



**KENYA SECONDARY EDUCATION EQUITY AND QUALITY IMPROVEMENT
PROGRAM (P501648)**

DRAFT ENVIRONMENTAL AND SOCIAL SYSTEM ASSESSMENT (ESSA)

July 2024

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List of Acronyms

AEPs	Accelerated Education Programmes
ASALs	Arid and Semi-Arid Areas
AWPBs	Annual Work Plans and Budgets
C-ESMP	Contractor’s Environment and Social Management Plan
CA	Capacity Assessment
CAJ	Commission of Administrative Justice
CAT	Capacity Assessment Tool
CB	capacity building
CBA	Competency Based Assessment
CBC	Competency Based Curriculum
CBOs	Community Based-Organizations
CEAP	County Environmental Action Plans
CEC	County Environmental Committees
CEMASTEIA	Centre for Mathematics, Science, and Technology Education in Africa
CIDPs	County Integrated Development Plans
CKA	Centralized Kitchen Approach
CoK	Constitution of Kenya
CPP	Consultation and Public Participation
CPPMU	Central Planning and Project Management Unit
DOSHS	Directorate of Occupational Safety and Health Services
DPCAD	Directorate of Project Coordination and Delivery
DQAS	Directorates of Quality Assurance and Standards in Basic Education
DRS	Department of Refugee Services
EAC	East African Community
EARCS	Educational Assessment Resource Centers
EDPCG	Education Development Partners Coordination Group
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Coordination Act
ESD	Education for Sustainable Development
ESHS	Environmental, Social, Health and Safety
ESHSM	Environmental, Social, Health and Safety Management
ESMP	Environmental and Social Management Plan
ESSA	Environmental and Social System Assessment
FDE	Free Day Secondary Education
FDSEs	Free Day Secondary Schools
FLLoCA	Financing Locally Led-Climate Action Program
FPE	Free Primary Education
GBV	Gender-Based Violence
GBV-SEAH	Gender-Based Violence (GBV) and Sexual Exploitation and Abuse and Sexual Harassment (SEA-SH)
GHG	Greenhouse Gas
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRM	Grievance Redress Management

HCI	Human Capital Index
ICT	Information and Communication Technology
IPs	Indigenous Persons
JKF	Jomo Kenyatta Foundation
JS	Junior School Education
KDSP	Kenya Devolution Support Program
KEMI	Kenya Education Management Institute
KFS	Kenya Forest Service
KICD	Kenya Institute of Curriculum Development
KISE	Kenya Institute for Special Education
KNBS	Kenya Bureau of Statistics
KNEC	Kenya National Examination Council
KPEELP	Kenya Primary Education Equity in Learning Program
KUSP	Kenya Urban Support Program
KWS	Kenya wildlife Service
LAR	land acquisition and resettlement
MoE	Ministry of Education
NACONEK	National Council for Nomadic Education in Kenya
NCA	National Construction Authority
NCPWD	National Council for Persons with Disability
NECC	National Environmental Complaints Committee
NEMA	National Environment Management Authority
NEMIS	National Education Management Information System
NESSP	National Education Sector Strategic Plan
NET	National Environment Tribunal
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organization
NMK	National Museums of Kenya
NPCU	National Program Coordinating Unit
NSC	National Steering Committee
NT	National Treasury
OHS	Occupational Health and Safety
OOSC	Out-of-School Children
OSHA	Occupational Safety and Health Act
PAP	Program Action Plan
PCR	Physical Cultural Resources
PCU	Project Coordinating Unit
PDO	Program Development Objective
PEELP	Primary Education Equity in Learning Program
POM	Program operational Manual
PPE	providing personal protective equipment
PPP	Public Private Partnership
PPRA	Public Procurement Regulatory Authority
PforR	Program-for-Results

PTCTs	Projects Technical Coordinating Teams
PWD	persons with disabilities
SAGA	Semi-Autonomous Government Agencies
SBTSi	School Based Teacher Support Initiative
SBTSS	school-based teacher support system
SDBE	State Department for Basic Education
SEA	Sexual Exploitation and Abuse
SEA-SH	Sexual Exploitation and Abuse and Sexual Harassment
SEEQIP	Secondary Education Equity and Quality Improvement
SEQIP	Secondary Education Quality Improvement Project
SIP	School Improvement Plan
SME	Sciences, Mathematics and English
SMP	School Meals Program
SOP	Standard Operating Procedure
SS	Senior Schools
STDs	Sexually Transmitted Diseases
STEM	Science, Technology, Engineering and Mathematics
SWOT	Strengths-Weaknesses-Opportunities-and-Threats
TPAD	Teachers Performance Appraisal and Development
TPD	Teacher Professional Development
TSC	Teachers Service Commission
TTCs	Teacher Training Colleges
TVET	Technical and Vocational Education and Training
VMGs	Vulnerable and Marginalised
WASH	water and sanitation facilities
WB	World Bank
WHR	Window for Host Communities and Refugees
WIBA	Workers Injury and Benefits Act
WRA	Water Resources Authority

Executive Summary

Introduction

Kenya's commitment to basic education, represented in its sound policies and firm spending, has materialized into several important reforms and programs, as well as results. These include introduction of Free Primary Education (FPE) in 2003, and Free Day Secondary Education (FDE) in 2008; roll out of the Competency Based Curriculum (CBC) and Competency Based Assessment (CBA) in 2017; and implementation of 100 percent transition policy. These have led to significant growth in student enrollment (including those with special needs such as visual and hearing impairment, physical disabilities, and mental disabilities), and transition from primary education to secondary education. Public schools account for the largest share of enrolment in secondary education at 95.3 percent.

Despite the good progress in national level indicators on enrolment, vast disparities remain in access and gender in secondary school participation. Sub-national inequalities in Human Capital Index (HCI) continue to constrain progress towards significant achievement of equitable access to quality primary and secondary education. High levels of inequality in secondary education remain based on geographical location and income, limiting the reach of the ongoing major reforms in secondary education. Rural and poor areas still have lower participation in secondary education, and poor educational outcomes are concentrated in some counties mainly located in the north and northeast, and other arid and semi-arid areas (ASALs). Most counties in the ASALs have a total net attendance rate far below the national average. Schools in these regions also have fewer available education resources mainly because of the low student enrollment.

The continued rapid rise in school enrolment and transitions, continues to greatly strain resources and infrastructure. Of immediate concern are the 1.7 million students in Junior School (grade 7) that will join grade 9 in January 2025 and require an additional 26,000 new classrooms spaces for grade 9 nationwide. Whereas the share of secondary school students scoring an average grade C+ (plus) has slightly improved due to ongoing efforts to improve classroom instruction for Sciences, Mathematics and English (SME), the learning achievements are still low. The ongoing Secondary Education Quality Improvement Project (SEQIP) and Primary Education Equity in Learning Program (PEELP) operations are supporting major reforms that include inter alia, teacher deployment to schools with the highest teacher shortage; design and implementation of the pilots for School Based Teacher Support Initiative (SBTSi) to enhance mastery of subject matter content and improve pedagogy for SME in target secondary schools; and reforms in pre-service teacher training for primary school teachers. A fiscal measure has been established to recruit an additional 120,000 trained teachers by 2025. The SBTSi pilot needs to be scaled up to benefit a critical mass of teachers and learners. Teacher deployment could also be improved for optimal utilization. In summary, the education system needs to expand rapidly, and with quality, to accommodate the fast-growing number of students in secondary education (Junior and Senior Schools).

Kenya's improved performance on the Human Capital Index (HCI) is linked to higher productivity and equitable growth. Progress in improving the country's HCI has been impeded by the loss of human capital due to large numbers of children dropping out at the end of the primary cycle and never making it to secondary and higher education. Another consequence of high dropout and low transition rates is the widening of economic disparities in the country that is attributed in part, to the disproportionately high percentage of children in ASAL and other disadvantaged counties in the out-of-school children population. To address these challenges, there is need to improve equitable access through the mitigation of supply and demand side constraints on education service delivery.

The Government of Kenya (GoK) has shown an impressive commitment to the principles of education financing, universal access, equity, quality, and relevance in basic education. In turn, these efforts have translated into several important reforms and programs. Majority of children in Kenya are completing primary education and are transitioning to secondary education. Maintaining the growing demand for basic education and ensuring recovery from the pandemic impact on basic education has demanded significant resources. Sustaining the high levels of core and critical investment to address growing needs in education is therefore a necessity.

The proposed Program is expected to support the expansion of Junior School through supply side interventions, with a strong focus on equity; this is expected to correspondingly create a strong foundation for continuation of Senior School and overall retention and completion. Given the complementarity with the SEQIP and PEELP, the

three operations will be considered as ‘one’ overall programmatic approach to World Bank’s support to basic education in Kenya. To this end, the Program has been structured with three key Result Areas and will aim to support enhancing conditions to absorb the growing demand of secondary education, with targeted interventions for the most vulnerable population groups – Special Needs children, refugee children, children from ASALs, and those in informal settlements and other remote locations.

The Secondary Education Equity and Quality Improvement (SEEQIP) is a hybrid Program-for-Results (PforR) and Investment Project Financing (IPF). The PEELP's use of PforR has increased the Ministry of Education's familiarity with results-focused approaches. The SEEQIP, building on PEELP, aims to address gaps in secondary education under the existing National Education Sector Strategic Plan (NESSP II, 2023/2024 to 2027/2028), marking the second application of PforR in Kenya's education sector. The combination of PforR with IPF Technical Assistance (TA) is strategic, addressing government TA needs and implementing results-driven actions.

Program description

The NESSP II was reviewed and extended to align it with the new Government’s Fourth Medium Term Plan (MTPIV, 2023-2027), and the key recommendations from the report of the Presidential Working Party on Education Reform (PWPER, 2023). However, the four pillars of NESSP II remain: (i) access and participation; (ii) equity and inclusiveness; (iii) quality and relevance; and (iv) governance and accountability.

The **Program Development Objective (PDO)** is to improve equitable access to quality secondary education, and strengthen systems for delivering equitable education outcomes.

The Program will support reforms and interventions under three **Result Areas (RAs)** that entail:

1. **Result Area 1 (RA 1): Expand equitable access to quality Junior and Senior School Education.** The primary focus of this RA is to support the development of improved school conditions to allow for increased enrolment and retention in Junior schools (JS), and better conditions for effective delivery of the Competency-Based Curriculum (CBC) and Competency-Based Assessment (CBA) in JS, including for refugee learners. An experts review of the CBC and CBA under the Presidential Working Party on Education Reform (PWPER, 2023¹) highlighted key gaps needing immediate attention in the content and delivery of CBC and CBA. Regarding refugee education, this intervention builds on the ongoing interventions under PEELP which includes registering of camp-based refugee schools in the National Education Management Information System (NEMIS) and advancing dialogue for full integration of refugee learners in the public education systems through the proposed Shirika Plan.
2. **Result Area 2 (RA 2): Improve teaching quality in Junior School.** This area focuses on a set of interventions aimed at addressing key aspects of continuous teacher professional development, and teacher management to optimize teacher utilization.
3. **Result Area 3 (RA 3): Strengthen Systems for Equitable Service Delivery in Secondary Education (Junior School and Senior School in January 2026).** This RA complements key system level interventions in basic education under the PEELP such as the CBC and CBA reforms, data management, transition of the scholarship administration at the Jomo Kenyatta Foundation (JKF), teacher management, and policy dialogue on refugee education. This intervention therefore prioritizes strategic further systems strengthening and institutional building to improve equitable service delivery for all learners in secondary education including refugee learners.

