NAIROBI COUNTY PUBLIC PRIMARY SCHOOLS BOARDS OF MANAGEMENT CAPACITY BUILDING WORKSHOPS
DATE: 1ST -25TH OCTOBER 2019

Report by Titus Gitonga

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ABBREVIATIONS

A4T – Action for Transparency

AGM – Annual General Meetings

App – Mobile Application

BoM – Board of Management

CBC – Competency Based Curriculum

CEB – County Education Board

GPA – General Purpose Account

ICT – Information Comminication and Technology

KEPSHA – Kenya Primary Schools Headteachers Association

KICD – Kenya Institute of Curriculum Development

MoE – Ministry of Education

NEB – National Education Board

NG-AAF - National Government Affirmative Action Fund

NG-CDF- National Government Constituency Development Fund

NLC – National Land Commission

PA – Parents Association

PETS – Public Expenditure Tracking Survey

SDG – Sustainable Development Goals

SIMBA – School Instructional Materials Bank Account

TI-Kenya – Transparency International Kenya

TSC – Teachers' Service Commission

BACKGROUND

Transparency International Kenya (TI-Kenya) is a not-for-profit organization commemorating 20 years since its establishment in 1999. TI-Kenya is one of the autonomous chapters of the global Transparency International movement that are all bound by a common vision of a corruption-free world.

TI-Kenya is running a project dubbed, Action for Transparency (A4T). The project's overall objective is to contribute to strengthened democratic accountability and transparency in Kenya through citizen monitoring of government expenditure in public primary schools and health centres in Nairobi County. The project piloted in Embakasi Sub-county and currently being implemented in the entire Nairobi County, through various stakeholder engagements, identified the inadequate capacity of Boards of Management as a challenge affecting the effective running of the schools.

Following engagements with the Nairobi County Regional Coordinator for Education, the Nairobi County Director for the Techers' Service Commission, and the Chairperson for the Nairobi Kenya Primary Schools Headteachers Association, TI-Kenya sought to partner with the different institutions and public officials in-charge of Education on various activities to improve governance, transparency and accountability at the Public Primary schools including:

   I.   Public Expenditure Tracking Surveys at the school level;
  II.   Capacity building for the newly elected Boards of Management (BoMs);
 III.   Enhance access to information and public participation in monitoring use of public resources at the schools by various stakeholders including parents.

INTRODUCTION

TI-Kenya partnered with the Nairobi County Education Office through the Action for Transparency project to build the capacity of the newly appointed Public Primary Schools Boards of Management (BoMs) in Nairobi County starting 1st October – 25th October 2019.

BoMs are established under the Basic Education Act of 2013 to manage the overall running of schools. They include representatives of different stakeholders involved in running the schools:

teachers, parents, education officials, sponsors and students. Capacity building of the BoMs aimed at enhancing their knowledge and skills in management of the schools especially on issues of: Governance; Public Finance Management; and Social Accountability.

The objectives for the two-days' workshop for each of the sub-counties were:

    I.   Networking and information sharing;
   II.   Discussion on Governance issues;
 III.   Discussion on Public Finance Management;
 IV.   Introduction to Social Accountability;
  V.   About Action for Transparency (A4T):
          a. Public Expenditure Trucking Survey (PETS);
          b. Social Audits;

STRUCTURE OF THE CAPACITY BUILDING WORKSHOPS

Topics	Facilitators
DAY ONE	
Welcome and Introductions • Introductions • Official Opening by MoE Representative • About Transparency International Kenya and anti-corruption work	**TI-Kenya and Ministry of Education** (County and Sub-County Directors of Education)

Governance of Basic Education
 	
• Policies, Laws and Regulations
   o Global commitments Sustainable Development Goals – Goal 4 Target 4.1;
   o The Constitution of Kenya (Article 10, the Bill of Rights, Chapter Six, Chapter 12, and Chapter 13;)
   o The Basic Education Act and Regulations
   o Sessional Paper No. 1 Of 2019 on A Policy Framework for Reforming Education and Training for Sustainable Development in Kenya
   o The Children's Act
   o The Public Officers' Ethics Act
   o The Bribery Act
   o The Access to Information Act
	TI-Kenya
	
