applicable to candidates with lower qualifications than a degree or a Board

of Education certificate or other equivalent qualification) the scales set out on page 15 of Secretariat Circular No. 2 of the 28th of January 1935, as applicable to Primary Education Officers for European education, would (if expressed as a long scale) be as follows: £240 x 20 - 360 x 20 - 520 x 10 - £600; in which a candidate with a degree but not a Board of Education certificate would enter at £240, a candidate with a Board of Education certificate but no degree would enter at £360 and a candidate with both these qualifications would enter at £420.

A corresponding merging of the scales for Primary Education Officers for Arab and African Education, which were proposed in Mr. Wade's despatch of the 23rd of August, 1935 (No. 18) would result in a "long scale of £246 x 18 - 390 x 18 - 480 x 20 - 520 x 10 - 600, in which a candidate with a degree or an approved certificate in various specified subjects (including a Board of Education teaching certificate) would enter at £246, and a candidate

M: Hood

A paper on discussion this morning, on  
proposal to transfer new parts to the L.S.S.  
does not, in itself, go counter to the  
views of the Executive Committee.

In No 8 on 17/2/31 the Committee  
agreed - in the proposal to divide  
Executive Parts into 2 classes, of  
cl. I and cl. II and to on a scale of 240 - 260  
x and consist of "B/E" type jobs.  
So that ~~the~~ was disposed of - 1931

J.P.  
18/3

[I am writing separately on the  
present salary scale - 38058/4/36.]

M. Hood.

A paper on discussion this morning, a  
proposal to transfer new posts to the U.S.  
does not, in itself, go counter to the  
views of the Executive Committee.

In No 8 on 17273/30 the Committee  
agreed - in the proposal to divide  
Executive Posts into 2 classes, of  
wh. Cl II wd. be on a scale of 241 - - - - 260  
& wd. consist of "B/E" type posts.  
So that ~~the~~ aspect was disposed of - 1931.

J.P.  
18/9.

[I am writing separately to the  
personnel salary scale - 38058/4/36.]

Kenya Local European Civil Service.

The origin of the demand for the Local Civil Service was based firmly on the need for economy and the necessity of finding definite openings for the young people in the Colony.

After three years of preparation, a final scheme for the inauguration of the new Service was presented to the Legislative Council in May, 1934, in Sessional Paper No. 1 of that year. After some discussion the Council, including all the unofficial members, resolved that the proposals for the inauguration of the European Local Civil Service contained in Sessional Paper No. 1 of 1934 be approved.

As shown in the Sessional Paper the following posts in the Education Department were scheduled to the Local Civil Service:-

<u>Primary Education Officer.</u>	<u>Salary.</u>
(a) male	To be co-ordinated with the clerical grade scales.
(b) female	
Learners (b) male	(b) As for Grade I learners clerical staff.
(b) female	
(a) male	(a) As for Grade II learners clerical staff.
(a) female	

The inclusion of the post of Primary Education Officer in the new Service evoked no comment in the Legislative Council.

In submitting the scheme for the Secretary of State's approval the Governor said:-

"In regard to the salary scales proposed, it will be observed that as regards the salaries to be paid to those engaged in European primary education, co-ordination with the clerical scale is intended. The Director of Education's recommendations are shown in the attached schedule and these I support, there are at present various scales in use in the Department and the general position is not satisfactory in consequence".

In the Secretary of State's reply it was stated that:-

"It would seem that for many years to come a large proportion of the posts scheduled to the Local Civil Service must necessarily be filled either by recruitment from overseas or by persons from overseas who happen to be in Kenya and who are qualified for such employment. It is by no means clear as regards the former category, and perhaps also as regards the latter, that it will be possible in practice to maintain conditions of employment substantially differing from those attached to the overseas service. While, therefore, I accept the principle of the European Local Civil Service, and I approve its inauguration, I consider that the Service must be regarded as of an experimental character in view of the anticipated difficulties of local recruitment to which I have referred".

48

"As regards the posts in the Education Department, my approval of the scales must not, for the present, be held to imply that I accept the correlations proposed by the Director of Education between professional qualifications and points in the clerical service scale. I shall address you further on this point".

Incidentally the Secretary of State objected to the inclusion in the new Service of the posts of Nursing Sister and Sanitary Inspector. He said:-

"There can be no question of lowering the present standards of efficiency and qualifications expected from the occupants of such posts as Nursing Sister and Sanitary Inspector. To maintain these standards it will be necessary, in the absence of local facilities for training, to rely almost entirely upon recruitment from overseas, in competition with other territories in Africa and elsewhere, of persons possessing the requisite professional qualifications".

An interview was arranged with Mr. Scott, the then Kenya Director of Education, who was on leave. The conclusions reached at that meeting are reflected in page 15 of Kenya Secretariat circular No. 2 of 1935.

CKS  
4.3.36.

170

Remarks regarding the proposal that African primary education posts should be transferred to the Local Civil Service.

first as regards opportunities for the sons and daughters of settlers. It is possible for a matriculated student or holder of a school certificate to obtain employment in the teaching of European children, at a salary of £150 - £210, although they have no professional qualifications or experience.

is it desirable to have this type of pupil teacher to instruct African children?

A graduate of a recognized university even though he holds no professional qualification or experience can start at:-

£240 - 20 - 36 (men).  
£225 - 15 - 315 (women).

-do-

The graduate or non-graduate teacher can qualify for the higher salary scales of the Local Civil Service on acquiring local experience plus a teaching certificate recognized as equivalent to the Board of Education certificate. But so far as I know they cannot acquire this certificate by examination in the Colony.

If it is agreed that a type of teacher is required whose function will be restricted to teaching in the primary schools, it would be agreed that the candidates need not possess those qualifications essential to the teacher in secondary and higher education schools. (cf. the position of teachers in the elementary schools in the U.K.).

Does this apply with equal force as regards primary education for Africans or should the person selected to teach African children be so qualified that he could be considered as suitable to proceed to the £1,000 a year posts?

*I suggest that if the reply with equal force provides that Candidates can be found possessing a Certificate in one of the following subjects: Arithmetic, Mental Arithmetic, Drawing, Handwriting or Book-keeping.*

Kenya has in mind, I think, the certificated elementary school teacher type for the training of European children, but of course Government would be glad to get the university graduate possessing the teaching certificate, if candidates could be secured on the terms offered. As a matter of fact, in response to a recent advertisement issued by the Crown Agents for candidates for two European primary education posts, Local Civil Service, it has been possible to select two university graduates, both of whom hold a teaching diploma and have had teaching experience. I understand that there were something like 350 candidates for these two vacancies. The list submitted to the Board of Education for final recommendation was reduced to 22 candidates, all of whom were university graduates holding a teaching diploma.

If, in fact, the African primary education posts were transferred to the Local Civil Service, it looks as if it would not be difficult to fill vacancies by recruitment in this country.

As regards the question of transfer to the Local Civil Service of officers serving on agreement. Certain officers engaged in European primary education were so transferred on the expiration of their agreements (see categories C and D in Kenya Secretariat circular No. 2 of 1935). The fact that it is the practice of the Kenya Government to create no more pensionable posts is well known locally. So that if it were decided to transfer the primary African posts to the Local Civil Service, the non-pensionable holders of those posts could have n.



real grievance. But there is the danger that they would refuse to re-engage on Local Civil Service terms, thus causing an embarrassing shortage of staff. On the other hand, it looks as if their places could be filled quite easily by recruitment in this country.

CM

4.8.36.



46507/2/35

ENYA

140 110

46

CONFIDENTIAL

23 August, 1935.

I have the honour to refer to Sir Joseph Byrne's Confidential despatch No.96 of the 27th June, 1934, on the subject of the scales of salary to be applied to officers of the Education Department engaged in African and Arab education, and to state that I shall be glad to learn whether the proposals made therein, as supplemented by those of the Director of Education in the Memorandum which formed an enclosure to the despatch, have met with your approval.

2. As regards the senior ranks of the teaching staff engaged in African and Arab education it will be seen that Sir Joseph Byrne agreed that the Long Scale should apply but at the same time recommended the acceptance of the views of Mr. Scott contained in paragraphs 6 and 17 of his memorandum, relating to the possession of adequate qualifications necessarily being made a condition of the crossing of a bar in the scale.

Provided you see no objection, therefore, it is proposed to refer the question of an efficiency bar in the Long Scale, as applicable to senior ranks engaged in African and Arab education to the next annual Conference of the Directors of Education in the East African Dependencies.