Institutional arrangements

The Ministry of Education (MoE) and the Teachers Service Commission (TSC) are the main implementing entities. MoE will implement the Program with support from relevant Implementing Agencies (IAs) Semi-Autonomous Government Agencies (SAGA) agencies that are implementing SEQIP and PEELP operations: Centre for Mathematics, Science, and Technology Education in Africa (CEMASTEA), Kenya Education Management Institute (KEMI), National Council for Nomadic Education in Kenya (NACONEK), Kenya Institute of Curriculum Development (KICD), Kenya National Examination Council (KNEC), Jomo Kenya Foundation (JKF), and Kenya Institute for Special Education (KISE). MoE and the SAGAs will mainly implement RA 1 (Expand equitable access to quality Junior School),

¹ [PWPER report 2023](#)

and RA 3 (Strengthen Systems for Equitable Service Delivery in Secondary Education); while TSC is the main implementor for RA 2 (Improve teaching quality in Junior School), except for pre-service teacher training in TTCs which is under MoE. The POM will include details of the implementation arrangements.

Refugee elements of the Program will be implemented in close consultation with the DRS and UNHCR. The PEELP operation has established functional mechanisms on working arrangements with DRS and UNHCR. This operation will build on these mechanisms to implement key interventions at the camp-based schools the specific roles of DRS and UNHCR for this Program will be detailed in the POM and will build on the implementation experience of PEELP.

ESSA Scope and Methodology

The SEQIP Environmental and Social System Assessment (ESSA) aimed to review the existing borrower systems and capacities to plan and implement effective measures for management of Environmental, Social, Health and Safety (ESHS) effects associated with the Program at the county and national levels.

The ESSA sought to: (i) identify the potential Program's Environmental, Social and Health and Safety (ESHS) effects; (ii) review the relevant Kenyan policy, legal, and regulatory frameworks related to ESHS management of Program interventions; (iii) assess the capacity of the MoE, TSC, SAGAs and relevant institutions; iv) assess the Program's system performance with respect to the six core principles of the PforR instruments and identify gaps; and (v) recommend specific actions to address gaps in the Program's ESHS management system to be embedded in Program Action Plan (PAP), and mainstreamed in the Program design, to strengthen Program performance to ensure sustainable implementation of Program activities. Specifically, the ESSA applied an integrated approach through;

1. Comprehensive desk review of Kenya's policies, legal and regulatory framework; Program documents including the Program Concept Note and draft Program Appraisal Document; and lessons learnt from on-going World Bank (WB) funded operations in the Kenyan education sector including the Kenya Secondary Education Quality Improvement Project (SEQIP)(P160083) and Kenya Primary Education Equity in Learning Program (KPEELP) (P176867).
2. Institutional, System and Capacity Assessments: The ESSA process included field visits, stakeholder consultations and data collection from national and county levels to assess the environmental, social, health and safety systems and capacity for management thereof.
 - i. National stakeholder consultations were undertaken with senior management and implementing agencies on the 10th of April 2024. These included: the MoE, TSC, CEMASTE, KEMI, NACONEK, KICD, KNEC, JKF, and KISE. The comprehensive list of stakeholders consulted is presented in annex 2.
 - ii. Stakeholder consultations were conducted in three (3) Counties comprising Nairobi, Mombasa and Laikipia, from 4th- 8th April 2024. These were purposefully selected because they experience some of the challenges affecting basic education such as: (i) extensive national and county consultations were undertaken during the KPEELP ESSA, and the report on the system and capacity is still valid with enhancement measures under implementation; (ii) performance below the national averages in basic education enrolment; (iii) high refugee population in informal settlements; (iv) presence of Vulnerable and Marginalized (VMGs) and Indigenous Persons (IPs) communities; and (v) varied geographical representation. Stakeholders consulted included County and Deputy County Commissioners, County and Sub-County Directors of Education, County and sub-County Directors in the Teachers Service Commission, County Directors of Environment, NEMA, County Public Health Officers, County Public Works Officers and BoM chairpersons. The comprehensive list of stakeholders consulted is presented in annex 2.
 - iii. 38 Vulnerable and Marginalized Groups (VMGs) on 10th April 2024 with representatives from the El-molo, Waata, Wakifundi, Makonde, Sengwer, Cherangany, Ilchamus, Ogiek, among others. The comprehensive list of stakeholders consulted is presented in annex 2.

The assessments focused on the potential **environmental and social effects (benefits, risks and impacts) of the Program** and mainly evaluated: (i) the adequacy of the applicable system in management of ESHS risks and impacts associated with Program activities; (ii) how and whether the system is applied as documented; (iii) the extent of

compliance monitoring and reporting including provision for feedback to improve Program performance. The assessment considered measures in place for the environmental, social, health and safety (ESHS) management, stakeholder engagement and Grievance Redress Mechanism (GRM) to receive, record, resolve, and follow up on complaints and grievances.

Program Environmental and Social Effects

The Program is expected to yield benefits in strengthened systems, enhanced access, and social inclusion in education. The potential environmental benefits include: i) Better equipped infrastructure to withstand the impacts of climate change from implementation of climate-resilient strategies in the expansion of school infrastructure at Pre-service Teacher Training Colleges (TTCs); ii) scaling up of livestreaming will lead to increased classroom instruction time and student's engagement and fewer disruptions by security and/or climate events in some areas; iii) reduced resource consumption and emissions, and cost savings in printing materials and fuel from adoption of e-assessments by KNEC and learning institutions; and iv) reduced wood-fuel consumption and carbon footprint as a Centralized Kitchen Approach (CKA) is adopted in preparation of school meals.

Based on the proposed interventions, the Program's environmental risk rating is assessed as **Moderate**. The risks and impacts are likely to be temporary, limited in magnitude, site-specific, manageable, and reversible in nature. The potential environmental risks are related to; (i) safety incidents and/or accidents involving workers or the surrounding community in contact with construction sites or activities; (ii) environmental pollution from inadequate management of emissions, discharges, and waste management at construction sites; (iii) removal and disposal of asbestos-containing roofing materials at 11 teacher training colleges; (iv) loss of biodiversity in clearance of sites such as the expansion of Low-Cost Boarding Schools (LCBS); (v) inefficient use of resources; (vi) generation, handling, and disposal of e-wastes from the adoption of Information and Communication Technology (ICT) tools, including livestreaming equipment, projectors, and computers; and (vii) potential increase in greenhouse gas emissions with the transitioning to a CKA for the School Meals Program (SMP), if non-renewable energy sources are used.

The potential social benefits of the Program include; the support for Camp-Based Junior Schools will improve access to education, reduce dropout rates, and enhance the overall quality of education for refugee learners; the provision of Core Textbooks and Teacher Guides will facilitate a smooth transition from Junior Schools to Senior School Schools (SSS); the expansion of low-cost boarding schools (LCBS) and implementing transport solutions for learners from counties with high rates of out-of-school children (OOSC) will increase school attendance and decrease dropout rates, particularly for vulnerable children affected by insecurity, nomadic lifestyles, and extreme poverty; Enhancing the capacity of educational institutions and centers to support children with special needs and disabilities will promote inclusivity in education and ensure access to appropriate assessments, placements, and necessary interventions to support their learning; Scaling up the lesson livestreaming initiative helps mitigate the impact of teacher shortages, particularly in regions facing security challenges and ensures students have access to continuous learning; and, The pilot scholarship program for teacher trainees from poor and vulnerable households, with a focus on recruiting at least 50 percent females, will promote gender equity in education.

The potential social risks and impacts associated with the PforR activities are anticipated to be **Moderate**. The risks relate to: (i) exclusion of vulnerable and underserved learners in a context of limited resources; (ii) selection bias and elite capture of Program resources and benefits; (iii) upsetting of local community dynamics, and social cohesion where Program interventions such as the CKA may lead to the displacement of local food vendors who traditionally supplied meals to schools impacting their livelihoods; (iv) exclusion of learners with disabilities where learning systems and infrastructure does not accommodate their differentiated needs; (v) developing and variable capacity of the Government to manage E&S risks; (vi) Sexual Exploitation and Abuse and Sexual Harassment (SEA-SH) arising from sector vulnerabilities and the need to protect learners; and (vii) The reliance on Information and Communication Technology (ICT) tools for teacher professional development and lesson livestreaming initiatives may exacerbate the digital divide among teachers and students.

SEEQIP will apply the mitigation hierarchy of avoidance, minimization, restoration and offset/compensation in Program activities in order to reduce development impacts and control any negative effects of the Program on the biophysical and sociocultural environment. The Program will also aim to strengthen institutional capacities and environmental and social management systems in all concerned implementing agencies. In addition, Program activities will be guided by an Environmental, Social, Health and Safety Management (ESHSM) Manual adopted and enhanced from KPEELP. The ESHSM manual will include guidelines, Standard Operating Procedures (SOPs), and templates on environmental and social risk management.

In addition to the systematic and consistent implementation of the ESHSM manual, the following measures are proposed:

- a) Adoption of an exclusion criteria that precludes activities likely to:
 - create or exacerbate social conflict within communities or counties;
 - result in land acquisition and economic and/or physical displacement;
 - cause air, water, or soil contamination leading to significant adverse impacts on health and safety of individuals, communities, and ecosystems;
 - cause significant conversion or degradation of critical natural habitats or critical cultural heritage sites;
 - create workplace conditions that expose workers to significant health and personal safety risks;
 - result in E&S risks that are high and/or if associated facilities are linked to the proposed investment
- b) Establish a functional, effective, and accessible GRM at the national and county levels.
- c) Ensure adequate stakeholder engagement and public disclosure of key documents.
- d) Consideration to cultural appropriateness and equitable access to Program benefits, to the most deserving including VMGs and IPs.

Key Findings of the ESSA

The ESSA findings on existing policies, laws and regulations indicate that:

- The policies, legal and regulatory frameworks in Kenya are consistent with the PforR six Core Principles.
- The Constitution of Kenya (2010) guarantees a clean and healthy environment for all citizens and serves as the foundation for social, economic, and cultural policies.
- The Environment Management and Coordination Act (EMCA, 1999) establishes a comprehensive system for environmental impact assessments, including clear guidelines for screening, evaluation, and mitigation of environmental risks. However, it has limitations in addressing social risks.
- The National Environment Management Authority (NEMA) plays a role in environmental oversight, but its capacity for social risk management, particularly during review and determination on Environmental and Social Impact Assessments (ESIAs) and enforcement of Environmental and Social Management Plans (ESMPs), is limited.
- Public participation in county planning processes is mandated by the County Government Act (2012), requiring clear communication about environmental and social impacts of proposed development activities.
- Worker protection is ensured through laws such as the Occupational Health and Safety Act (OSHA, 2007), Workers' Injury Benefits Act (WIBA, 2007), and the Employment Act (2012), which also prohibit child labor.

On ESHS management in practice, the following are noted;

- The National Environment Management Authority (NEMA) oversees compliance with EIA regulations, with enforcement delegated to the county level.
- Government contracts include ESHS clauses, requiring contractors to uphold environmental, social, health, and safety standards.