	A4T team

Structure of Government and Intergovernmental Relations • Ministry of Education • National Education Board • County Education Board • Boards of Management	**Ministry of Education** County and Sub-County Directors of Education
Boards of Management • Composition • Functions / Roles • Individual Responsibilities • Dissolution • Revocation of individual membership • BoM as a Body Corporate	**Ministry of Education** County and Sub-County Directors of Education

Public Finance Management
 	
• Policies, laws and regulations
   ○ Chapter 12 of the Constitution of Kenya
   ○ Public Finance Management Act and Regulations
   ○ Public Procurement and Disposal Act and Regulations
• Role of BoMs on Financial Management
• Planning and Budgeting
• Sources of Revenue
• Resource Mobilisation
• Procurement and Disposal of Assets
• Audit processes
	TI-Kenya
	
	A4T team

Protection of Public-School Land
 	
• Policies, Laws and regulations
   ○ Presidential Directive on Titling of Public School and
   ○ Directive on Free Survey of Public-School Land
   ○ Constitution of Kenya
   ○ Land Act
   ○ Land Registration Act
   ○ National Land Commission Act
	ShuleYangu Alliance | Ministry of Education | National Land Commission
	
	ShuleYangu Alliance team

- o Environment and Land Court Act - o Community Land Act - o Land Adjudication Act - o Limitations of Actions Act - o Physical Planning Act - o Urban Areas and Cities Act - o Environmental Management and Coordination Act - o Law of Succession Act - o Basic Education Act - Institutions and Structures - o ShuleYangu Alliance Secretariat at TI-Kenya - o Ministry of Education - o National Land Commission (NLC) - o Multi-agency Taskforce on Public School Land Titling - o Inter-ministerial Legal Working Group on Public School Land Titling - Process and procedures in titling of public-school land	

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<tr><td colspan="2" style="background:yellow">DAY TWO</td></tr>
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<td><u>Recap and Discussions from Day One</u>

Areas of reflection on Governance, Public Finance, and Protection of Public-School Land;
Experience sharing and areas for possible reform</td>
<td>TI-Kenya

A4T Team</td>
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<td><u>Social Accountability</u>

Introduction to Social Accountability
o Enabling Access to Information for school stakeholders
o Strengthening Public Participation at the school level
o Establishing feedback mechanisms - Complains and Compliments
Social Accountability Tools – Public Expenditure Tracking Surveys; Social Audits; Citizen Score Cards; Public Hearings; Media; Citizen Petitions etc.
Action for Transparency (A4T) Project
o The A4T App
o Public Expenditure Tracking Survey</td>
<td>TI-Kenya

A4T Community Advocate</td>
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	TI-Kenya	
○ Social Auditing		
Action Video • Video depicting how corruption affects service delivery in the Education and Health Sectors	**TI-Kenya** A4T Community Advocate	
Discussion and Practical Session • Experience sharing and areas for reform • Way forward and action points	**TI-Kenya** All participants	
Closing Remarks	**Ministry of Education** County/Sub-County Directors of Education	

SCHEDULE OF CAPACITY BUILDING WORKSHOPS

A total of 9 workshops were conducted over a period of 18 days from 1st to 25th October 2019 with the participation of 1,491 members of BoMs from the 11 sub-counties in Nairobi County as follows:

Date	Sub-County	No. of Participants	Venue	In-Attendance
1st & 2nd October 2019	Njiiru Sub-County	M- 73 F- 76 Total =149	Kasarani Sports View Hotel	
	Westlands Sub-County	M-90 F-78 Total =168	Clarion Hotel	KEPSHA National Chair
3rd & 4th October 2019	Kamukunji Sub-County	M-107 F-81 Total =189	Jimlizer Hotel	Deputy Director Nairobi MoE – Nairobi County
8th & 9th October 2019	Makadara Sub-County	M-109 F-82	Jimlizer Hotel	Sub-County Director for Education