-6

cred - 20

17273/31  
6 m 24009/34

3. On the other hand Sir Joseph Byrne agreed that for the junior ranks of the teaching staff engaged in African and Arab education the scales laid down in Class II of the draft scheme attached to Sir Robert Hamilton's Confidential despatch of the 14th September, 1933, should suffice; namely the scale £245 x £18 to £300 x £18 to £325 by £18 to £350 by £20 to £600. While the scale proposed was presumably to be granted with "overseas" terms of service it will be observed from paragraph 3 of his Memorandum that Mr. Scott made a suggestion, which was endorsed by Sir Joseph Byrne, to the effect that the posts for the junior ranks engaged in African and Arab education should be Local Civil Service posts. Your approval of this suggestion had not yet been notified and I shall be glad to learn that you have no objection to the principle contained in the proposal.

4. Mr. Davis, the present Director of Education, does not agree with his predecessor's suggestion regarding the inclusion of the junior posts in the European Local Civil Service. I attach a copy of a letter (Appendix A) in which, at my request, Mr. Davis sets out his objections. Careful consideration has again been given to the matter and I regret that I am unable to support Mr. Davis in his request that the junior ranks should be given preferential treatment in comparison with other Departments and enjoy "overseas" terms of service on the scale of salary already quoted.

5. In correspondence terminating in your predecessor's Confidential telegram No. 14 of the 21st January, 1934, approval was given of the scales of salary

salary for European Local Civil Service officers engaged in European Primary education. These scales were duly notified in Appendix III on page 18 of Secretariat Circular No.2 of the 25th January, 1930.

*W. J. Smith*

*You have a copy  
- the full copy on  
not to be taken*

I see no justification for the grant of more favourable terms to the junior ranks engaged in African and Arab education than those already approved for the junior ranks engaged in European education. I am convinced that it is equally important, if not more so, to obtain qualified teachers in European Primary schools as it is to place qualified staff in a teaching capacity in African and Arab schools. Moreover I am not, as at present advised, prepared to accept the argument that posts should not be created in the European Local Civil Service because sufficient qualified candidates may not be obtainable to fill them locally. Until such posts are created and vacancies are offered for candidates it will not be possible to say whether Mr. Morris' fears that local candidates will be unrepresentative are correct. I see no reason to share his views but in the event of their being well founded I shall be prepared to recommend recruitment from overseas but, as in other cases, on Local Service terms. The cost of European secondary education has for a number of years been a drain on the limited resources of the Colony. It cannot be denied that Kenya has made every attempt to provide a sound education, administered by fully qualified and well paid staff, for the sons of its colonists. I trust therefore that it will not have to be admitted that such local effort has failed to turn out young men who are fitted to

take their place in the educational system of the Colony and to impart the knowledge they have gained to the younger members of the African and Arab races.

The Director of Education appears to envisage that Africans themselves will shortly be in a position to undertake such duties, it should not therefore be impossible for locally educated Europeans to do the same.

6. In the event of your approval of the proposal that the junior ranks engaged in African and Arab education should be members of the European Local Civil Service being forthcoming I would propose that the scales of salary be as shown in Appendix B whereas the Director of Education's proposals are shown in Appendix C.

I have the honour to be,  
Sir,  
Your most obedient, humble servant,

A. DE V. WADE  
ACTING GOVERNOR.

APPENDIX B.  
APPENDIX C.

4th July, 1955.

The Hon<sup>ble</sup> the Colonial Secretary,  
NAIROBI.

APPOINTMENTS IN AFRICAN AND ARAB EDUCATION.

ref: Secretariat letter No. S/6.46 7/8/15/IV/26 of the  
 28th June, 1955.

These types of European Assistant Masters are required in Government African Schools.

- a. Those engaged in class teaching, more especially in teaching English, either in the classes of the Primary Schools or in Post-Primary classes for the training of teachers. Men engaged for this work should hold a Board of Education Teachers' Certificate or preferably be graduates who have taken a special London Day Training College course.
- b. Assistant Masters engaged in the teaching of Agriculture and/or Animal Husbandry. These should hold either a degree in Agriculture or the Diploma of a recognised Agricultural College and/or a Diploma in Dairy Work or Animal Husbandry.
- c. Teachers of Handwork. These should be trained Instructors in carpentry and smiths' work or masonry and building and should hold a certificate as a Teacher of Handwork or a Manual Instructors' Certificate.

2. It is difficult to see how men with the above qualifications are to be recruited locally. There are no facilities in the Colony to enable European youths to acquire any of the above qualifications. Further, it is essential that the candidates should be carefully selected as suitable for work in African Schools. (Wide Command Paper 2374 - Education Policy in British Tropical Africa, page 5, and Memorandum by the Advisory Committee on Education Staff in British Tropical Africa, November, 1925 - page 2). There might be a very limited number of suitably qualified men in the Colony to choose from but it is extremely doubtful if they would accept appointments on Local Civil Service terms. It is most unlikely that candidates from overseas could be recruited for such posts on Local Civil Service terms. They would, as a rule, be better off working under the boards of Education.

3. A comparison of staffs in African Primary Schools with those in European Primary Schools is not sound. It is comparatively easy to recruit trained women teachers for the European Primary Schools but trained male teachers are very difficult to obtain. Women teachers are excellent for the young children in the European Primary Schools but would not be suitable in African Primary Schools for boys.

4. It is anticipated that in a few years time we shall have Africans sufficiently qualified for appointment to posts as Assistant Masters in Government African Schools and it is, therefore, most unlikely that there will be many appointments of Europeans to these posts in the future. At the moment they are occupied by tried and selected men, seven of whom have over eight years' service and who would, in normal circumstances, have received pensionable status some years ago. It is possible that the present holders of these posts will not accept Local Civil Service terms and in this event it would be quite hopeless to attempt to recruit a sufficient number of candidates locally and it is practically certain that no suitable recruits would be forthcoming from home on Local Civil Service terms.

5. If there was likely to be a steady demand for Europeans to fill these posts the possibility of providing training for local European youths would have to be considered and there would then be a case for classifying such appointments as Local Civil Service ones. As, however, such posts will be filled by Africans in the near future, this contingency does not arise.

6. I feel most strongly that if the present holders of these posts as European Assistant Masters who have not yet received pensionable status are to be transferred to the Local Civil Service, it will be a grave injustice.

APPENDIX B.

Primary Education Officers (Male.)

Scale.	<u>Qualifications.</u>		Experience.	Scale of Salary.
	Academic.	Professional		
A.	Graduate of recognized University.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Teaching, Welfare Work.	10 years	£420 x 20 x £220 x 10 x £200.
	Nil.	-do-		-do-
B.	Graduate of recognized University.	Nil		£246 x 18 x <u>£390</u> x 18 x £408.
	Nil.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Teaching, Welfare Work,  or approved practical experience in one or more of the above subjects.		-do-
C.	Higher School Certificate or Intermediate or Equivalent.	Nil.		£180 x 15 x £210.



## Primary Education Officers (Female).

Scale.	Academic.	Qualifications. Professional.	Experience.	Scale of Salary.
A.	Graduate of recognized University.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Nursing, Welfare work, Domestic Science, Teaching.	10 years	£360 x 20 x £420 x 10 x £500.
	Nil.	- do -		- do -
B.	Graduate of recognized University.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Nursing, Welfare work, Domestic Science, Teaching or approved practical experience in one or more of the above subjects.		£280 x 10 x £360.
	Nil.			- do -
C.	Higher School Certificate or Intermediate or Equivalent.	Nil.		£180 x 10 x £210.

APPENDIX G.

Director of Education's proposals.

Primary Education Officers (Male)

Scale.	Qualifications.		Experience.	Scale of Salary.
	Academic.	Professional.		
A.	Graduate of recognized University.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Teaching, Welfare Work.	10 years.	£480 x 20 x £600.
	Nil.	-do-		-do-
B.	Graduate of recognized University.	Nil.		£340 x 18 x £390 x 18 x £480.
	Nil.	Approved Certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Teaching, Welfare Work or approved practical experience in one or more of the above subjects.		-do-

Primary Education Officers (Female).

A.	Graduate of recognized University.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Nursing, Welfare Work, Domestic Science, Teaching.	10 years	£480 x 20 x £645.
	Nil.	-do-		-do-

APPENDIX G.

Primary Education Officers (Female).

Scale.	Qualifications.		Experience.	Scale of Salary.
	Academic.	Professional.		
B.	Graduate of recognized University.	Nil.	-	£230 x 15 <del>£250</del> x 15 £425.
	Nil.	Approved certificate in one or more of the following:-  Agriculture, Animal Husbandry, Dairying, Handicraft, Nursing, Welfare work, Domestic Science, Teaching.  OR approved practical experience in one or more of the above subjects.		