- County systems establish minimum requirements for ensuring that Vulnerable and Marginalised Groups (VMGs) and Indigenous Peoples (IPs) have fair access to project benefits.
- Counties hold quarterly public forums to engage citizens in discussions about investment priorities and activities.
- While some counties have grievance redress mechanisms for addressing ESHS concerns, their functionality may vary.

ESHS limitations noted included:

- There is lack of a unified approach in social risk management as responsibilities are fragmented across different government entities.
- Environmental assessments often overlook key social aspects as national EIAs focus primarily on environmental issues, inadequately addressing social risks like labor violations, sexual exploitation and abuse, and gender-based violence.
- There is weak communication on grievance redress as counties lack the capacity to effectively share information about social accountability and grievance mechanisms.
- There is inconsistent application of safeguards as standard procedures for identifying and mitigating ESHS risks are not always followed.
- There is limited collaboration among agencies as key government bodies involved in ESHS management don't collaborate effectively.

Chapter 5 of the report presents a comprehensive comparative system analysis of the operational performance and capacities of institutions for ESHS management as consistent with the PforR core principles and key planning elements.

ESSA Validation and Disclosure

The ESSA process includes comprehensive stakeholder consultations and disclosure of the ESSA Report following the World Bank Policy for Program-for-Results financing and the World Bank's Access to Information Policy. The draft ESSA shall be validated with feedback incorporated in the final ESSA report. The final ESSA will be publicly disclosed in-country on the MoE website and the World Bank's external website, prior to Board approval.

Program Design Recommendations

1. Review and update the KPEELP ESHSM Manual to: include enforceable clauses in bidding and contract documents on adherence to established laws, regulations and good ESHS practices in the implementation of civil works by Program effectiveness; include procedures for the handling and disposal of asbestos-containing roofing materials at TTCs, and; include standard operating procedures, directives and regulations issued by the MoE on the protection of learners from sexual exploitation and abuse and sexual harassment by Program effectiveness
2. The MoE shall operationalize the reviewed ESHSM Manual and undertake targeted capacity building at all relevant government levels. Aspects to be included for capacity building include; occupational and community health and safety, monitoring and reporting, stakeholder engagement, disclosure of Program information, inclusion of VMGs and IPs, labour management, grievance redress management, child/forced labour and GBV/SEA-SH.
3. Strengthen coordination between education national and county Program coordination teams, to enhance ESHS management.
4. Strengthen the capacity and define the roles of county-level Program monitoring teams for enhanced ESHS management. Roles may include; i) E&S screening of sub-projects and identification of instruments to be prepared; ii) review of the environmental and social safeguards documents prepared by the lead experts; iii) ensuring that environmental and social provisions are included in bidding and contract documents; iv)

participation in stakeholder consultation and dissemination campaigns; v) support grievance management; vi) conduct supervision monitoring field visits throughout project implementation phase; vi) support labour and gender management; and vi) maintain liaison with key MDA's.

5. At the county level, enhance collaboration with MDAs for enhanced technical advice, training and external monitoring. These include the NEMA, DOSHS, NCA, County Public Health and County Public Works departments from design, construction, and operation phases of proposed investments.
6. Enhance the stakeholder engagement strategies to; i) ensure adequate planning and budget allocation; ii) facilitate the targeting and inclusion of VMGs and IPs; iii) facilitate timely sharing of information prior to scheduled consultations in a form and language understandable to project-affected parties and other interested stakeholders; iv) document the meetings proceedings and list of stakeholders, and v) facilitate timely feedback on deliberations.
7. Ensure committees constituted under the Program comprise representatives from VMGs and IPs groups/communities.
8. The ministry shall adhere to the Program's ESHS exclusion list to avoid high risk investments, activities that require land acquisition and resettlement and those that will lead to degradation of critical habitats or cultural heritage sites of value.

Recommendations for the Program Action Plan

No.	Action Description	Responsibility	Timing	Completion Measure
1.	Updating of the existing MoE Environmental, Social, Health and Safety Management (ESHSM) Manual to include i) clauses on adherence to established laws, regulations and good ESHS practices in bidding and contract documents for civil works; ii) procedures for the handling and disposal of asbestos-containing roofing materials at TTCs, and iii) SOPs, directives, and code practise for protection of learners.	MoE	By Program effectiveness	An updated Environmental, Social, Health and Safety Management (ESHSM) Manual. ESHSM clauses incorporated, as an addendum, in the national standard contract documents for civil works under the Public Procurement Regulatory Authority (PPRA).
2.	Capacity building of existing county-level Program monitoring teams comprised of members from National government administration, County Education Office, Regional Public Works Office, County Public Health Office, and County ESHS Experts, to address ESHS and quality issues on works contracts	MoE	6 months after effectiveness	Training reports on ESHS capacity building of county-level Program monitoring teams.
3.	Deploy qualified, experienced and full-time, environmental, social, health and safety staff at the Program Coordination Unit (PCU): a. 1 environmental officer b. 1 social officer c. 1 health and safety officer d. GBV advisor	MoE	By Program effectiveness and as an ESCP commitment	Qualified, experienced and full-time 1 environmental officer, 1 social officer, and 1 health and safety officer, deployed and retained. 1 GBV advisor available on a need basis. Confirmed annually through APA. Aligned to the ESCP.
4.	Counties receive training for the implementation of the Environmental, Social, Health and Safety Management (ESHSM) Manual. The SEEQIP to partner with relevant lead agencies for ESHS risks management. These include the DOSHS, NEMA, Department of Labour and the Department for Social Protection, to deliver capacity building to counties and contractors.	MoE	Yearly	ESHSM Manual training undertaken annually and confirmed through progress reports. Aligned to the ESCP. Number of trainings and technical assistance provided in collaboration with relevant agencies. Confirmed through progress reports.

5.	Strengthen the implementation of the existing module on National Education Management Information System (NEMIS) for the MoE, TSC, SAGAs and at county level, to strengthen the Grievance Redress Mechanism.	MoE	6 months after effectiveness	Capacity building undertaken on the GRM MIS module on NEMIS for the MoE, TSC, SAGAs and at county level. Aligned to the ESCP.
6.	Capacity building on NEMIS capabilities to collect, analyse aggregate data on school dropouts by gender. Enhance utilization of data to inform prevalence and distribution of SEA-H risks and impacts and quantify efforts for re-entry and re-integration.	MoE	1 year after effectiveness	Training reports on NEMIS capabilities.

1 PROGRAM DESCRIPTION

1.1 Background

- 1 Kenya's commitment to basic education, represented in its sound policies and firm spending, has materialized into several important reforms and programs, as well as results. These include introduction of Free Primary Education (FPE) in 2003, and Free Day Secondary Education (FDE) in 2008; roll out of the Competency Based Curriculum (CBC) and Competency Based Assessment (CBA) in 2017; and implementation of 100 percent transition policy. These have led to significant growth in student enrollment (including those with special needs such as visual and hearing impairment, physical disabilities, and mental disabilities), and transition from primary education to secondary education. Public schools account for the largest share of enrolment in secondary education at 95.3 percent.
- 2 Despite the good progress in national level indicators on enrolment, vast disparities remain in access and gender in secondary school participation. Sub-national inequalities in Human Capital Index (HCI) continue to constrain progress towards significant achievement of equitable access to quality primary and secondary education. High levels of inequality in secondary education remain based on geographical location and income, limiting the reach of the ongoing major reforms in secondary education. Rural and poor areas still have lower participation in secondary education, and poor educational outcomes are concentrated in some counties mainly located in the north and northeast, and other arid and semi-arid areas (ASALs). Most counties in the ASALs have a total net attendance rate far below the national average. Schools in these regions also have fewer available education resources mainly because of the low student enrollment.
- 3 Kenya also hosts a significant population of refugees and asylum seekers (approx. 714,137), and 85% of these live in Dadaab Camp in Garissa County, and in Kakuma Camp and Kalobeyei Integrated Settlement in Turkana County. Considerable progress has been made in promoting inclusion of refugees in the national education system through the enactment of the Refugees Act of 2021 and development of the SHIRIKA Plan 2024. However, there is low school participation for refugee children, and this is lowest in secondary schools suggesting low transition from primary schools. The main barriers to secondary school participation include socio-economic factors, lack of core instructional materials, overcrowded classrooms (over 100 learners per classroom), and insufficient numbers of qualified teachers in camp-based refugee schools.
- 4 The continued rapid rise in school enrolment and transitions, continues to greatly strain resources and infrastructure. Of immediate concern are the 1.7 million students in Junior School (grade 7) that will join grade 9 in January 2025 and require an additional 26,000 new classrooms spaces for grade 9 nationwide. Whereas the share of secondary school students scoring an average grade C+ (plus) has slightly improved due to ongoing efforts to improve classroom instruction for Sciences, Mathematics and English (SME), the learning achievements are still low. The ongoing SEQIP and PEELP operations are supporting major reforms that include inter alia, teacher deployment to schools with the highest teacher shortage; design and implementation of the pilots for School Based Teacher Support Initiative (SBTSi) to enhance mastery of subject matter content and improve pedagogy for SME in target secondary schools; and reforms in pre-service teacher training for primary school teachers. A fiscal measure has been established to recruit an additional 120,000 trained teachers by 2025. The SBTSi pilot needs to be scaled up to benefit a critical mass of teachers and learners. Teacher deployment could also be improved for optimal utilization. In summary, the education system needs to expand rapidly, and with quality, to accommodate the fast -growing number of students in secondary education (Junior and Senior Schools).
- 5 Kenya's improved performance on the Human Capital Index (HCI) is linked to higher productivity and equitable growth. Progress in improving the country's HCI has been impeded by the loss of human capital due to large numbers of children dropping out at the end of the primary cycle and never making it to secondary and higher education. Another consequence of high dropout and low transition rates is the widening of economic disparities in the country that is attributed in part, to the disproportionately high percentage of children in ASAL and other disadvantaged counties in the out-of-school children population. To address these challenges, there is need to improve equitable access through the mitigation of supply and demand side constraints on

education service delivery. Key interventions should focus on improving the adequacy of infrastructure and operational resources for secondary schools in the disadvantaged counties. The low quality of education needs to be addressed by improving teaching effectiveness, given that poor learning outcomes discourage students from completing primary schooling and transitioning to secondary education. There is also the need for system strengthening for equitable service delivery through institutional capacity building for the delivery of educational services in general, and the implementation of an operations grant scheme to schools in disadvantaged counties, in particular. These interventions are expected to produce results leading to outcomes contributing to the achievement of the higher order outcome, which is, improved HCI for higher productivity and equitable growth.

- 6 The Government of Kenya (GoK) has shown an impressive commitment to the principles of education financing, universal access, equity, quality, and relevance in basic education. In turn, these efforts have translated into several important reforms and programs. Majority of children in Kenya are completing primary education and are transitioning to secondary education. Maintaining the growing demand for basic education and ensuring recovery from the pandemic impact on basic education has demanded significant resources. Sustaining the high levels of core and critical investment to address growing needs in education is therefore a necessity.
- 7 The proposed Program is expected to support the expansion of Junior School through supply side interventions, with a strong focus on equity; this is expected to correspondingly create a strong foundation for continuation of Senior School and overall retention and completion. Given the complementarity with the SEQIP and PEELP, the three operations will be considered as 'one' overall programmatic approach to World Bank's support to basic education in Kenya. To this end, the Program has been structured with three key Result Areas and will aim to support enhancing conditions to absorb the growing demand of secondary education, with targeted interventions for the most vulnerable population groups – Special Needs children, refugee children, children from ASALs, and those in informal settlements and other remote locations.