		Total =190		
15th & 16th October 2019	Mathare/ Starehe Sub-County	M-109 F-97 Total =206	KICD	Head of Legal Department, NLC Principal Education Officer, MoE Starehe Sub-county Director of Education Mathare Sub-county Director of Education
17th &18th October 2019	Lang'ata / Kibra Sub-County	M-77 F-84 Total =161	Ngong Hills Hotel	Kibra Sub-County Director of Education Head of Legal Department, NLC Principal Education Officer, MoE Langata Sub-county Director of Education
	Kasarani Sub-County	M-109 F-90 Total =199	Kasarani Sports View Hotel	Nairobi County PA Chair
22nd & 23rd October 2019	Dagoretti Sub-County	M-64 F- 48 Total =112	Ngong Hills Hotel	Counsellor – Embassy of Sweden International Programmes Manager – Fojo Media Institute International Programme Coordinator – Fojo Media Institute Nairobi County PA Chair Deputy Director, Public Land Administration - NLC

				Principal Education Officer, MoE
24th & 25th October 2019	Embakasi Sub-County	M-68 F-49 Total =117	Jimlizer Hotel	Nairobi County PA Chair Deputy Director, Public Land Administration - NLC Principal Education Officer, MoE

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<tr><td colspan="2" style="background:red;color:white">ISSUES RAISE DURING THE DISCUSSIONS AND PRACTICAL SESSIONS</td></tr>
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Scope of the Trainings

- Participants while praising the timing, importance and relevance of the trainings were of the opinion that the training would have targeted all BoMs and not the 4 representatives.
- It was also noted that the parents needed to get the same information to know the role of BoMs and Parental Responsibilities in supporting the schools' governance and development processes;

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- MoE should set aside resources and seek partnerships to ensure adequate induction and capacity building for newly appointed BoMs;
- The Nairobi County Parents Association Chairperson should seek collaborations for carrying out a capacity building for all Parents Associations (PAs) Chairs in Nairobi County;
- The PAs should play a greater role in advocating for proper utilisation and advocating for additional resources for basic education;
- There was a request to extend the BoM training to Secondary Schools;

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Governance and Structures

- Participants were of the view that the BoMs do not have structured avenues for collaborative work at sub-county, county and nationally other than the County Education Board where many of the BoMs are not able to interact and develop joint strategies and policy advocacy;

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- Convene an Annual Stakeholder Engagements at sub-county and county levels bringing the BoMs and PAs together to discuss issues affecting schools and to discuss the Annual Status of Education Report for Nairobi County;

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- It was noted that the Ministry may not be getting accurate information on the status of schools and thus the occurrence of disasters such as the Precious Talent Academy incident;
- There needs to be frequent stakeholder engagements to address some of the generalised issues affecting schools;
- Participants raised issue with the need to instil parental responsibility especially when it comes to their participation in Governance processes at the schools including attending parents' meetings;
- Inadequate ICT infrastructure for record keeping and dissemination of information relating to the schools to the management committees and other stakeholders including parents and development partners;

- Have joint memoranda or petitions at sub-county and county level on issues needing intervention by various government agencies including issues needing intervention by the Nairobi City County Government such as Water, Sewerage and Health;
- BoMs to ensure accuracy and fair reporting of the status of different aspects the schools management at the termly and annual reports. Ensure that the Gaps and resource requirements are well articulated in the reporting, areas for policy reforms as well as areas of inter-governmental collaboration for consideration by the County Education Board;
- TI-Kenya would support a stakeholders meeting bringing together representatives of the BoMs, Sub-County, County and National level Education Officials as well as the political leadership to discuss issues affecting schools in Nairobi County and share the issues identified from the various engagements held with the schools' leadership;
- BoMs were advised to revise their school rules to develop rules and responsibilities covering all stakeholders in the school including parents and ensure their participation in identifying the rule/responsibilities for the parents and the repercussions for those parents who do not abide by their responsibilities;
- Involvement of persons with special needs in decision making as well as in all operation and development of policies to ensure inclusivity, equality and equity;
- Accelerate registration of Alternative Provision to Basic Education and Training;
- Enhancing Public-Private partnerships for schools with different stakeholders such as: Alumni Associations, Non-Governmental