46856/73  
58

COLONY AND PROTECTORATE OF KENYA

SE. 7/1/12. III.

CIRCULAR No. 22

G. 21

A. 1

D.—

THE SECRETARIAT,

NAIROBI, KENYA.

13th August, 1935.

THE KENYA EUROPEAN LOCAL CIVIL SERVICE  
MARRIED WOMEN

*Reference paragraph 24 of Secretariat Circular No. 2 of 1935*

The following alterations to the above Circular are notified for general information:—

Delete paragraph 24 and substitute the following paragraph:—

24. (1) A married woman will not be selected for appointment to the local service save—

- (a) where a man and wife are required for the superintendence of an institution;
- (b) where the public interest demands the selection of a person with particular qualifications and the only suitable candidate is a married woman;
- (c) in such other exceptional circumstances as may be approved by the Governor at his discretion.

(2) (a) Notwithstanding anything in the Circular contained, a married woman at present in the service will not be transferred to the local service unless she falls within the exceptions referred to in sub-paragraph (1) of this paragraph.

(b) A female officer in the local service will be called upon to tender her resignation on marrying.

(c) The further employment, on a purely temporary basis in the service of the Colony, of any such married woman or any such female officer will be at the discretion of the Governor.

H. G. FILLING,

*Acting Colonial Secretary.*

To:—

All Heads of Departments.

All Provincial Commissioners.

The Officers in Charge, Northern Frontier, Turkana and Masai Districts

59  
16  
—

M/3621.

RECEIVED  
20 SEP 1935  
C. G. REC

East African Department,  
Colonial Office.

*Notes*

1. to C.S.  
8.35.  
2. to C.A.  
8.35.

With reference to our minute M/3621 of the 24th August regarding vacancies in the Kenya European Local Civil Service, I now enclose for your information a copy of further correspondence which we have had with the Colonial Government regarding the form of passage agreement to be signed by officers selected by us for that Service.

*Notes*

2. The Secretary of State's despatch No. 520 of the 13th July last, addressed to the Officer Administering the Government, Kenya refers.

*J. D. ...*

Appointments Department,  
Crown Agents.

19th September, 1935.

KMcD. 14

Original in M/3621.

RECEIVED THIS COPY 24

AIR MAIL

60

No. S/E.7/1/10/12/IV/14.

The Secretariat,

Nairobi,

Kenya.

31st August, 1935.

Recd. 9th September, 1935.

Gentlemen,

I have the honour to acknowledge the receipt of your letter No.M/3621 of the 24th August and to inform you that the revision of the present form of passage agreement is still under consideration and pending a further communication from this Colony I have to request that the present form should continue to be used in the case of all new appointments to this Service.

I have the honour to be,  
Gentlemen,  
Your obedient Servant,

(Sgd.) R.C. Merwyn Wood.

For AG. COLONIAL SECRETARY.

THE CROWN AGENTS FOR THE COLONIES,

4, MILLBANK,

LONDON, S.W.1.

M/3621.

24th August, 1935.

AIR MAIL.

Sir,

*Recd 6/8*  
With reference to your letter No. S/S.20/1/13/3/7 of the 6th August approving the procedure which we propose to adopt when selecting Officers for appointment to the European Local Civil Service, and suggesting two modifications to the paper of particulars which will be issued to candidates, I have the honour to inform you that the necessary amendments have been made and the Secretary of State for the Colonies provided with a copy as finally approved.

Candidates for the appointments of Shorthand Writer, Judicial Department, and Deputy Inspector of Weights and Measures, Police Department, are now under consideration and I have accordingly to ask that a reply may be sent by Air Mail as soon as possible to our letter M/S.A.275/1 of the 27th July addressed to the Treasurer, regarding the new form of passage agreement, in order that we may arrange for the candidates selected to sign the agreement before their departure for Kenya.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.)

for CROWN AGENTS.

the Colonial Secretary,  
Nairobi,  
KENYA.

M/3621.

*Copy sent on 23/9/35*

62

15

*No date*

East African Department,  
COLONIAL OFFICE.

RECEIVED  
20 AUG 1935  
C. G. ROBY

*Not*

27.7.35.

6.8.35.

With reference to your minute No. 38121/35 of the 25th July regarding the vacancies in the Kenya European Local Civil Service, I enclose, for your information, a copy of a correspondence which we have had with the Colonial Government, together with a copy of the paper of particulars relating to the vacancy for a Shorthand Writer, Judicial Department, as finally approved.

*[Signature]*

Appointments Department,  
Crown Agents.

24th August, 1935.



27th July, 1935.

AIR MAIL.

Sir,

With reference to your letter of the 15th June, No. M.20/1/13/3/66, and to the Colonial Office letter to us of the 9th July, No. 36121/35, a copy of which was sent to the Acting Governor with the Secretary of State's despatch of the 13th July, No. 520, relative to the vacancies in the European Local Civil Service, I have the honour to inform you that we understand that the Colonial Office have no objection to the procedure proposed in the third paragraph of our letter to you of the 7th June, No. M/3621, and, subject to the approval of the Colonial Government, we propose to adopt it.

I enclose a draft of the paper of particulars which we have prepared for the information of applicants for the shorthand writer vacancy (which has been advertised) and have to ask that you will inform us by air mail as soon as possible whether it is approved. It will serve as a model, as regards general terms, for other vacancies in the Local Civil Service.

I have the honour to be,

Sir,

Your obedient servant,

For Crown Agents.

The Colonial Secretary,  
Kenya.

No. S/E. 20/1/13/3/73.

The Secretariat,  
Nairobi,  
KENYA.

6th August, 1935.

Gentlemen,

With reference to your letter No.M/3621 of the 27th July on the subject of vacancies in the European Local Civil Service, I have the honour to inform you that there is no objection on the part of this Government to the procedure proposed in paragraph 3 of your letter No.M/3621 of the 7th June.

2. As regards the form of particulars enclosed with your letter under reply, I am to state that the form appears suitable as a model as regards general terms for other vacancies in the Local Civil Service, subject to the two following slight modifications :-

- (1). Allowances. Delete "whilst on circuit with the Judge" and substitute "from time to time".
- (ii). Leave. Delete the last sentence "Otherwise ..... duty." and substitute :-  

"Otherwise he will be granted leave with full salary for ten days in respect of each completed period of three months resident service, or for one month whichever is the greater."

3. I shall be glad if you will do all possible to expedite the appointment of this Shorthand Writer for the Judicial Department.

I have the honour, etc.,

(Sgd.)

for AG. COLONIAL SECRETARY.

THE CROWN AGENTS FOR THE COLONIES,  
LONDON, S.W. 1.

NATURE OF APPOINTMENT.

Shorthand Writer, Judicial Department, Local Civil Service.

QUALIFICATIONS AND DUTIES.

Candidates, aged 25 to 35, must be of sound education and thoroughly trained shorthand writers, able to transcribe with accuracy and speed. Knowledge of Court procedure and legal terminology is absolutely essential as, in addition to court reporting, the officer will be required to assist in the preparation of the Law Reports, in the transcription of the Rules of Court and in Judicial correspondence. Candidates will be required to submit certificates showing their exact speeds in shorthand and typewriting. The officer will be stationed either at Nairobi or Mombasa and will be required to accompany the Judge on circuit.

SALARY.

£400 a year rising by annual increments of £20 to £600 a year with an efficiency bar at £480. Half salary is payable from the date of embarkation to the date of arrival in the Colony. A temporary levy on salaries is at present in force at the rate of 5% on all salaries up to £600 a year. The total emoluments liable to levy are abated by any amounts paid as contributions to the Provident Fund and to the Widows' and Orphans' Pension Scheme. A permanent officer of the Local Civil Service is required to contribute to the Provident Fund at the rate of 5% of his salary, the Government contributing a like amount for the first ten years of his service. He is also required to contribute approximately the same percentage of his salary to the Widows' and Orphans' Pension Scheme. An officer serving on temporary appointment is not required to contribute either to the Provident Fund or the Widows' and Orphans' Scheme.

ALLOWANCES.

Travelling allowance, in accordance with the regulations in force from time to time.

QUARTERS.

Free quarters are not provided. Should the officer occupy Government quarters he will be charged rent at the rate of 7½% of his salary.

PERIOD OF ENGAGEMENT.

Upon arrival in Kenya the officer will be appointed by letter to the Local Civil Service on a temporary basis for a period of twelve months, which period may be extended at the discretion of the Government. On the conclusion of twelve months' service he will become eligible for a permanent appointment in the Local Civil Service and, if so appointed, will become subject to the regulations applicable from time to time to that Service. The officer may at any time after the expiration of 3 months' service determine his engagement on giving 3 months' notice in writing or on paying to the Government one month's salary in lieu of notice and in either case repaying the cost of his passage to the Colony. He shall not in either case be entitled to a return passage to the place of engagement.