1.2 Government's Program

- 8 The proposed PforR Program is grounded in the Government's National Education Sector Strategic Plan (NESSP II) (2022/2023 to 2027/28), and also builds on the PEELP PforR. The NESSP II was reviewed and extended to align it with the new Government's Fourth Medium Term Plan (MTP IV, 2023-2027), and the key recommendations from the report of the Presidential Working Party on Education Reform (PWPER, 2023). However, the four pillars of NESSP II remain (i) access and participation; (ii) equity and inclusiveness; (iii) quality and relevance; and (iv) governance and accountability. Notably, the updated NESSP II includes a stronger emphasis on refugee education. Specifically, the NESSP II highlights school participation for refugee children is lowest at the secondary level, and emphasizes efforts towards inclusion of refugee children in the national education system. The detailed Program boundary is presented in annex 1.

1.3 Program Description

- 9 **Result Area 1 (RA 1): Expand equitable access to quality Junior and Senior School Education.** The primary focus of this RA is to support the development of improved school conditions to allow for increased enrolment and retention in Junior schools (JS), and better conditions for effective delivery of the Competency-Based Curriculum (CBC) and Competency-Based Assessment (CBA) in JS, including for refugee learners. An expert review of the CBC and CBA under the Presidential Working Party on Education Reform (PWPER, 2023²) highlighted key gaps needing immediate attention in the content and delivery of CBC and CBA. Regarding refugee education, this intervention builds on the ongoing interventions under PEELP which includes registering of camp-based refugee schools in the National Education Management Information System (NEMIS) and advancing dialogue for full integration of refugee learners in the public education systems through the proposed Shirika Plan.
- 10 The specific interventions in this RA aim to address critical gaps in essential school infrastructure, through:
 - a) *Expand infrastructure development to support CBC roll out in Junior and Senior School.* PEELP is supporting infrastructure expansion in Junior school. However, over 1000 schools, including Junior schools (JS), are

² [PWPER report 2023](#)

severely damaged from heavy rains and flooding in April and May 2024. The RA will therefore support rehabilitation of the affected schools based on a needs assessment being undertaken by MoE and relevant government agencies. The RA will also support establishment of minimum essential facilities in target Free Day Secondary Schools (FDSEs) to mainly support implementation of a new STEM pathway for CBC in January 2026. Under the CBC roll out, the FDSEs will transition to become Senior Schools (SSs) in January 2026. The FDSEs currently enroll about 2.5 million learners. Majority of these schools, enroll learners in remote and rural areas, as well as learners from the informal settlements because of their affordability to households (compared to boarding secondary schools). These schools are affected by low investments in school infrastructure development, including water and sanitation facilities (WASH), as well as inadequate teachers. For example, WASH ratios are 39 students per facility in FDSE compared to secondary boarding, 31 learners per WASH facility. In addition, majority of the FDSE lack permanent and functional classrooms and science laboratories, and therefore operate below the required minimum standards compared to boarding secondary schools. It is therefore critical to ensure that the FDSEs gradually attain minimum essential conditions for teaching and learning to address inequalities in learning outcomes, particularly for the most vulnerable learners. MoE is undertaking a needs assessment to inform priority investment in FDSEs including construction of permanent classrooms and laboratories and the associated furniture, as well as WASH facilities to support adequate implementation of the new CBC Science, Technology, Engineering and Mathematics (STEM) pathway in selected FDSEs Senior School. However, all FDSE schools in refugee host communities Turkana and Garissa will be targeted. The STEM facilities include options such as new/rehabilitated and equipped physical STEM laboratories; virtual laboratories to leverage ICT investments in livestreaming of lessons; and mobile laboratories³. This intervention will follow the new school construction model initiated by the PEELP Program, which emphasizes quality, safety, climate-adaptation, and value for money through timely delivery of the school construction sub-projects. Details will be included in the Program operational Manual (POM).

The intervention proposes to pilot infrastructure expansion of about 10 existing low-cost boarding schools (LCBS⁴) into to target learners from counties with the highest Out-of-School Children (OOSC⁵), including in JS, particularly learners affected by persistence insecurity, climate events, nomadic lifestyle, and extreme poverty. The target LCBS are mainly in the ASAL Counties which are also in climate risk prone areas⁶. Improvements in infrastructure will entail a minimum essential package including school fencing, classrooms, WASH, and boarding facilities, all of which will be climate resilient. The LCBS approach is expected to facilitate affected target learners to attend school without interruption by the migratory nature of their families, climate events such as extreme drought, and or insecurity. This intervention also complements ongoing efforts by government to recruit new additional 20,000 teachers for Junior and Senior Schools.

Infrastructure rehabilitation and expansion solutions will include provision of doors and windowpane covers, gutter and drainage systems, and use construction materials that are wind resilient and support temperature absorption. Infrastructure will likewise benefit from architectural designs and layouts that protect against the elements such as extreme heat, winds, rains, and flooding, maximize natural ventilation to ventilate and cool buildings, and where appropriate, incorporate insulation of walls and windows. Infrastructure development will also include tree planting around the schools with new classrooms, which will address the issues of soil erosion, landslides due to floods, as well as leading to a greater carbon dioxide absorption and combatting deforestation activities. In addition, MoE proposed development of a strategy for Education for Sustainable Development (ESD) under the IPF component to inform comprehensive and costed options for climate change in the Education sector in Kenya, and guide policy dialogue on the same.

³ An integrated science kit aligned with the CBC by grade.

⁴ MoE conceptualized LCBS in 1974. In the late 70's and early 80s, the World Bank supported the establishment of model LCBPS that were referred to as Arid Zones Model Schools in Turkana, Wajir, Mandera, Lamu, Garissa, West Pokot, Samburu, and Marsabit Counties to encourage learners to attend School without interruption by the migratory nature of their families and insecurity. However, this initiative, although achieved its objective of access and retention, was not mainstreamed in government education system and budgeted for effectively.

⁵ For purposes of this operation, MoE defined target OOSC as children who were previous enrolled in schools and dropped out at various grades. The aim for majority of these learners to re-enroll and remain in school.

⁶ While the project mainly targets ASALs which are climate risk prone areas, the project likewise targets all climate risk hot spots in Kenya.

- b) *Provision of core textbooks and teachers guides aligned with the revised and consolidated learning areas for CBC.* This intervention targets all Public JS and SS including camp-based refugee schools. The PWPER noted substantial overlaps, curriculum overload and some gaps in the CBC learning areas, including JS and SS, and recommended a rationalization of the learning areas for a better sharper focus on critical core competencies. KICD, in collaboration with relevant subject matter experts, completed, in December 2023, a review and rationalization of the learning areas, including for JS. The textbooks need to be re-evaluated and revised to align core instructional materials with the revised CBC learning areas. This intervention will therefore support an evaluation and provision of core textbooks, including set books⁷ for JS and also SS, to facilitate a smooth transition from JS to SS in January 2026. The revised textbooks will be adapted and provided to learners with special needs at JS and SS (hearing and virtual impairment), including for refugee learners. The revisions will include integration of updated foundational knowledge in climate change adaptation and mitigation.
- c) *Support for camp-based JS during the transition period to the Shirika plan.* Camp based refugee JS do not yet receive government-sponsored student capitation and operations grants, infrastructure grants and teachers. Policy dialogue is advancing on this agenda, including through the Shirika Plan mechanisms. This support will therefore entail the following set of interventions in camp-based JS, which will be described in detail in in the POM.
- *School grants.* Provision of school grants to camp-based JS to support provision of minimum essential school inputs as per the school-specific School Improvement Plan (SIP) to be developed by each school. The school inputs under the SIPs include expansion of critical school infrastructure (classrooms/Labs, mobile science kits and WASH facilities) in existing camp-based JS to reduce overcrowding and double shifts and facilitation of TSC registered contracts or intern teachers. The SIPs will also include a mandatory activity on increasing climate change awareness of students and teachers in target schools, and aspects of climate resilience infrastructure Implementation and oversight for these grants will follow the PEELP school grants model⁸ for camp-based refugee schools as will be detailed in the POM.
 - *School meals.* Provision of school meals to all camp-based and host community schools including JS and later SS. The school meals will also benefit the 10 target LCBS. This intervention will leveraging existing national school meals program (SMP) procedures under PEELP which also cover camp-based refugee learners.
 - *Advocacy, mentorship, and social support.* Targeted advocacy and mentorship support to improve transition and retention in JS and later SS, in camp-based, host community and the target 10 LCBS. This intervention will scale up an existing advocacy, mentorship, and social support program under the SEQIP operation. The program, delivered through a third party, entails social mobilization focusing on parents and community leaders, provision of a school kit for the most vulnerable children to offset indirect or hidden costs borne by parents or guardians; psychosocial support for both teachers and learners; and gender-sensitization in target schools to implement the concept of safe schools. An evaluation of the program showed improved retention and better parent and community awareness on the importance of education. Details of the program, including selection criteria for the school kits will be included in the POM.
- d) *Improve access to education for children with special needs and disabilities.* This intervention will enhance the capacity of 10 regional Educational Assessment Resource Centers (EARCs), under Kenya Institute of Special Education (KISE) to support early assessment and appropriate education placement for children with special needs and disabilities. An assessment of the centers is ongoing under the PEELP Program. Based on the assessment, each EARC will receive a set of interventions, including modern diagnostics equipment, retooling of all existing education officers at the 10 EARCs, incentivizing TSC to timely replace EARC officers upon retirement or other causes; and in-service training for relevant teachers teaching in JS

⁷ Approved core readers for literature and to improve learners' literary skills.

⁸ Camp-based schools were assessed by MoE's Directorate of Quality assurance and Standards (DQAS) and registered; Boards of Management (BoM) were constituted as per the provisions of the Basic Education Act-2013; each camp-based school opened a non-commingled Bank Account with a commercial Bank with the following as co-signatories to the account: the Camp-manager; the Sub- County Director of Education; the Head teacher; and County Directors of Education for Garissa and Turkana Counties provide overall oversight on the implementation of the school grants in camp-based schools and in host communities.

and later SS, including relevant teachers teaching in the camp-based refugee schools. Various partners supporting camp-based refugee school are providing learning assistive devices. This intervention will fill in any gaps in learning assistive devices arising from a needs assessment of refugee learners with special needs.