	Organisations and development partners in Education;

Policy and Legal
 	
• It was noted that schools should be in a position to be legally compliant on all aspects including:
   ○ Labour relations – Minimum wage for employees; Good working conditions; Mandatory contributions such as income tax, National Health Insurance Fund, and the National Social Security Fund, Work Injury Benefits Act insurance etc.
   ○ Insurance cover – Fire and Burglary etc. to protect school assets from loss.
• Curriculum Reforms
   ○ The BoMs and PAs need to be capacity build on the Competency Based Curriculum (CBC) to effectively contribute to implementation of the same at the school level;
	• All schools should be aware of their legal obligations and include them in their annual planning and budgeting processes;
	• The Ministry of Education should set aside resources to ensure that schools meet their minimum legal requirements especially as relates to hiring staff and ensuring safety of school assets;
	• BoMs and PAs should pursue the Kenya Institute of Curriculum Development (KICD) on possibilities for capacity development on CBC;

Public Finance Management • Inadequate funds – Participants were of the view that schools are grossly underfunded and particularly on the infrastructural needs, school feeding programme and human resource; • Parental contribution to school development programmes and needs not funded by Government has become very difficult since Government does not encourage parents contributing funds to the schools but the funding gaps remain and affect running of the schools; • Participants also pointed out that the policy to procure and distribute books centrally was not effective as some schools have more books than require for some subjects while having less in other learning areas;	• Schools were advised to do long term strategic plans for schools from which they would draw their annual budgets and develop resource mobilisation strategies for filling the resource gaps; • Participants were made aware of the availability of 'emergency funds' available to schools for infrastructural needs; • MoE should have a better system for getting information from the schools on their instructional materials needs; • Parental responsibilities should be better spelt out at the school level and also possible through policy pronouncements to avoid the laxity of parents/guardians in ensuring that their children are well provided for

- It was also noted that while the Free Education Policy is a good policy, it has led to parents withdrawing their obligations even on issues within parental responsibility such as nutrition, health and school development programmes;
- It was also pointed out that the Government capitation for the GPA and SIMBA accounts was not effective in meeting the school needs in many of the schools and should be revised;
- National Government – Constituency Development Fund projects are implemented without consultation with the schools and in disregard of the school priorities. This has led to opaqueness in the management on funds for such projects which are sometimes corruptly diverted leaving incomplete projects at the schools;
- Delay in disbursement of funds from Government was identified as a challenge in effective utilisation of resources and coordinated development activities at the schools.
- There are no minimum standards of funding of schools which should be informed by the minimum requirements for all schools on the recommended population size for public schools, cater for national standards on the teacher: student ratio, girls/boys: washrooms ratio, provision for services targeting persons with special needs, school protection and other policy and legal requirements on safety and security.

- even when the Government is providing Free Education;
- There is need to share with parent's accurate information on the funding received by the school from Government and other sources and highlight the resource gaps allowing parents to make contributions on the best avenues for resource mobilisation strategies;
- Inter-governmental collaboration is important to ensure that other avenues of government support are making effective contribution to addressing the needs of the schools e.g. the County Governments, NG-CDF and National Government Affirmative Action Fund (NGAAF);
- MoE should revise the capitation grants to Public Primary Schools to be responsive to the school needs. Explore the possibility of developing a taskforce to review the capitation for schools;
- Engage the NG-CDF Board to develop regulations requiring all schools to submit their preferred projects and be part of the project committees;
- The National Government through the National Treasury should ensure timely release of funds meant for the provision of FPE services as delay in the release of funds affects the quality of services offered at the schools and relations with suppliers. To mitigate the challenges faced with delayed disbursements, respondents recommend the disbursements of funds to the schools during the holidays to allow proper planning and expenditure of the funds as the terms commence.
- ICT has been identified as a key enabler in the efficient and effective delivery of services. It was thus recommended that the National Education Information Management System should be enhanced to