PASSAGES.

Free passage out for the officer appointed. The return passage to be earned at the rate of 25% of its cost for each year of resident service. If, however, he is ordered to proceed on leave on medical grounds he will be granted a free passage. A family passage allowance of £25 will be paid each way during each 4½ years to a married officer who has attained the age of 30 years. The officer may travel by a grade lower than that to which he is entitled and apply the saving towards the cost of his family's passages. If, however, his appointment is terminated, otherwise than by dismissal or resignation, whilst he is serving on a temporary basis, he will be provided with a free passage back to this country and will be granted a

sum of £25 towards the cost of passages for his family if they are with him in the Colony, provided that these rights will lapse if not exercised within six months.

LEAVE.

Vacation leave will be granted at the rate of ten days for each completed three months of resident service. In addition, eighteen days local leave may be taken annually. This eighteen days local leave may be added to the vacation leave in any year in which vacation leave is taken. All vacation leave will be inclusive of the periods of any voyages. If the appointment is terminated, otherwise than by dismissal or resignation, the officer, if returning to this country immediately on release from duty, will be granted leave with full salary for the period of the voyage and for ten days in respect of each completed period of three months' resident service or for one month, whichever is the greater. Otherwise, he will be granted leave with full salary for ten days in respect of each completed period of three months' resident service, or for one month whichever is the greater.

GENERAL.

Any officer whose salary does not exceed £500 a year who wishes his wife to accompany him to the Colony on first appointment or to join him before he has served for six months must obtain permission from the Governor. The officer should himself apply for this permission through the Colonial Secretary, Nairobi, or, if in Kenya at the time, through the Head of his Department. The officer will be required to pass the preliminary oral Swahili examination within a period of twelve months. Medical attention will be provided in accordance with the regulations in force from time to time. A copy of the regulations of the Local Civil Service will be available for perusal by candidates summoned to attend for interview.

R

C. O.

38/21/35

Mr. *Stewart* 24/7/35  
Mr. *Adkinson* 24  
Mr. *Hilton* 24  
Mr. *Parkinson*

Sir G. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

C.D.  
R 25 JUL  
D 26

Appointments Dept.  
Crown Agents.

Immediate

DRAFT. Minute.

Vacancies in the Kenya European  
Local Civil Service

(13)

With reference to the  
Minute of the 22nd of July  
(Reference M/362), it is  
considered desirable that  
You should communicate  
Your proposals with regard  
to the model of the  
letter of appointment and  
paper of particulars, to  
the Kenya Government. In  
so doing <sup>it is unnecessary</sup> ~~You should refer~~  
to the Colonial Office

FURTHER ACTION.

*Case*

For you to send the Kenya Gov't a copy of the  
Colonial Office

Letter to the Crown Agents  
of the 9<sup>th</sup> of July, <sup>as</sup> a copy

(10)

of which was sent to  
the Acting Governor of  
Kenya, by Air Mail, in  
the Secretary of State's  
despatch No 520 of the  
13<sup>th</sup> of July.

(11)

The salaries have still in  
force in Kenya.

East African Dept.  
Colonial Office.

(Signed) L. B. PRESTON

85 July, 1951. *pp. 10/11*

M/3621

1368

RECEIVED  
JULY 1935  
C. O. 38121/35

IMPORTANT.

East African Department,  
Colonial Office.

No 10

C.O. letter No. 38121/35 of 9-7-35.

With regard to the vacancies in the Kenya European Local Civil Service, unless you see any objection, we should prefer to follow the procedure indicated in the third paragraph of our letter to Kenya of the 7th June, a copy of which was enclosed in our minute to you of the same date. I enclose a draft of the paper of particulars which we have prepared for the information of applicants for the Shorthand Writer vacancy (which we are advertising) and shall be glad to learn as soon as possible whether you are prepared to approve it or whether you wish us to send it to Kenya by Air Mail for final approval. It will serve as a model, as regards general terms, for other vacancies in the Local Civil Service.

It will be seen that we have referred to the levy of 5% on salary. So far as we are aware, the levy is still in force in Kenya, although we have been notified that it has been discontinued on the Kenya and Uganda Railways and Harbours as from the 1st July.

J. S. Brewster

Appointments Department,  
Crown Agents.

22nd July 1935.

CLONY - KENYA.POST OF APPOINTMENT.

Shorthand Writer, Judicial Department, Local Civil Service.

QUALIFICATIONS AND DUTIES.

Candidates, aged 25 to 35, must be of sound education and thoroughly trained shorthand writers, able to transcribe with accuracy and speed. Knowledge of Court procedure and legal terminology is absolutely essential as, in addition to court reporting, the officer will be required to assist in the preparation of the Law Reports, in the transcription of the Rules of Court and in Judicial correspondence. Candidates will be required to submit certificates showing their exact speeds in shorthand and typewriting. The officer will be stationed either at Nairobi or Mombasa and will be required to accompany the Judge on circuit.

SALARY.

£400 a year rising by annual increments of £20 to £600 a year with an efficiency bar at £480. Half salary is payable from the date of embarkation to the date of arrival in the Colony. A temporary levy on salaries is at present in force at the rate of 5% on all salaries up to £600 a year. The total emoluments liable to levy are abated by any amounts paid as contributions to the Provident Fund and to the Widows' and Orphans' Pension Schemes. A permanent officer of the Local Civil Service is required to contribute to the Provident Fund at the rate of 5% of his salary, the Government contributing a like amount for the first ten years of his service. He is also required to contribute approximately the same percentage of his salary to the Widows' and Orphans' Pension Scheme. An officer serving on temporary appointment is not required to contribute either to the Provident Fund or the Widows' and Orphans' Scheme.

ALLOWANCES.

Travelling allowance, in accordance with the regulations in force, whilst on circuit with the Judge.

QUARTERS.

Free quarters are not provided. Should the officer occupy Government quarters he will be charged rent at the rate of 7% of his salary.

PERIOD OF ENGAGEMENT.

Upon arrival in Kenya the officer will be appointed by letter to the Local Civil Service on a temporary basis for a period of twelve months, which period may be extended at the discretion of the Government. On the conclusion of twelve months' service he will become eligible for a permanent appointment in the Local Civil Service and, if so appointed, will become subject to the regulations applicable from time to time to that Service. The officer may at any time after the expiration of 3 months' service determine his engagement on giving 3 months' notice in writing or on paying to the Government one month's salary in lieu of notice and in either case repaying the cost of his passage to the Colony. He shall not in either case be entitled to a return passage to the place of engagement.

PASSAGES.

Free passage out for the officer appointed. The return passage to be earned at the rate of 25% of its cost for each year of resident service. If, however, he is ordered to proceed on leave on medical grounds he will be granted a free passage. A family passage allowance of £25 will be paid each day during each 40 years to a married officer who has attained the age of 30 years. The officer may travel by a grade lower than that to which he is entitled and apply the saving towards the cost of his family's passages. If, however, his appointment is terminated, otherwise than by dismissal or resignation, whilst he is serving on a temporary basis, he will be provided with a free passage back to his country and will be granted a



sum of £25 towards the cost of passages for his family if they are with him in the Colony, provided that these rights will lapse if not exercised within six months.

LEAVE.

Vacation leave will be granted at the rate of ten days for each completed three months of resident service. In addition, eighteen days local leave may be taken annually. This eighteen days local leave may be added to the vacation leave in any year in which vacation leave is taken. All vacation leave will be inclusive of the periods of any voyages. If the appointment is terminated, otherwise than by dismissal or resignation, the officer, if returning to this country immediately on release from duty, will be granted leave with full salary for the period of the voyage and for ten days in respect of each completed period of three months' resident service or for one month, whichever is the greater. Otherwise, he will only be granted such leave, if any, as is required to enable him to have one clear month on full salary after his release from duty.

GENERAL.

Any officer whose salary does not exceed £500 a year who wishes his wife to accompany him to the Colony on first appointment or to join him before he has served for six months must obtain permission from the Governor. The officer should himself apply for this permission through the Colonial Secretary, Nairobi, or, if in Kenya at the time, through the Head of his Department.

The officer will be required to pass the preliminary oral Swahili examination within a period of twelve months.

Medical attention will be provided in accordance with the regulations in force from time to time.

A copy of the regulations of the Local Civil Service will be available for perusal by candidates summoned to attend for interview.

C.O. 533 459

C. O.

38121/35 KENYA.

Mr. Grossmith 11/2

Mr. Achenon 11

Mr. Ford 12/16

Sir C. Parkinson.