11 Result Area 2 (RA 2): Improve teaching quality in Junior School. This area focuses on a set of interventions aimed at addressing key aspects of continuous teacher professional development, and teacher management to optimize teacher utilization. Specifically, this RA will support:

- a) *Reinforce mastery of subject matter content and improved pedagogies for Integrated Science, Mathematics and English, for 78,000 teachers teaching JS (58,000 already employed of whom 27,528 are female, and 20,000 to be employed in FY 2024/2025).* This intervention will review and scale up the ongoing school-based teacher support system (SBTSS) initiative under SEQIP, which is implemented by the TSC and Centre for Mathematics, Science, and Technology Education in Africa (CEMASTEA). The SBTSS is a continuous teacher development initiative particularly targeting Sciences, Mathematics, and English (SME), which are the lagging learning areas in secondary education. The SBTSS is modelled on a similar initiative in Shanghai, China,⁹. This intervention will sensitize 19,956 headteachers in JS (4,810 females) in SBTSS, given their critical role in school instructional leadership particularly for adequate role out of the CBC. Based on an independent evaluation¹⁰ conducted between August and November 2023, the SBTSS has proven to be effective in improving teacher competencies and classroom instruction and contributing to improvements in learning outcomes in target schools under the SEQIP operation. A major gap identified by the evaluation is a need to promote structured use of Information and Communication Technology (ICT) tools to enhance teachers' access to online educational content, which is being addressed through Trust Fund (PE-P176867-SPN-TF0B8275). In addition, this intervention will support the TSC to formally integrate and recognize the SBTSS within the formal Teacher Professional Development (TPD) credits and the Teachers Performance Appraisal and Development (TPAD) process. Teachers utilize a substantial amount of time participating in the SBTSS activities for continuous TPD.
- b) *Scale up lesson livestreaming initiative to mitigate impact of teacher shortage, including in regions facing security challenges.* This intervention aims to scale up the lesson livestreaming initiative to an additional 200 schools including in the JS in refugee camp and host communities' free day secondary schools. The initiative was piloted under the SEQIP project in 12 secondary schools and was independently evaluated in 2023¹¹. The evaluation concluded that the livestreaming intervention significantly increased classroom instruction time and student's engagement in circumstances where the target students would have missed teaching, including due to climate events. Principal Schools (mainly well-resourced boarding secondary schools) deliver live lessons to satellite schools (mainly FDSEs in rural and remote villages). The evaluation identified challenges at the satellite FDSEs such as affordable internet connectivity, inadequate basic ICT equipment, and inadequate alignment of lesson planning and student assessment between the principal and satellite schools. The SEQIP operation is addressing some of these challenges through provision of internet, and procurement of a set of ICT equipment for the livestreaming for target FDSEs.
- c) *Upgrade teaching and learning conditions in existing 35 Pre-service Teacher Training Colleges (TTCs) conducting pre-service teacher training for JS as well as primary school teachers.* Enrollment in the TTCs has increased significantly from 5,361 in 2020 (3,574 female) to 24,835 (16,573 female) in 2023, leading to severe overcrowding including in dilapidated buildings. The TTCs require a rehabilitation of the existing teaching and learning facilities, including for climate adaptation and mitigation. MoE is conducting a needs assessment, including for WASH facilities and removal of the asbestos. Infrastructure expansion solutions in the TTCs will also apply climate -resilient strategies including replacement of the asbestos roofing, as per the ESMP requirements, to facilitate installation of rainwater harvesting facilities, which is currently not allowed due to the asbestos roofing. Energy efficiency and renewable energy measures will be part of the

⁹ Liang, X., Kidwai, H., Zhang, M., & Zhang, Y. (2016). How Shanghai does it: Insights and lessons from the highest-ranking education system in the world. World Bank Publications. SBTSS includes the following key elements: evidenced based capacity building (based on teacher proficiency assessments), schools' cluster-based support, in-school teacher peer collaboration, classroom observations and feedback.

¹⁰ Bill and Melinda Gates Trust Fund (Kenya, Accelerating the Fight Against Learning Poverty, TF0B8275).

¹¹ An impact evaluation of the livestreaming classroom lessons pilot was conducted in 2023 as part of the SEQIP project, with the support of the Master Card Foundation (PE-P160083-SPN-TF0C2100).

upgrading of TTCs, including maximizing natural ventilation to ventilate and cool buildings, incorporating insulation of walls and windows where appropriate, using energy efficient light bulbs.

The intervention will also pilot a scholarship program for teacher trainees from poor and vulnerable households in Mandera, Wajir, Garissa, Lamu and Turkana to join the TTCs. Few teacher graduate teachers come from these counties. Often, non-local teachers are not willing to teach in these Counties due to insecurity, leaving many teacher vacancies not filled despite availability of budget. The pilot scholarship program will target about 500 beneficiaries, 100 from each County (at least 50 percent females). The pilot will be evaluated at the end of the Program, to assess its impact or potential impact in mitigating teacher shortage in these counties. This intervention complements activities in these TTCs under the PEELP such as reforms in the teacher education curriculum and assessment, provision of instructional materials, retooling of all instructors in TTC's, and ongoing establishment of ICT hubs.

- d) *Further support teacher management following roll out of the CBC reforms and the associated changes in the education structure.* The roll out of the CBC (at grade 8 in 2024) has unexpectedly led to a surplus of teachers in certain counties, due to the reduction in the number of classes required in public primary schools from eight to six classes. This intervention will support the TSC to conduct a detailed teacher analysis in the context of CBC reform, and to develop and implement comprehensive redeployment strategies by leverage the 'surplus' teachers to ensure relevant teachers are deployed to counties with the highest teacher shortage, mainly the ASALs including refugee host Counties, Turkana and Garissa.

12 **Result Area 3 (RA 3): Strengthen Systems for Equitable Service Delivery in Secondary Education (Junior School and Senior School in January 2026).** This RA complements key system level interventions in basic education under the PEELP such as the CBC and CBA reforms, data management, transition of the scholarship administration at the Jomo Kenyatta Foundation (JKF), teacher management, and policy dialogue on refugee education. This intervention therefore prioritizes strategic further systems strengthening and institutional building to improve equitable service delivery for all learners in secondary education including refugee learners. Specific interventions are:

- a) *Address inequalities at the system level: Institutionalize ongoing reforms to ensure majority of learners have access to equitable and quality secondary education.* The main challenge for basic education in Kenya, including secondary education, is to reduce deep inequalities in school participation and learning outcomes, which will require more resources, distributed more equitably. This intervention entails development of a Sessional Paper¹² and the associated draft Basic Education Bills¹³ by MoE (in collaboration with key stakeholders) with key elements to institutionalizing initiated reforms in students capitation grants and operational grants for JS that cushion schools mainly in the ASALs with less than optimum enrollment; anchor in law CBC and CBA reforms as well as changes in management of Education data; administration of scholarships in basic education; and reinforce removal of extra levies required by schools. Part of the reimbursement from DLI achievements related to this intervention, will support the Elimu scholarship program for Senior School.

b) Establishment of an e-assessment resource center at the Kenya National Examination Council (KNEC) in line with reforms in CBA. This includes developing a strategy and implementation guidelines on e-assessment and leveraging the existing physical facilities at KNEC to establish a functional e-assessment resource center that would be functional and support provision of e-assessment resources during climate events, including during climate-related school closures. KNEC has successfully piloted roll out of e-assessment in TTCs and among grade 3 learners. Notably, the e-assessments pilots led to significant cost savings in printing materials and fuel for KNEC and learning institutions. Thus, the e-assessment resource center will reduce reliance on and use of paper and need for transportation, reducing the carbon footprint. Technical specifications for the e-assessment ICT equipment will include considerations for energy efficiency standards. The development of the e-assessment resource center will likewise enable continuity of learning and remote assessment during extreme weather events, and other pandemics. E-waste

¹² A GoK Policy Framework for Reforming Basic Education.

¹³ Basic Education Bills will anchor information on tree planting in all schools nationwide and include instruction and learning expectations on climate education and climate concepts in school subjects as appropriate and in line with the Kenya Climate Change Amendment Act 2023.

generated as a result of the intervention will be managed and disposed of according to the Program's Environmental and Social Management Plan (ESMP).

- c) *Strengthening Directorates of Quality Assurance and Standards in Basic Education (DQAS), and School Audit (DSA).* This intervention entails a substantial review of National Education Quality Assurance and Standards Framework and the associated guidelines¹⁴ and tools to align these to CBC and CBA reforms, and to retool the DQAS officers; accordingly, and to automate, in NEMIS, an online reporting tool for DQAS.
- d) *Align Accelerated Education Programmes (AEPs) to the CBC and CBA reform.* The Basic Education Curriculum Framework (KICD, 2017), lacks a clear pathway for AEPs. This intervention supports MoE, through KICD and KNEC, to fast track a framework and guidelines for AEPs within the CBC and CBA framework. The framework and guidelines need to address the accelerated nature of AEPs including a tailor-made curricula and assessment, including content on climate change mitigation and adaptation, with equivalences and linkages to CBC and CBA in terms of competencies and assessments, as well as transition between AEP and the formal education. In addition, KICD and KNEC will retool instructors of AEPs.
- e) *Initiate transition to clean cooking energy for a sustainable national School Meals Program (SMP).* In 2023, the SMP benefitted over about 2.5 million learners in 5,875 schools including JS. In addition, over 3.9 million learners in the current system of secondary education benefit from schools' meals directly paid for by the households. Despite improving school attendance and retention, recent studies show that the SMP is one of main consumers of wood-fuel daily (consuming an estimated 1 million metric tons of wood annually) significantly contributing to deforestation and overall reduction of vegetation cover at the school level and the surrounding community. This approach is not sustainable, not only for environmental conservation, but also in the efficient use of the meagre school resources. Management of the SMP is very expensive at each school unit level (wood fuel, clean water, adequate food storage, and cooks).

This intervention proposes to introduce at MoE a Centralized Kitchen Approach (CKA) for the National SMP in three major urban cities with the highest number of learners, including learners from the informal settlements and refugees (Kisumu, Nakuru and Eldoret). The CKA-SMP is successfully piloted in Nairobi city through a Public Private¹⁵ Partnership (PPP) and is benefitting over 250,000 learners including refugees. The CKA uses alternative sources of energy (liquid petroleum gas, eco-briquettes made from leftover sawdust from working and steam energy) that emits less amount of carbon into the atmosphere thus reducing the rate of deforestation; ensures school meals meet international recognized standards for nutrients; use of clean water as well as overall food safety standards including by the food handlers; leverages technology in tracking learner beneficiary for efficiency (children 'tap' to eat); and is highly efficiency, reducing time taken in preparation of school meals by 60 percent. Compared to each school cooking its own schools' meals, the CKA-SMP is expected to significantly reduce individual schools carbon footprints, that can be measured and tracked over time by relevant experts and enable government to unlock climate and carbon financing to refinance the National SMP in a sustainable manner. The clean cooking technology to be used for CKA- SMP is the best available clean cooking technology in the country far surpassing the firewood (Tier 1) currently used. The, may in the medium or long term enable MoE

13 The **Program Development Objective (PDO)** is to improve equitable access to quality secondary education, and strengthen systems for delivering equitable education outcomes.

14 Progress towards the **PDO** will be measured through the following **PDO indicators**:

- Retention rate of learners in Junior Schools in target Counties (Percentage, disaggregated by gender, refugees¹⁶, and host communities). (DLI).
- Average learner test score in integrated Science, Mathematics and English at Junior school, Grade 8, in targeted Counties¹⁷. This indicator includes sub-indicators on subject-specific baselines and targets for test

¹⁴ Includes review of school guidelines on safety standards as well as management/referrals of alcohol, drug and substance abuse in schools.

¹⁵ <https://food4education.org/>

¹⁶ Refugee specific breakdown data including host communities is included the Results framework Annex 1.