	incorporate the financial management and the academic reporting systems for the schools. To increase access, the system should be accessible both on desktop computers and on mobile phones. This would enable head teachers maintain up to date books of accounts, reduce the demand for auditing of schools and increase accountability.
Protection of Public-School Land • It was noted that a majority of schools within Nairobi are under threat from land grabbers especially due to the fact that the public schools were previously under the defunct city council thus follow-up on the ownership of the land has been very difficult with most of the documents being in the custody of the Nairobi County Government; • The high value of land in Nairobi County also makes schools vulnerable as very powerful individual have over the years taken advantage of their positions to influence transfer of grabbed school land to themselves; • There are issues concerning institutions sharing school land in the same compounds such as pre-primary institutions, primary school and secondary schools. This has sometimes led to uncertainty on which of these institutions should be registered under the title and what processes should be followed in such instances; • Schools have had poor land planning thus not effectively utilising their most valuable resource;	• There was a suggestion that public schools in Nairobi County should be prioritized in the school titling programme as the risk is higher on them being grabbed due to the high demand and value of property in Nairobi; • NLC and MoE should provide guidelines on how to register schools within the same property to ensure that they forestall any conflicts; • MoE and NLC should consider providing model plans for adoption by schools to effectively utilise their school land ensuring that all school needs are catered for including adequate play grounds for the children;
Social Accountability • Inadequacy of effective access to information and participation processes was identified as a	• The BoMs agreed to enhance the access to information platforms including exploring ICT to enhance access to information and providing

	challenge in enabling stakeholders to support development of schools; • Complaints and compliments feedback systems at the schools are not adequate to allow different stakeholders including students and parents to give information and receive feedback; • The participants appreciated the efforts by TI-Kenya through the A4T project to develop tools such as the A4T app to provide information on schools to stakeholders enhancing transparency and accountability;	stakeholders with an avenue for giving feedback to the schools with platforms such as Websites, Social Media pages and effective suggestion boxes with opportunities to give feedback during school parades and parents meetings; • BoMs agreed to provide the relevant information to TI-Kenya to have up-to-date data on the A4T app and share the information with their parents to also make use of the platform;

WAY FORWARD

The participants including the BoMs, TI-Kenya, MoE and NLC officials identified the way forward and points of action as follows:

Action	Responsibility	Timeline
Networking and information sharing between the BoM members – The BoMs would pursue avenues for joint engagement and strategizing at the sub-county and county level to ensure that the issues facing schools are better highlighted with the possibility of developing joint position papers/petition/memoranda to share with the different Government structures at National and County level: • Annual Stakeholder Meetings at Sub-County and county	BoM and PA Chairs	January 2020

level with a possibility of developing action plans at the two levels;		
Planning and budgeting – School BoMs would develop long term strategic plans to inform their annual budgeting and resource mobilisation strategies: • Development and launch of the schools' strategic plans; • Annual Budgets and Resource mobilisation strategies; • Annual Procurement Plans;	BoMs	March 2020
Review school rules and responsibilities for the different stakeholders including: Students, Parents, Teachers, BoMs and non-teaching staff aligned to the National Values and Principles of Governance and the Principles of Provision of Basic Education: • All-encompassing school rules and responsibilities for the school community;	BoMs	March 2020
Provision of data to be included on the A4T Mobile App: • Filled PETS data sheets;	Headteachers /TI-Kenya	January 2020

• Data for 2017-2019 available on the App;		
Titling of land belonging to public schools in Nairobi County: • Report on the status of public-schools land in Nairobi County; • Schools follow-up on their school land titling processes;	BoMs/ShuleYangu/NLC/MoE	June 2020
Parents sensitization forums: • PA Chair sensitization forum for Nairobi County; • Public sensitization forums;	PA Chair - Nairobi County MoE/TI-Kenya/ShuleYangu	December 2019
Validation meeting for the PETS data with the headteachers	MoE/TI-Kenya	January 2020
Policy level meeting: • Policy Brief to be shared and discussed with MoE policy level officials	TI-Kenya /MoE	February 2020

FOR MORE INFORMATION

- o Download the Action for Transparency Mobile App
- o Visit our Action for Transparency Website
- o Visit the ShuleYangu Alliance Website

ANNEX 1: LIST OF PARTICIPANTS

ANNEX 2: TRAINING MATERIALS