Sir G. Tomkinson.

Sir C. Bottemley.

Sir J. Shuldburgh.

Parly. U.S. of S.

Parly. U.S. of S.

Secretary of State.

TO GO BY AIR MAIL.

DOWNING STREET,

13 July, 1935.



Sir,

DRAFT.

KENYA.

NO. 620.

O.A.G.

(No. 8)

To C.A. 8/7/35  
No. 10. (Without encl.)

I have etc. to acknowledge the receipt of your telegram No. 162 of the 5th of July regarding the passage conditions for officers engaged in England for posts in the Kenya Local Civil Service, and to inform you that I agree to the terms proposed in your despatch No. 261 of the 31st of May and in your telegram under acknowledgment.

(No. 4)

2. It would seem, however, that the existing form of Passage Agreement, which, as you are aware, is signed by an officer once and applies thereafter throughout his service, will require

**FURTHER ACTION.**

Copy to Crown Agents.  
L.P. Reference 10.

copy to C.A. (2)

amendment. It should provide for the officer's liability in appropriate circumstances (1) in respect of his first tour, to refund the cost of his passage to Kenya within ~~the~~ four years after the date of his arrival in the Dependency on first appointment, and (2) in respect of subsequent tours to refund whatever amount was paid by Government towards his passage back to the Dependency on the conclusion of his last period of overseas leave. The full liability for which the agreement will thus provide will not be enforced in all cases, but I do not consider that the arrangements for remission need be included in the agreement. In any event, I am prepared to leave the matter in your hands, and I shall be obliged if you will arrange for the Passage Agreement to be amended to suit the views of your Government.

C. O.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

**DRAFT.**

3. In the case of locally engaged candidates, presumably the difficulties regarding passages will not arise. It will be appreciated that the difficulties so far experienced have been caused by attempting to apply to candidates who have been or are to be recruited overseas, terms of service designed for a locally recruited service.

A copy of a letter which has been sent to the Crown Agents for the Colonies regarding the existing vacancies in the Local Civil Service, is enclosed.

I have, etc.

**FURTHER ACTION.**

**(Sgd.) MALCOLM MacDONALD**

10

Mr. Grossmith. 577

Mr. Alhison 97

Mr. Flood 97

Sir C. Parkinson

Sir G. Tomkinson

Sir C. Eptonley

Sir J. Shuckburgh

Parad. U.S. of S.

Parry. U.S. of S.

Secretary of State.

DOWLING STREET.

9 July 1936

Immediate  
S.D.H.



3

⑦

I am, etc. to refer to ~~our~~ your communication of the 25<sup>th</sup> of June enclosing a copy of a letter from the Colonial Secretary

dated of Kenya of the 10<sup>th</sup> of June,

**DRAFT.**

THE CROWN AGENTS,  
FOR THE COLONIES.

~~(No. 38067/35)~~ regarding certain vacancies in the Kenya Local Civil Service, and to inform you that the Acting Governor of Kenya is in general agreement with the suggestions contained in the 2<sup>nd</sup> of the despatch of the 28<sup>th</sup> of March 1936, a copy of which accompanied the letter from the Office of the 21<sup>st</sup> of April.

(Ref. 38067/35)

1. For convenience of reference

I am to state that it has been agreed

2. In the case of an officer selected in this country for the Kenya Local Civil Service

copy placed to No. 9

11  
14  
14

No. 2  
30067/35

11  
14

**FURTHER ACTION.**  
Rec'd  
for Alhison  
Message  
23/7/36

Alhison

you  
Crown Agents should give the officer a  
formal letter to the effect:-

(1) That he has been selected  
for service and on arriving in Kenya  
will be appointed either on a temporary  
basis for a period of 12 months, which  
period may be extended at the discretion  
of the Head of his Department.

(2) That on the conclusion of 12  
months' service, he will be eligible for a  
permanent appointment in the local Civil  
Service and if so appointed, will become  
subject to the regulations applicable from  
the date of that service.

(3) That, if his appointment is  
temporary, he will be entitled to the usual  
benefits of the Civil Service, and on  
release he will be paid a gratuity  
of £25 towards the cost of his  
passage back to his country and will  
be entitled to a gratuity of £25 towards the cost of  
passage back to his country, if they are

/with

G. O.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

74  
with him in the Colony, provided  
that these rights will lapse if  
not exercised within six months.

(4) That, if his appointment  
is terminated or expires, or if  
dismissal or resignation, or if  
if returning to England immediately  
or release from duty, be granted  
leave with full salary for the  
period of the voyage and for 10  
days in respect of each completed  
period of three months' Resident  
service or for one month, whichever  
is the greater; but that otherwise,  
he ~~would~~ <sup>will</sup> only be granted such leave  
if any, as he required, to enable  
him to have one clear month's full  
pay after his release from duty.

3. The letter of appointment  
should also specify that half salary  
will be paid to the officer from the  
date of his embarkation to the date of  
his arrival in the Colony.

G. O.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

74  
with him in the Colony, provided that these rights will lapse if not exercised within six months.

(4) That, if his appointment is terminated or otherwise terminated by dismissal or resignation, or if, on returning to England, he is granted leave with full salary, he shall be granted leave with full salary for the period of the voyage and for 10 days in respect of each completed period of three months' resident service or for one month, whichever is the greater; but that otherwise, he ~~would~~ <sup>will</sup> only be granted such leave, if any, as he required, to enable him to have one clear month of full pay after his release from duty.

3. The letter of appointment should also specify that half salary will be paid to the officer from the date of his embarkation to the date of his arrival in the Colony.

4. The officer should be required to sign a Passage Agreement. The existing form of Passage Agreement ~~is~~ however require to be amended in certain particulars and the proposed amendments ~~are now under consideration~~ <sup>if any will be sent to you as soon as possible</sup>

with may

The above information will no doubt enable you to proceed with the selection of candidates for the posts of <sup>the</sup> Shorthand writer, Judicial Department, and Deputy Inspector of Weights and Measures, Police Department, referred to in the letters from this <sup>your</sup> Department of the 21st of May and the 26th of April respectively.

No 6  
23144/1/24.

No 3  
3805/35

I am etc.

6. As regards the telegram from the Colonial Secretary enclosed in your communication of the 5<sup>th</sup> of July (Reference M/3621), it is suggested that you should reply on the lines of the draft <sup>enclosed</sup> herewith.

I am etc.

IMMEDIATE.

MR. GROSSMITH,  
COLONIAL OFFICE.

With reference to our minute of the 29th June regarding the vacancies in the Kenya European Local Civil Service for a Shorthand Writer and a Deputy Inspector of Weights and Measures, I attach, as arranged by telephone, a copy of a telegram dated the 4th July which we have received from the Colonial Government enquiring the position regarding the former vacancy, together with a draft of a telegram which we propose to send in reply.

Do you agree, please ?

*J.S. Broadbent*

Appointments Department,  
CROWN AGENTS.  
5th July, 1935.

7.35.

*My telegram No 2 as amended  
to CP (10)*



T E L E G R A M

FROM THE COLONIAL SECRETARY, KENYA TO CROWN AGENTS.

PT 21

DATED & RECEIVED 4TH JULY, 1935.

437 REFERRING TO MY TELEGRAM 297

SHORTHAND WRITER I SHALL BE GLAD TO LEARN

PRESENT POSITION

DRAFT TELEGRAM

FROM THE CROWN AGENTS TO THE COLONIAL SECRETARY, KENYA.

WITH REFERENCE TO YOUR TELEGRAM OF 4TH JULY  
 TO  
 CONSIDER INADVISABLE INVITE APPLICATIONS FOR  
 POSTS OF SHORTHAND WRITER AND INSPECTOR WEIGHTS  
 AND MEASURES UNTIL WE ARE AWARE OF ALL THE  
 CONDITIONS OF APPOINTMENT FULLSTOP [SECRETARY  
 OF STATE'S TELEGRAM NO. 161 OF 24TH JUNE REFERS]

*Acting Secretary's telegram No 162 refer.*  
 In view of subsequent communication  
 received from C.O. immediate steps are  
 being taken to obtain  
 select candidates.

RECEIVED  
5-JUL 1935  
C. D. B. O'NEILL

8

TELEGRAM from the Officer Administering the Government of Kenya to the Secretary of State for the Colonies.

Dated 5th July, 1935. Received 11.20 a.m. 8th July.

No. 162.

No. 5

Your telegram No. 161 Members of Local Civil Service should receive on expiration of leave only such portion of cost of passage back to Kenya as they earned of cost of passage from Kenya. I agree that liability for refund should not exceed the amount of the Government contribution on this basis. Liability for refund of the amount of this contribution would be decreased by 25 per cent of that amount in respect of each period of twelve months of resident service during immediately succeeding years.