¹⁷ KNEC is conducting a baseline for the PDO indicators on learning outcome in May 2024. The Baselines and targets will be updated before the negotiations. will be derived from the current grade 7 end of year assessments, November 2023. A decision was made not to use the grade 7 end of year assessment after a further technical review.

scores by each subject, and disaggregated by boys/girls, refugees, and host communities.

- Improve alignment of the basic education system towards learning and its monitoring. (DLI)

15 A summary of the disbursement linked indicators is presented in annex 3.

1.4 Key Program beneficiaries

16 The proposed operation will target the following **beneficiaries**:

- a) Approximately 1,867,488 (929,561 girls) learners in Public JS in 19¹⁸ counties.
- b) About 20, 300 refugee learners in camp-based Junior Schools.
- c) About 78,000 teachers in Public Junior schools
- d) About 19,956 headteachers in JS (4,810 females). Over 24,200 teacher trainees (of whom 67 percent are female) in TTCs.
- e) About 14,390 learners enrolled in the AEPs.

1.5 Program Institutional and Implementation Arrangements

17 The MoE and the TSC are the main implementing entities. The MoE will implement the Program with support from relevant Implementing Agencies (IAs) Semi-Autonomous Government Agencies (SAGA) agencies that are implementing SEQIP and PEELP operations: CEMASTEА, Kenya Education Management Institute (KEMI), NACONEK, Kenya Institute of Curriculum Development (KICD), KNEC, Jomo Kenya Foundation (JKF), and KISE. The MoE and the SAGAs will mainly implement RA 1 (Expand equitable access to quality Junior School), and RA 3 (Strengthen Systems for Equitable Service Delivery in Secondary Education); while TSC is the main implementor for RA 2 (Improve teaching quality in Junior School), except for pre-service teacher training in TTCs which is under MoE. The POM will include details of the implementation arrangements.

18 Refugee elements of the Program will be implemented in close consultation with the DRS and UNHCR. The PEELP operation has established functional mechanisms on working arrangements with DRS and UNHCR. This operation will build on these mechanisms to implement key interventions at the camp-based schools. The specific roles of DRS and UNHCR for this Program will be detailed in the POM and will build on the implementation experience of PEELP.

19 Oversight and technical support. A detailed description will be included in the POM. In summary, similar to the PEELP operation, the overall strategic leadership and implementation oversight for this Program, including the IPF Component, rests with the existing MoE's Directorate of Project Coordination and Delivery (DPCAD) and the joint National Steering Committee (NSC) for SEQIP, PEELP and USAID literacy project. The existing and functional SEQIP PCU, under DPCAD, will be expanded with additional MoE technical to continuing overseeing day to-day implementation of the Program. The NSC is Chaired by the Cabinet Secretary or the Principal Secretary MoE, and includes Senior management from the IAs, DRS, some development partners including UNHCR, representatives from the teacher's union and the head teacher's association, representatives the umbrella body for civil society organization in the education sector, among other members. The NSC shall meet bi-annually and mainly ensures that the Program is aligned with any changes in policy and reforms; reviews and approves annual work plans and budgets; ensures adequate staffing at the PCU. The Program will continue to leverage the existing Projects Technical Coordinating Teams (PTCTs) for SEQIP an PEELP at KISE, NACONEK, KNEC, CEMASTEА, KICD and TSC. In addition, MoE established county-based education project teams (composed of existing MoE and TSC staff at the lower levels) that provide close oversight to all key projects' implementation at the target school levels.

20 Coordination among development partners supporting the education sector in Kenya. The World Bank is an active member of the Kenya Education Development Partners Coordination Group (EDPCG), which provides a

¹⁸ The Counties in the two bottom quintiles are: Wajir, Mandera, Turkana, Garissa, Samburu, Siaya, Bungoma, Bomet, Kisii, Narok, Tana River, Elgeyo Marakwet, Baringo, Migori, Laikipia, Kitui, Kericho, Embu, and Meru.

forum for coordination and consultation on education matters. Implementation of the Operation will be coordinated within the EDCPG framework, including proposed TAs under the IPF component.

1.6 Results Monitoring and Evaluation

- 21 The Program will build on the existing M&E structures at MoE, including the NEMIS platforms, which includes data on secondary education. The PEELP operation is providing substantial support to NEMIS and overall data aspects at MoE. MoE's Central Planning and Project Management Unit (CPPMU) for basic Education, headed by a Chief Economist is responsible for overall coordination and monitoring of NESSP II implementation and reporting. The CPPMU works closely with the Kenya Bureau of Statistics (KNBS) to develop and publish educational statistical booklets. KNEC provides adequate oversight on students' assessments data. DPCAD, working closely with CPPMU and IAs, is responsible for the Program's specific M&E functions as per the results framework. However, DLIs will be subject to third party verification by an independent verifier. The PCU will obtain information on various indicators and DLIs from the PCTs at the IEs. Through the IPF Component, the Directorates of Quality Assurance and Standards, and School Audit at MoE, and the Directorate responsible for Buildings Safety and Quality Assurance in the State Department for Public Works will be strengthened to facilitate further support to target schools on compliance and reporting.

1.7 Disbursement Arrangements

- 22 Disbursements are subject to PforR procedures and will be based on the achievement of DLIs. For the national level agencies, the Program activities will be factored in their annual work plans and budgets (AWPBs) and will be financed using government funds. MoE will work closely with the NT to ensure that the entity government budget allocation and exchequer are adequate to meet the DLIs. On achievement of the results, the IDA funds will be disbursed to the Consolidated Fund. Funds to counties will be disbursed based on programs of activities in the AWPB and memo requesting for funds. In terms of disbursement to schools, MoE will disburse capitation directly to schools based on the number of pupils and students who are registered on the National Education Management Information System (NEMIS) platform which is spread in a 50:30:20 ratios for term 1, 2 and 3 respectively. This is done before a term begins.

1.8 Capacity Building

- 23 The IPF component will provide further capacity building (CB) activities to complement the IPF component under PEELP, particularly on systems strengthening. The overall Program Action Plan (PAP) and the IPF Component includes details on priority CB activities such as refugee secondary education, system readiness for CBC and CBA implementation in Senior School, climate change and education, and training of education officials on key education areas in secondary education through a three-year CB plan.

1.9 Environmental and Social Systems Assessment Scope and Methodology

- 24 Program activities were subjected to an Environmental and Social Systems Assessment (ESSA) to interrogate existing government systems and capacities for ESHS management with mitigatory measures being detailed in the Program Action Plan (PAP) and embedded in the Program design. This also included measures put in place to build upon the strong foundation and lessons learnt from Bank funded projects such as SEQIP and KPEELP.
- 25 The ESSA involved undertaking a comprehensive review of the relevant government policies, legislation, institutional roles and capacities, program procedures, and assessment of the available capacity at both National and County levels responsible for implementation of the existing systems consistent with Bank PforR financing. The ESSA undertook the assessment of policies and systems in place for integration of indigenous/traditionally excluded and marginalized groups/communities to address their specific language and cultural needs and to make sure that they can access program benefits. A structured questionnaire prepared by the ESSA team was used to guide discussions and data collection at National and County level agencies, regulators, and respective environmental and social implementing units that will be involved in Program implementation including the indigenous/traditionally excluded and marginalized groups and/ or their representatives.

- 26 The information collected was used to: (i) analyse the key institutions charged with the management of environmental and social risks at the National and County levels of Government, (ii) understand stakeholders' perspectives about social and environmental aspects, (iii) map available environmental and social management systems and (iv) evaluate the capacity in place for management of environmental and social issues. The assessment outcomes will be adopted appropriately to mitigate and manage social and environmental risks and impacts of the Program. The gaps identified through the ESSA including the risk of exclusion and discrimination impacts and subsequent actions/mitigation measures recommended to fill those gaps will directly contribute to the Program's Action Plan for implementation to enhance the effectiveness and program performance of institutional structures and related implementing agencies (IAs) for the Program.
- 27 The draft ESSA was disclosed to all relevant stakeholders including government Ministries, Departments and Agencies, development partners, civil society and non-governmental organizations, and indigenous/traditionally excluded and marginalized groups and/ or their representatives. The stakeholders were provided with an opportunity to review and provide feedback on the draft ESSA. Feedback received was incorporated in the final version of the ESSA. The final version of the ESSA shall be disclosed on the MoE website before the appraisal of the Program and thereafter on the World Bank external website.
- 28 During the Program implementation phase, the borrower will continuously monitor program effectiveness and regularly share monitoring information with the Bank task team. This will include monitoring against the effectiveness of any agreed impact mitigation measures identified in the Program Action Plan.

1.9.1 Assessment

- 29 An assessment of the systems established by the Ministry of Education (MoE), Teachers Service Commission (TSC) and key Semi-Autonomous Government Agencies (SAGAs) which are also implementing the SEQIP and PEELP19 Operations was carried out. The purpose of this analysis was to determine the systems' capacity to manage program environmental and social risks during preparation and throughout implementation.
- 30 The following activities were undertaken:
- i. Review of the relevant laws, procedures, standards, regulatory frameworks, organizational guidelines, technical guidance and identification of gaps/inconsistencies with the social and environmental elements of OP/BP 9.00.
 - ii. Assessment of the potential environmental and social risks of the Program.
 - iii. Review and assessment of institutional roles, responsibilities, coordination and analysis of current capacity and performance to carry out activities.
 - iv. Consideration of public participation that includes a stakeholder's workshop, social inclusion, and grievance redress mechanisms.
 - v. Review of oversight mechanisms and measures that could be implemented for capacity strengthening.
- 31 The ESSA analysis was conducted using the Strengths-Weaknesses-Opportunities-and-Threats (SWOT) approach. The weaknesses or gaps with OP/BP 9.00, are considered on two levels: (i) the system as written in laws, regulation, procedures and applied in practice; and (ii) the capacity of Program institutions to effectively implement the system. The analysis focused on the strengths, gaps, potential actions, and risks associated with the systems currently in use in the education sector to address the environmental and social effects commensurate with the nature, scale and scope of operations. This was structured to examine arrangements for managing the environmental and social effects (i.e., benefits, impacts and risks) of the Program. Additionally, the analysis examined how the system as written in policies, laws, and regulations is applied in practice at the National and County levels. The analysis also examined the efficacy and efficiency of institutional capacity to implement the system as demonstrated by performance thus far.
- 32 The ESSA analysis examined whether the current systems': (i) mitigate adverse impacts; (ii) provide transparency and accountability; and (iii) perform effectively in identifying and addressing environmental and social risks. The overarching objectives are to ensure that the risks and impacts of the Program activities are

¹⁹ CEMASTE, Kenya Education Management Institute (KEMI), NACONEK, Kenya Institute of Curriculum Development (KICD), Kenya National Examination Council (KNEC), Jomo Kenya Foundation (JKF), and KISE

identified and mitigated, systems are strengthened, and capacity built, to deliver the Program in a sustainable manner.