M/3621

4  
79

West Africa Department, RECEIVED  
COLONIAL OFFICE

No. 7.

2219 #/3.

10.6.55

With reference to your letter of the 7th June regarding the visit of the Hon. C. 44221 to the Department, we have received your letter of the 7th June, and presume that you will furnish us in due course with a copy of the Government's air mail despatch No. 261 of the 31st May.

Note

*J. B. ...*

Appointments Department,  
Cairo, Egypt.  
25.6.55.

Original in M/3621

RECEIVED LAFB only CH 80

No. E 20/1/13/3/68

The Secretariat,  
Nairobi,  
KENYA.

By air mail

15th June, 1935.

(Recd. 24.6.35)

Gentlemen,

I beg to acknowledge receipt of your letter No. M/3621 of the 7th instant relating to the vacancies for a Shorthand Writer, Judicial Department, a Deputy Inspector of Weights and Measures, Police Department, and a Proof Reader in the Government Press, and to inform you that the information you require was conveyed to the Secretary of State in an Air Mail despatch No. 261 of the 31st ultimo, which apparently crossed your letter under reference.

I have the honour to be,

Gentlemen,

your obedient servant,

(Sgd.) A. J. Field

for Ag. Colonial Secretary

The Crown Agents

for the Colonies.

Mr. Grossmith,  
East African Department,  
COLONIAL OFFICE.

No 24  
23068/1/35  
in case  
with Mr. Grossmith

With reference to our minute of the  
11th April, 1935, enclosing a copy of a letter dated  
the 9th April, 1935, addressed by us to the Government  
of Kenya regarding the inauguration of the European  
Local Civil Service, we now enclose, for your information,  
a copy of the Treasurer's reply.

We are arranging to proceed as indicated  
therein.



"M" Department,  
CROWN AGENTS,  
14th June, 1935.

BY AIR MAIL.

1st June, 1935.  
(Recd. 14th June, 1935)

Ref. No.664/296.

Gentlemen,

With reference to your letter No.M/S.A.275 of the 9th of April, 1935, regarding the Kenya European Local Civil Service, I have the honour to inform you that the family passage allowance payable to members of that Service is £25 irrespective of the grade of passage to which the officer himself is entitled, provided that the officer has attained the age of thirty years and is otherwise eligible for the allowance under the ordinary regulations.

2. Those who have not signed re-engagement agreements and who are required to transfer to the Local Service at the expiration of their leave should accordingly be paid at this rate, while those who have signed re-engagement agreements and who elect to serve under the terms of those agreements until the agreements expire, or until some other date after their return to the Colony, should continue to draw the rates of allowance payable to employees who are not members of the Local Service.

3. The allowance payable to Mr. J. Anderson therefore depends upon whether or not he elects to relinquish his agreement and to transfer to the Local Service as from a date prior to the expiration of his leave. Should he so elect, the overpayment of £5 should be recovered from him, but you will observe from paragraph 4 of the Colonial Secretary's letter No.E.7/1/10/12/III/20 of the 16th of February, 1935, that no steps should be taken to cancel re-engagement agreements entered into before you received this letter.

4. Mr. Douglas is one of those who are required to transfer and your assumption that the sum of £5 overpaid to him in respect of family passage allowance should be recovered is correct.

5. With regard to your paragraph 6, the position is explained in paragraph 1 of this letter. Both Mr. Hayward and Mr. Rees had signed re-engagement agreements and since they did not elect to transfer to the Local Service as from a date prior to their departure from England, they were entitled to the allowances actually paid to them. Any necessary adjustments will be effected locally should either of these officers decide to transfer with retrospective effect.

6. I agree that officers who have not signed re-engagement agreements should be required to sign passage agreements covering the cost of their outward passages to Kenya. Certain proposals are being submitted to the Secretary of State in this connection and it will probably be necessary to amend the existing form of agreement in due course. Meanwhile, however, I should be grateful if you would arrange for the present forms to be signed in all such cases.

7. I regret that circumstances have not permitted of a reply being sent to you at an earlier date.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Sgd) H. E. Hirst.

FOR TREASURER.



C. O.

Mr. *James* 24/6/35  
Mr. *Campbell* 24  
Mr. *Amice*

JF/L/35  
[Stamp]

825  
6000222200  
1.0 pm  
24/6/35  
to L/S

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Stuchburgh.

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Answered by No 8  
No. 101

(4) You request No 261.

DRAFT. *rel.*

*for*  
*Amice*

Do I rightly understand that members of Local Civil Service are to receive full free passage back to Kenya on expiration of leave on every occasion irrespective of length of previous tour?

If not I consider that liability for return should not exceed amount of Government contribution towards passage to Kenya on expiration of previous leave. Do you agree?  
Locs.

FURTHER ACTION.

AIR MAIL

KENYA  
No. 261



85/11  
GOVERNMENT HOUSE  
NAIROBI  
KENYA

RECEIVED  
10 JUN 1935  
C. O. REGY

31 May, 1935.

Sir,

No 2  
38067/35

With reference to your despatch No. 20 of the 25th March on the subject of the terms of appointment of officers engaged in England for posts in the Local Civil Service of this Colony, I have the honour to inform you that while I am in general agreement with the suggestion that the Crown Agents should issue a letter of appointment on the lines proposed by you, I desire to invite your attention to the omission from your proposal of any reference to an officer who resigns within twelve months of his arrival in the Colony. I suggest that in such cases the officer should be treated in the same manner as if he were dismissed and, if you agree, it would probably be sufficient to add the words "or resignation" after "dismissal" in the suggestion contained in (2) and (3) of paragraph 2 of your despatch. I also consider it should be specified that that salary will be paid from the date of embarkation to the date of arrival in the Colony.

2. With regard to the point raised in paragraph 3 of your despatch, the question of the grant of passages to officers of the Local Civil Service has been the subject of further consideration locally and in view of the fact that an officer will be considered to have earned in respect of each year of resident service twenty five per cent of the cost of a passage to the

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CONLIFEN-LISTER, F.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.

place where his leave is to be spent (normally England) it is considered that the passage agreement to be signed by him should stipulate that liability to refund a proportion of the cost of his passage will extend to four years and should be defined as follows:-

- (a). If he ~~does not~~ complete one year's resident service he should refund the whole cost of the passage.
- (b). If he completes one year but less than two years he should refund 75% of the cost of the passage.
- (c). If he completes two years but less than three he should refund 50% of the cost of the passage.
- (d). If he completes three years but less than four he should refund 25% of the cost of the passage.
- (e). If he completes four years no refund should be called for.

3. Against this liability, however, I have to point out that as stated above the officer will earn 25% of the cost of a passage to England or elsewhere for each completed year of service and in the event of his leaving the Service this would be set off against the cost of his passage out to this Colony on first appointment. The practical effect, therefore, in relation to the various examples cited in (a) to (e) of the preceding paragraph would be as follows:-

- (a). If he completes less than one year full cost would be refunded.

- (b). If he completes one year but less than two years, having earned 25% of the cost of a passage to England, this sum would be set off against the amount to be refunded. The net result would be that the officer would be called upon to refund 50% of the cost of his passage to the Colony, i.e. 75% less 25% = 50%.
- (c). If he completes two years but less than three years, having earned 50% of the cost of a passage to England no refund would be called for, i.e. 50% less 50% = Nil.
- (d). If he completes three years, but less than four years, he will have earned 75% of the cost of a passage to England and this less the 25% due to be refunded in respect of his outward passage would result in 50% of the cost of the homeward passage becoming payable to him.
- (e). If he completes four years, the full cost of a passage to England would be fully earned.

The same procedure would apply in the case of an officer who returns to this Colony for further service after a period of leave in England or elsewhere.

4. If you agree I shall be glad if this arrangement can be adopted in the case of the re-engagement of Mr. Batten as a Press Reader in the

19

No 63  
31047/EA  
NO 39  
31048/EA  
S. 111

Government Press, vide Kenya despatch No. 246 of the 23rd May and your telegram No. 140 of the 19th May, and also in respect of the following two vacancies which you have been asked to fill in addition to the Proof Reader in the Government Press:-

NO 4  
3882/65

(i). Deputy Inspector of Weights and Measures, see your despatch No. 306 of the 30th April last.

NO 7  
33199/1/34

(ii). Shorthand Writer in the Judicial Department, see Sir Joseph Byrne's despatch No. 856 of the 20th December, 1954.

5. As regards the recovery of passage costs you may decide that it is necessary to specify in the passage agreement form the basis on which the amount recoverable will be assessed, and to instruct the Crown Agents to introduce a revised form accordingly. On the other hand if you consider it a matter of administrative application then it appears that the existing form used by the Crown Agents would meet the case.

I have the honour to be,  
Sir,  
Your most obedient, humble servant.

*Adi Wadd*

ACTING GOVERNOR.

C. O.

Mr. ~~Downing~~ <sup>Grossmith 4/6</sup>  
Mr. ~~Downing~~ <sup>Freeman</sup>  
Mr. ~~Downing~~ <sup>Sms</sup>

Sir C. Parkinson.  
Sir G. Tomlinson.  
Sir C. Bottomley.  
Sir J. Shuckburgh.  
Permt. U.S. of S.  
Partly. U.S. of S.  
Secretary of State.

BY AIR MAIL

C. D.  
R 5 JUN  
D

Downing Street,  
Jung, 1935.

sir,

**DRAFT**

KENYA

CONFIDENTIAL (2)

A.O.G.

I have etc. to acknowledge receipt of your Confidential despatch No.65 of the 9th May, in which you requested advice as to the propriety of amending the local terms of service to allow the admission of married women to the European Local Civil Service in exceptional circumstances.

In addition to those set out in Section 24 I (a) and (b) of Secretariat Circular No.2 of 1935. I note that it is especially desired to make provision for the admission to the new service and the extension of Provident Fund benefits to women who are the sole support of invalid husbands, or

**FURTHER ACTION.**

wp (2)

C. O.

- Mr.
- Mr.
- Mr. [ ] *preferable*
- Sir C. Parkinson. *There appears to be exact necessity*
- Sir G. Tomkinson. *OK*
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Party. U.S. of S.
- Secretary of State.

DRAFT.

**FURTHER ACTION.**

women whose husbands are inmates of Mental Institutions.

3. I see no objection to the proposals on the grounds of principle, but it has been suggested that if married women are admitted to the Local Civil Service and are allowed to contribute to the Provident Fund, it will become increasingly difficult to maintain the general rule that married women may not be appointed to the pensionable establishment of the Colony. If no serious importance is attached locally to this aspect of the matter, the proposals may be regarded as approved, and Secretariat Circular No. 2 of 1935 should be amended on the lines proposed in the 5th paragraph of your despatch.

A. I agree that under the powers conferred upon ~~him~~ *the Governor* by Section 10 of the *Colonial Civil Service Provident Fund Ordinance, 1934*, the Governor may exempt persons from the prohibition under

under Section 5 (e) of the ~~provisional~~ Ordinance. It will be ~~necessary~~ *preferable* however, to exempt such persons by *name*.

5. With regard to the position of a woman who is separated from her husband by a judicial separation, ~~as stated~~ *stated* in the third and fourth paragraphs of your despatch I am not aware upon what grounds it is suggested that such a person would contribute to the Provident Fund within the terms of the Ordinance as it stands. She remains a "married woman" and therefore, having regard to Section 5 (e) of the Ordinance, *becomes a contributor* prima facie cannot ~~do so~~. The question of making a concession to a woman deserted *by* or otherwise separated from her husband seems, therefore, to require further consideration, if other married women are to be allowed to contribute.

AIR MAIL

KENYA  
No. 65



91  
GOVERNMENT HOUSE  
NAIROBI  
KENYA

9th  
May, 1935.

CONFIDENTIAL

Sir,

I have the honour to address you on the subject of the admission of married women to the European Local Civil Service.

2. Section 24 of Secretariat Circular No. 10 of 1935, based on Recommendations VII and VIII of the Fourth Interim Report of the Civil Service Board, see Sir Joseph Byrne's Confidential despatch No. 71 of the 3rd May, 1934, indicates the principle approved by this Government in this matter and reads as follows:-

- 104  
23068/21
- (1) A married woman will not be selected for appointment to the local service save in exceptional circumstances such as -
    - (a) Where a man and wife are required for the superintendence of an institution; or
    - (b) Where the public interest demands the selection of a person with particular qualifications and the only suitable candidate is a married woman.
  - (2) (a) Notwithstanding anything in this Circular contained, a married woman at present in the service (other than a married woman falling within the exception referred to in sub-paragraph (1) (a) of this paragraph) will not be transferred to the local service.
    - (b) A female officer in the local service will be called upon to tender her resignation on marrying.
    - (c) The further employment, on a purely temporary basis in the service of the Government, of any such married woman or any such female officer will be at the discretion of the Government.

Moreover, under Section 5 (e) of the European Civil Service Provident Fund Ordinance, married women are prohibited from becoming contributors and from enjoying the benefits of arrears of contributions paid by Government.

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP GUM IFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.



under Section 6 (b) of the Ordinance.

12

3. The position of a woman whose marriage has been terminated by divorce or by annulment or by death is quite clear. My legal advisers inform me that the case of a married woman who has been judicially separated from her husband is also clear; namely that she is in the position of a femme sole, and that there is no reason why she should be debarred from transferring to the Local Service and becoming a contributor to the Provident Fund.

4. The cases which I have in mind are those in which the applicant may be a wife who has been separated from or deserted by her husband, although no judicial separation has been obtained; or of a wife who is the sole not partial support of an invalid husband or of a wife whose husband is an inmate of a mental institution.

As regards the woman who has separated from, or who has been deserted by, her husband she can, of course, become a femme sole by a judicial separation at the Court's discretion; and I do not propose that she should be treated as a femme sole until, and unless, she has that legal status. Otherwise, as will appear later in this despatch, my proposals would, in effect, result in the adjudication of matrimonial disputes by methods unknown to the law and apart from the powers of the Courts.

But where a woman is the sole, not partial, support of an invalid husband, or of a husband who is the inmate of a mental institution then there is a considerable hardship if she is excluded from the benefits of the Provident Fund.

73

5. If the Secretariat Circular were to be amended so as to vest in the Governor power in special cases to permit of the entry or transfer to the Local Civil Service of married women, they could be permitted to join the Provident Fund under the powers already conferred on the Governor by Section 10 of the European Civil Service Provident Fund Ordinance, reading as follows:-

- (a) to exclude by notice in the Gazette any person or class of persons from the operation of the Ordinance.
- (b) to exempt any person or class of persons from all or any of the provisions of the Ordinance.

6. In submitting this matter for your ruling I have regarded the principles governing the employment of married women generally in your Confidential despatch of the 28th November, 1933, upon the proposed re-engagement of Mrs. M. A. L. Herridge.

I have also to refer to Sir Joseph Byrne's despatch No. 636 of the 12th December last and to acknowledge that one of the points made by Mrs. D. L. Byatt-Scott in her petition of the 9th April, 1934, to be placed on the pensionable establishment was that her husband suffered from a disability due to war service, etc. It is possible, however, that the main factor which caused her application to be refused was her age and the fact that in 1931 the then Director of Education did not feel justified in asking Government to consider her case as a special one outside the scope of the Regulations.

7. It is in regard to the treatment of cases

of

See on 1934  
Lxv

1094 EA

17773 EA

PH X

7/11

of the nature of those to which I have alluded in paragraph 4 of this despatch that I am in doubt. I should, therefore, appreciate your advice as to the propriety of amending the local ~~terms~~ of service to allow the admission of married women to the Local Civil Service in exceptional cases, in addition to those set out in Section 24 I (a) and (b) of Secretariat Circular No.2 of 1935. Cases are likely to be few and far between and I am anxious to avoid, if possible, the enforcement of a rule which will lead to definite hardship in exceptional cases.

8. I realise that this proposal for the exceptional treatment of women supporting their husbands, or of women whose husbands are in a mental hospital, may lead to analogies with the cases of married women serving in Dependencies where there is no Provident Fund, but only a pensionable establishment. I should, however, be grateful if separate consideration may be given to my proposal and if a reply may be given to this despatch by Air Mail.

I have the honour to be,  
Sir,  
Your most obedient, humble servant,

G. D. G. G.

KRMA

No 99

CONFIDENTIAL

Eng - 2053/bs  
Personnel.

70V 38121/35 95

29th June, 1935.

sir,

I have the honour to refer to paragraph 2 of Sir Philip Gulliffe-Lister's despatch Confidential (2) of the 26th May in which are set out the principles underlying the grant of passages in the case of locally engaged officers.