- 33 To assess the existing systems and analyze their application in practice, the process of ESSA was drawn from a wide range of engagements. The methodology adopted a participatory approach through:
- i. A desktop review of related literature to the education sector including policies, legal framework, regulations and program documents including the Program Concept Note, draft Program Appraisal Document.
 - ii. National stakeholder consultations undertaken with senior management and implementing agencies on the 10th of April 2024. These included: The MoE, TSC, CEMASTEPA, KEMI, NACONEK, KICD, KNEC, JKF, and KISE. The comprehensive list of stakeholders consulted is presented in annex 2.
 - iii. Stakeholder consultations conducted in three (3) Counties comprising Nairobi, Mombasa and Laikipia, from 4th- 8th April 2024. Stakeholders consulted included County and Deputy County Commissioners, County and Sub-County Directors of Education, County Sub-County Directors Teachers Service Commission, County Directors of Environment, NEMA, County Public Health Officers, Regional Public Works Officers and BoM chairpersons. The comprehensive list of stakeholders consulted is presented in annex 2.
 - iv. Stakeholder consultations with 38 Vulnerable and Marginalized Groups (VMGs) on 10th April 2024 with representatives from the El-molo, Waata, Wakifundi, Makonde, Sengwer, Cherangany, Ilchamus, Ogiek, among others. The comprehensive list of stakeholders consulted is presented in annex 2.
 - v. Review of lessons learnt from the implementation of other PforRs with a view to interrogate the management of social and environmental risks and impacts as well as adopt the gains made. Examples of PforR implemented in Kenya include the Kenya: Primary Education Equity in Learning Program (PEELP), Kenya Urban Support Program (KUSP), Kenya Devolution Support Program (KDSP) and Financing Locally Led-Climate Action Program (FLLoCA).
- 34 Measures to improve the environmental and social management systems in line with the principles of OP/BP 9.00, will be implemented through a combination of Program DLIs, the Program Action Plan, the Program Operations Manual (POM) and capacity support activities. ESSA analysis considers baseline information presented, compares this to how systems perform in practice vis-à-vis the core principles under PforR financing.

1.9.2 Sampling of target counties

- 35 A sample size of three (3) counties including Nairobi, Mombasa and Laikipia were purposefully selected because they experience some of the challenges affecting basic education such as: (i) extensive national and county consultations were undertaken during the KPEELP ESSA, and the report on the system and capacity is still valid with enhancement measures under implementation; (ii) performance below the national averages in basic education enrolment; (iii) high refugee population in informal settlements; (iv) presence of Vulnerable and Marginalized (VMGs) and Indigenous Persons (IPs) communities; and (v) varied geographical representation.
- 36 County consultations were held in the targeted Counties to attain their perceptions on the Program design and preliminary proposed ESHS management measures. A Capacity Assessment (CA) was undertaken on implementing agencies and targeted Counties to identify gaps and recognize existing and latent capacities. Identified gaps and capacities will be enhanced and linked with outcomes for achievement of desired results. CA recommendations were used to inform the Program work-plan, among other things. The assessment was undertaken using a Capacity Assessment Tool (CAT) that adopted a participatory approach considering the following institutional components:
- i. Management systems and structures - planning, personnel, risk management, information systems, programme reporting and ethics.
 - ii. Human resource /technical capacity - personnel policies and procedures, staffing, work organizations, performance management, volunteer management, occupational safety, diversity and gender considerations, human resource development.
 - iii. Monitoring and evaluation

- iv. External relations - stakeholder relations, inter-NGO collaborations, government/local authority collaborations, funding partner collaborations, public relations, local resources, media, regional inter-governmental relations.

2 ENVIRONMENTAL, SOCIAL, HEALTH AND SAFETY EFFECTS OF THE PROGRAM

2.1 Introduction

37 This chapter presents the anticipated Environmental, Social, Health and Safety (ESHS) benefits, risks, impacts, and management measures specific to the SEEQIP Program activities. The Program is expected to support the expansion of Junior School through supply side interventions, with a strong focus on equity; this is expected to correspondingly create a strong foundation for continuation of Senior School and overall retention and completion. The ESHS management experiences gained from the implementation of the SEQIP and KPEELP by the State Department for Basic Education (SDBE) is extremely useful in identifying and mitigating the ESHS risks and adverse impacts in the SEEQIP.

2.2 Environmental and Social Risk Rating

38 The Program is expected to yield benefits in strengthened systems, enhanced access, and social inclusion in education. Potential risks and impacts of the interventions are likely to be temporary, limited in magnitude, site-specific, manageable, and reversible in nature. The potential environmental risks and impacts are rated **Moderate** and relate to; (i) safety incidents involving workers or the surrounding community in contact with construction sites or activities; (ii) environmental pollution from inadequate management of emissions and discharges at construction sites; (iii) removal and disposal of asbestos-containing roofing materials from the teaches training colleges (iv) loss of biodiversity in clearance of sites; (v) inefficient use of resources; and (vi) generation, handling, and disposal of e-wastes and other waste.

39 The potential social risks and impacts are rated **Moderate** and include: (i) exclusion of vulnerable and underserved learners in a context of limited resources; (ii) selection bias and elite capture of Program resources and benefits; (iii) upsetting of local community dynamics, and social cohesion where Program interventions include refugees and other displaced persons; (iv) exclusion of learners with disabilities where learning systems and infrastructure does not accommodate their differentiated needs; (v) developing and variable capacity of the Government to manage E&S risks; and (vi) Sexual Exploitation and Abuse and Sexual Harassment (SEA-SH) arising from sector vulnerabilities and the need to protect learners.

40 Consistent with the requirements of the Bank PforR Policy, the SEEQIP will not finance activities that pose high ESHS risks. Activities resulting in land acquisition and displacement will be excluded from Program activities. Prioritization and selection of interventions will consider key ESHS aspects including targeting for the most deserving of Program benefits, public participation, stakeholder engagement, gender, VMGs and IPs inclusion, climate change and disaster adaptation.

2.3 Exclusion Criteria

41 The exclusion principle applies to Program activities that meet the criteria regardless of the borrower's capacity to manage such effects. In the PforR context, exclusion means that an activity is not included as an intervention. An intervention is also not included if it requires completion of a non-eligible activity to achieve its contribution to the Project Development Objective (PDO) and/or Disbursement linked indicator (DLI). In addition, interventions that are likely to have significant adverse ESHS risks and impacts or are categorised as high-risk under the World Bank Policy for Program-for-Results, are excluded. The six core principles under the PforR will apply to all interventions as a mechanism to avoid, minimise, or mitigate adverse ESHS risks and impacts.

42 More specifically, the Program shall exclude interventions likely to involve:

- a) Any investments that trigger high risk under the World Bank Policy for Program-for-Results.
- b) Projects with potentially significant risks to protected areas or national parks such greenfield schools;
- c) Air, water, or soil contamination leading to significant adverse impacts on health and safety of individuals, communities, and ecosystems.
- d) Significant conversion or degradation of critical natural habitats or critical cultural heritage sites.
- e) Workplace conditions that expose workers to significant health and personal safety risks.
- f) Activities that warrant land acquisition and/or resettlements.
- g) Large-scale changes to land-use or access to land and/or natural resources.

- h) E&S risks that are high if associated facilities are linked to the proposed investment.
- i) Activities that involve the use of forced or child labour including use of learners to supply construction material.
- j) Marginalisation of, or conflict within or among social groups including by VMGs.
- k) Activities with high risks of GBV and SEA-SH.
- l) Activities that would (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause the relocation of marginalised communities/indigenous peoples from land and natural resources that are subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on marginalised communities'/indigenous peoples' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected communities.

2.4 Potential Environmental Health and Safety Benefits

- 43 The proposed program activities have potential to generate environmental, health and safety benefits such as:
- i. Implementing climate-resilient strategies in the expansion of school infrastructure and at Pre-service Teacher Training Colleges (TTCs) will result in infrastructure better equipped to withstand the impacts of climate change
 - ii. Livestreaming of lessons will increase classroom instruction time and student's engagement in circumstances where the target students would have missed teaching due to climate events or security risks;
 - iii. Adoption of e-assessments by KNEC and learning institutions will lead to reduced resource consumption and emissions, and cost savings in printing materials and fuel
 - iv. Adoption of the Centralized Kitchen Approach (CKA) in preparation of school meals could enhance economies of scale and lead to reduced wood-fuel consumption and emission of greenhouse gases in food preparation.

2.5 Potential Environmental, Health and Safety Risks and Impacts

- 44 The proposed program activities with potential to generate EHS risks and impacts include Expansion of infrastructure development to support CBC roll out in Junior and Senior School; removal of asbestos-containing roofing materials from 11 Teacher Training Colleges; Provision of school furniture; and Livestreaming of lessons. The magnitude of risks and impacts of rehabilitation works will depend on the scale of works, the materials used, the methods employed during implementation, and proximity to sensitive receptors such as the school community.
- 45 Typical risks and impacts of construction/rehabilitation works include: Degradation of local air quality from pollution due to dust and airborne particles generated during construction activities; Increased noise pollution from the use of tools and noisy machinery particularly near learning environments; Generation of wastes such as debris, packaging materials, maintenance wastes, spoilt batches of concrete; Degradation in the quality of surrounding water resources from contamination with construction wastes; increased occupational health and safety risks from exposure of workers to trip and fall hazards, hazardous chemicals, electrical hazards; Increased energy consumption and greenhouse gas emissions from the use of energy-intensive equipment and materials during construction works ; Habitat loss and/or degradation from removal of vegetation, soil erosion and contamination with construction wastes; Community health concerns from exposure to construction noise, air pollution and human and vehicular traffic congestion
- 46 Provision of school furniture may cause minor risks and impacts such as: increased energy consumption, waste generation and emissions from manufacturing processes and disposal of old/damaged school furniture;
- 47 Livestreaming of lessons may cause risks and impacts such as: Increased energy use in powering electronic equipment used in livestreaming, with potential increase in emission of greenhouse gases, especially where non-renewable sources of energy are used; Generation of electronic wastes (e-wastes) from the use of electronic devices such as computers, web cameras and network devices
- 48 Removal of asbestos containing roofing materials from TTCs and their disposal has potential to cause adverse health effects on humans and the environment due to the hazardous nature of asbestos. The removal and disposal requires specific risk assessment, impact assessment, and proper siting and preparation of disposal sites

2.6 Potential Social Benefits

49 The SEEQIP interventions have overall significant positive social impacts. The anticipated social benefits include, but not limited to:

- i. Infrastructure development to support implementation of the Competency-Based Curriculum (CBC) in Junior and Senior Schools including permanent classrooms, science laboratories, expansion of existing low-cost boarding schools and WASH facilities.
- ii. The establishment of essential facilities in target Free Day Secondary Schools (FDSEs) will seek to address low investments in infrastructure, inadequate teachers, insufficient water and sanitation facilities (WASH). In addition, all FDSE schools in refugee host communities Turkana and Garissa will be targeted for intervention.
- iii. The provision of core textbooks and teacher guides aligned with the revised and consolidated learning areas for the Competency-Based Curriculum (CBC) will facilitate a smooth transition from Junior Schools (JS) to Senior Schools (SS) by January 2026, integrate updated foundational knowledge in climate change adaptation and mitigation, and, special attention will be given to learners with special needs and refugee learners.
- iv. Support for camp-based Junior Schools (JS) during the transition period to the Shirika Plan will improve the quality of education, enhance inclusivity, and support the overall well-being of learners through provision of school grants, school meals, advocacy and mentorship support to improve transition and retention, and enhancement of the capacity of regional Educational Assessment Resource Centers (EARCs) to support early assessment and appropriate education placement for children with special needs and disabilities.
- v. The review and scaling up of the ongoing school-based teacher support system (SBTSS) initiative under SEQIP, will facilitate teacher's continuous professional development and performance appraisal, resulting in improved teaching quality and student outcomes.
- vi. The scale-up of the lesson livestreaming initiative aims to address the impact of teacher shortages, particularly in regions facing security challenges, by expanding access to quality education.
- vii. The upgrading of teaching and learning conditions in Teacher Training Colleges (TTCs) and implementing the scholarship program will contribute to improving teacher quality education and increase education access to teacher trainees from poor and vulnerable households.
- viii. The establishing of an e-assessment resource center at the Kenya National Examination Council (KNEC), will enhance assessment methods and reduce reliance on paper and transportation.
- ix. The Centralized Kitchen Approaches (CKA) in urban cities using clean energy sources will benefit a large number of learners including refugees and those from informal settlements, enhance food safety and reduce carbon emissions.