2. The terms upon which passage privileges are granted to locally engaged officers appointed to the European Local Civil Service are set out in paragraph 14 of Secretariat Circular No. 2 of 1935 and an elaboration of that paragraph, designed to make the position free from doubt, was submitted to your predecessor in my despatch No. 221 of the 21st May. The proposals made in that despatch were consistent with the statement in Sir Philip Gulliffe-Lister's despatch under reference, viz. "If the officer completes a full tour, the Government will, if he wishes, provide him with a free passage to England but not back to Europe". They are not entirely consistent with the corresponding passage because under Local Service conditions an officer is "considered to have earned in respect of each year of resident service, twenty-five per centum of the cost of a passage .....". Consequently, if an officer does not complete a tour (a "tour" being regarded for this purpose as three years continuous resident service) he

will

HIS MOST HONOURABLE  
SIR PHILIP GULLIFFE-LISTER, P.C., M.C.,  
MEMBER OF PARLIAMENT FOR THE EAST OF ENGLAND,  
LONDON.

will be eligible to receive a portion of the cost of a passage if he has not completed less than a year of resident service. This, however, is not a point of difference to which much importance need be attached. The principles laid down in Sir Philip Cunliffe-Lister's despatch may be regarded as those generally applied to locally engaged officers appointed on Local Civil Service terms and as generally consistent with the action which it is proposed to take in Kenya on this matter.

3. The case of locally engaged officers appointed to 'overseas' posts is different. Correspondence terminating with Mr. Amery's telegram of the 1st April, 1926, led to the acceptance of the regulations on this matter laid down in Secretariat Circular No. 23 of 1926. It was agreed in that correspondence that a locally engaged officer who had completed one tour of service would not be eligible for any passage concession if he was not re-engaging for a further tour of service and the considerations underlying this decision in the case of all locally engaged officers before the inauguration of the Local Civil Service continue to apply fully to the case of such officers appointed to 'overseas' posts at the present time. The principles referred to in the despatch under reference remain embodied in Regulations 239 and 240 of the Code of Regulations and follow the rulings referred to in the enclosure to Mr. Churchill's despatch No. 1508 of the 17th October, 1921, but the variation from those principles approved in 1926 followed representations from this Colony dealing with this specific point.

4. I shall be glad to learn, regard being had to past correspondence and to the acceptance in 1946 of the important modification in the case of officers engaged in Kenya, whether the present practice of refusing a passage when the officer is serving in an 'overseas' post and is not returning for further service should be maintained or whether it is your desire that the practice be altered in accordance with the ruling set out in Sir Philip Cunliffe-Lister's despatch of the 20th May. If this latter ruling is to be accepted, there is one point which requires clarification. It will be observed that under this ruling "if the officer completes a full tour, he will obtain a free single passage" if he so desires it. In the next sentence, however, the phrase "if the officer does not complete a tour" occurs and I shall be glad to learn whether the word "tour" in the latter sentence must be preceded by the word "full" or whether it is intended that the officer should receive a passage provided he completes a minimum tour. There is, as you are aware, a difference of 18 months between a full and a minimum tour.

5. I will address you in a separate despatch regarding the points raised by Dr. J. E. Treloving in her letter of the 15th April in connection with the termination of her appointment.

I have the honour to be,

SIR,

Very most obedient, humble servant,

A. V. WADE

ACTING GOVERNOR.

THE KENYA CIVIL SERVICE

An Association Meeting

The Kenya European Civil Servants' Association held their annual meeting this week and the country has been given another opportunity of studying a statement of some of their grievances by one of themselves. It is, of course, just a little strange to hear from the Service speeches which have the flavour of trade-union declarations. But it is mainly strange because the Civil Servant is officially inarticulate and the entry of the Service into the public arena with a list of complaints and criticisms imperfectly understood by a surprised public is so unusual an occurrence that it is difficult not to regard it as something abnormal and a little alarming. As a consequence we were so accustomed to hearing all our own voices raised, and although they are seldom official charges, a rather interesting outburst from the ranks in the presence of the General. As a matter of fact, however, a substantial statement made on behalf of the Association, which now numbers over one thousand of the country's employees, should be regarded as a landmark in the country's political life which is perhaps best understood stated in the words of the President: "Nobody wants the Service to rot in the words of the President. Let facts speak for themselves. There are two main grievances about the work. With one of them, the complaints regarding the Local Civil Service, sympathy would only on adequate knowledge of the facts. The position, namely, is that when the Local Civil Service was being set up, and when there was a great deal of talk about new conditions of service, the Association proposed that only those who had not completed their first trial four should be asked to transfer into the respective categories of the Local Civil Service which applied to them. But Government—not the general public—ultimately decided that the transfers should apply to all those who had not completed more than six years in the Service prior to 1953. As the Local Civil Service Scheme was not applied until some time later, what happened was that a considerable number of the country's employees who had completed nearly eight years found that if they did not agree to accept the conditions of the Local Civil Service they would probably not have their overseas contract renewed. Consequently many subordinate officers who had come to Kenya on an overseas agreement expecting to be placed in due course on the permanent staff at the end of their first tour

found themselves members of a purely local service without pensions and some of the other privileges enjoyed by their more fortunate fellows. It is computed that the so-called "local" Civil Service today therefore comprises about 75 per cent of men who were recruited overseas and that, within the meaning of the term, only about a quarter of those who are nominally members of the Local Civil Service are in fact drawn from Kenya's material. As a result there is considerable dissatisfaction in the ranks of the Service and a desire on the part of many of them to seek employment in other Territories where they can again be placed among the overseas officers who are entitled to all the advantages of membership of the Colonial Empire Service. It is true that the Local Civil Service had to make a start but it was not the intention of the general public that it should be staffed by men and women from outside the country. The view held was that certain jobs could be filled adequately and efficiently by local recruits and that all those already in the Service who did not want to accept employment on these conditions should make room for Kenya men and women whose homes are in the Colony and whose demands in the direction of conditions need not be so high and, from the point of view of the State, not so expensive. It is not possible, therefore, to lay any real measure of blame for the present position on the general public whose desire to see a greater number of their countrymen employed locally has, apparently, been effective. Nevertheless, it is not difficult to see the nature of variation among officials recruited in London for service in Kenya who now find themselves leading posts which the people of Kenya and its Government—agree could be filled locally. If the present holders feel that the solution lies in transfer to another country, then obviously the position will be modified and if and when the vacancies are filled from the ranks of the permanent residents in Kenya. The Local Civil Service will then become so in fact as well as in name. In the meantime the main justification lies in the savings in expenditure which have resulted from the institution of a Kenya Service, and if these difficult times that argument carries a great deal of weight. But if there is a number of the Service leaders who agree despite the fact that he exercised freedom of choice, however limited, that he is employed under false pretences, his case for a transfer should be sympathetically considered since there is no alternative open in the Government here of restoring privileges which, in fact, he never enjoyed, though others working beside him may do so, and which the country cannot well afford. The other grievances related to the continuance of the levy on salaries. A petition has gone home to the Secretary of State—forwarded by Govern-

ment—when Sir Alan Pim has made his financial proposals. It should be clearly understood that there is no body of opinion in this country that would deny to the Civil Servant the immediate abolition of the levy if the financial situation permitted. The levy proposal was made by the Government as a contribution to a very difficult problem and as a principle it was open to objection over-ridden by the Government's own difficulties and influenced by the fact that the same step had been taken in nearly every part of the Empire. But the abolition of the levy depends entirely on the financial situation as a whole and the President of the Civil Servants' Association would have been happier in his exposition of a natural and readily understood complaint if he had recognised that every action of the people in Kenya has made sacrifices which in very many cases are far greater than the levy payments—and which are unlikely to be restored for a long time. Salaries cut by twenty, thirty and even fifty per cent cannot be given back immediately a firm balance its budget. Officers who have had no income for five years have to grin and bear it and in actual fact—though this does not excuse a bad principle or detract from the reasonableness of the Service complaint—the Servants who have kept their jobs intact throughout their professional careers five years of depression at a loss of only five or ten per cent of substantive salary have been extremely fortunate people. There is no question of "iniquity". The alternative was to throw many of these out of work or raise the whole scale of salaries downwards. The levy avoided both of these drastic courses and even now the scale in many cases is greatly in excess of what it was in pre-war days when commodity prices were comparable to what they are now. The Service's ultimate position based on maize and coffee prices in Europe and Africa, as in everybody else) and the producer has had to grow two or three bags to pay salaries which one bag did before. There is one further point. His Excellency since were could not resist the temptation to talk about "wise guidance" from Sir Alan Pim in regard to revenue measures—"by which he means taxation changes and presumably Income Tax. The public view on taxation is clear and Sir Alan Pim was invited here not to revise taxation but to recognize the whole machinery of Administration at a lower level efficiency. Furthermore, it is to be noted of expenditure the responsibility for budgetary finance but the country has to be agreed. His report must be awaited before claims are made to any savings he may effect.

No 12