2.7 Potential Social Risks and Impacts

50 The SEEQIP proposed interventions may pose potential negative social risks and impacts. The potential negative social risks and impacts include, but not limited to:

- i. There are developing and varied ESHS capacity and commensurate budget allocation for risks and impacts management.
- ii. Exclusion of vulnerable and underserved learners in a context of limited resources.
- iii. Selection bias, elite capture or political interference on Program resources and benefits.
- iv. Exclusion of learners with disabilities where learning systems and infrastructure does not accommodate their differentiated needs.
- v. Inadequate mechanisms for stakeholder identification, engagement, monitoring and feedback including with VMGs/IPs.
- vi. Increased Gender-Based Violence (GBV) and Sexual Exploitation and Abuse and Sexual Harassment (SEA-SH) arising from sector vulnerabilities and the need to protect learners.
- vii. Labour influx risks which may lead to an increase in crime, insecurity and upset community dynamics.
- viii. Ineffective grievance redress and feedback mechanisms.
- ix. Gender inequality in employment opportunities.
- x. Bias of contract awarding to known or particular group of contractors.

Increased hostility and conflicts between the host communities and refugees on resources access and sharing

2.8 The Program’s main E&S risks and impacts, and proposed mitigation measures

51 Key risks/impacts and proposed management measures are presented in the table 1 below:

Table 1: Key Risk/Impacts and Proposed Management Measures

No.	Risks/Impact	Management Measures	Risk Rating
1.	Inadequate Environment and Social Staffing and budget allocation for ESHS risks management.	<ul style="list-style-type: none"> ▪ Enhance ESHS human resource staffing at the National Project Coordinating Unit (PCU) with qualified, experienced and full-time, one (1) full environmental specialist, one (1) a social specialist, and one (1) Health and Safety specialist. ▪ The Program will partner with NEMA to train and build capacity of the newly recruited and/or seconded ESHS specialists on EMCA 1999 and the subsidiary legislation, and other good practices. 	Moderate
2.	Environmental Pollution (land, air, and water pollution)	<ul style="list-style-type: none"> ▪ Prepare ESMPs as per the EMCA, 1999 and its subsidiary legislation and monitor implementation through enhanced contract management ▪ Ensure that Contractor ESMPs are site-specific, and no construction activities start prior to ESMP readiness for implementation. ▪ Sensitize contractors on potential environmental pollution, identify and adopt mitigation measures. 	Low
3.	Impacts on natural habitats and physical cultural resources	<ul style="list-style-type: none"> ▪ Adopt the E&S sub-projects screening checklist prepared under the KPEELP, to identify any potential impacts on natural habitats and physical cultural resources before undertaking environmental assessments. ▪ Sub-projects shall consider the standard chance find procedures outlined in the KPEELP ESMS manual for the management of physical cultural resources. 	Low
4.	Public and worker’s health and safety risks	<ul style="list-style-type: none"> ▪ Adopt the developed guidelines in the KPEELP ESMS manual for mainstreaming OHS/CHS aspects including avoiding child and forced labor. ▪ The Program will engage with DOSHS for training to enhance the capacity of the national PCU on health and safety risks management, in line with national laws and regulations. ▪ Contractors will be inducted on the ESMS Manual containing the Program’s E&S Requirements ▪ The national PCU shall define standard OHS requirements in contract documents that shall be binding for contractors. Among those requirements, shall be the obligation for the contractor to: <ul style="list-style-type: none"> ~ develop a Health and Safety Management Plan and Waste Management Plan prior to starting any activity on the ground; ~ Ensure that all contractor and subcontractor employees who will be directly involved in the contract works have received the necessary HSE induction prior to commencement of any work; ~ Carry out risk assessments and develop health and safety plan(s) prior to work commencing and ensuring that appropriate risk control measures are implemented on commencement of the contract works; 	Moderate

		<p>~ Conduct regular HSE briefing /toolbox and meetings in coordination with relevant stakeholders/PCU; Include measures on road safety requirement.</p> <ul style="list-style-type: none"> ▪ Perform a risk assessment and implement the national guidelines on handling and disposal of asbestos-containing roofing materials at teacher training colleges ▪ The national PCU will have a health and safety specialist as part of the team to support in mainstreaming H&S aspects in the Program. 	
6.	Exclusion of the vulnerable and marginalised groups and indigenous peoples (VMGs/IPs)	<ul style="list-style-type: none"> ▪ Strengthen awareness, targeting, engagement and inclusion of VMGs/IPs in the Program. ▪ Ensure the participation and consultation of VMGs/IPs during planning, design, construction, and operation phases of sub-projects project. ▪ Ensure VMGs/IPs representation in committees, such as in scholarships management. ▪ Incorporate in the infrastructure designs ESHS aspects to enhance gender inclusion and incorporate universal access such as ramps. 	Moderate
7.	Inadequate Stakeholder Engagement	<ul style="list-style-type: none"> ▪ Adopt the developed guidelines in the KPEELP ESMS manual for mainstreaming stakeholder engagement and capacity build beneficiary counties, sub-counties and schools. ▪ Create awareness on the benefits of meaningful stakeholder engagement to strengthen stakeholders' collaboration. ▪ Roll-out the public participation and civic education guidelines developed under the Kenya Devolution Support Program. ▪ Sensitize the beneficiary counties, sub-counties and schools to include stakeholder feedback in monitoring, auditing, and verification processes. ▪ Provide a platform for enhanced engagement between the host and refugees communities. 	Moderate
8.	Grievance Management	<ul style="list-style-type: none"> ▪ Review and roll-out the GRM guidelines in the KPEELP ESMS manual to beneficiary counties, sub-counties and schools, to strengthen and harmonize the existing GRM systems established under the SEQIP and KPEELP. ▪ The Program shall ensure disclosure of the grievance uptake channels at all sub-project sites. ▪ Periodically train beneficiary counties, sub-counties and schools on grievance management; logging, processing, feedback, and monitoring. ▪ Ensure disclosure of the GRM system on sub-projects signboards with contact of responsible person. ▪ For the WHR component, strengthen the existing systems by integrating the GRM local structures, enhancing engagement at planning phases and review the Grievance Redress Committee (GRC) composition to include community leaders and elders from the refugee and host communities. ▪ Include the GRM log in the ESHS monthly report. 	Moderate
9.	Enforcement of ESHS requirements	<ul style="list-style-type: none"> ▪ Review contracts and bidding documents to ensure ESHS mainstreaming and commensurate resources are allocated including implementation of the contractor's environment 	Moderate

		<p>and social management plan (C-ESMP), GRM, labor management, OHS, CHS, stakeholder engagement, waste management, GBV/SEA-SH and protection of the environment.</p> <ul style="list-style-type: none"> ▪ Ensure monthly reporting of sub-project incidents/accidents in the ESHS monthly report. ▪ Enhance synergy and coordination with relevant MDA's (NEMA, DOSHS, social protection, labour, gender) to enforce compliance with ESHS laws and regulations at the different levels. 	
10.	Gaps in Environmental Social Health and Safety monitoring and reporting	<ul style="list-style-type: none"> ▪ Adopt the developed environmental social health and safety reporting template, in the KPEELP ESMS manual. ▪ Prepare quarterly ESHS implementation reports. ▪ Continuously monitor contractor ESHS non-compliance to ensure compliance and implementation of agreed actions. 	Low

3 OVERVIEW OF RELEVANT COUNTRY POLICY, LEGAL, REGULATORY, AND INSTITUTIONAL SYSTEMS FOR ENVIRONMENT, SOCIAL, HEALTH AND SAFETY MANAGEMENT

52 The Table below provides a summary of the relevant policy, legal and regulatory framework applicable to Program activities

No	Act/Regulation/Policy	Objectives and Provisions	Relevance to the Program
National Policy Framework governing relevant Program activities			
1.	Kenya Vision 2030	Kenya Vision 2030 is the nation's primary development strategy spanning from 2008 to 2030, based on Social, Economic, and Political advancements. Its main aim is to elevate Kenya to a newly industrialized, middle-income country with a high quality of life for all citizens by 2030. In the education sector, Vision 2030 strives to offer globally competitive education, training, and research to foster development, supported by infrastructure development. This includes facilities like laboratories, classrooms, and sanitation provisions. The governance aspect stresses public involvement, while the social pillar aims for equitable social progress. Vision 2030 also considers potential environmental and social impacts, necessitating mitigation measures aligned with environmental regulations.	The initiatives within the SEEQIP Program are based on the National Education Sector Strategic Plan (NESSP II 2023/2024 to 2027/2028), which was crafted in alignment with Vision 2030.
2.	National Environment Policy, 2014	Sessional Paper No. 10 of 2014 outlines Kenya's National Environmental Policy, which aims to integrate environmental concerns into national planning and sustainable management. It provides guidelines for environmentally responsible development and stresses the need to strengthen the legal and institutional framework for effective environmental governance. Emphasizing inclusive public participation in decision-making, the policy is guided by principles such as environmental rights, sustainable resource use, and the precautionary principle. It advocates for the adoption of tools like ESIA, EA, and SEA to manage environmental and social impacts. Additionally, it urges the Government of Kenya to ensure ESIA and regular audits for significant development projects.	The program will include tasks concerning the rehabilitation and expansion of school infrastructure, which are anticipated to result in some adverse environmental and social risks and impacts. The preparation of ESIA's will be obligatory before sub-project approval. Additionally, sub-projects will conduct annual Environmental and Social Audits to evaluate the environmental and social impacts of the infrastructure projects and to pinpoint corrective actions, aiming to foster sustainable development.

3	National Occupational Safety and Health Policy, 2012	This policy aims to establish National Occupational Safety and Health systems and programs to enhance workplace conditions, reducing work-related accidents and diseases. It also aims to provide compensation and rehabilitation for injured workers or those affected by occupational diseases. Specific objectives include guiding the development of laws and regulations, recommending the establishment of accountable institutions, enforcing compliance mechanisms, fostering cooperation between stakeholders, and enhancing the capacities of both state and non-state actors in occupational safety and health. Additionally, the policy mandates the use of personal protective equipment, safeguards against occupational hazards, and provisions for First Aid and emergency medical evacuation in workplaces.	This Policy is pertinent to construction activities, aiming to minimize work-related accidents and diseases, and ensuring fair compensation and rehabilitation for those affected. Infrastructure rehabilitation and expansion activities must implement measures to address occupational safety and health risks, including providing personal protective equipment (PPE) to workers, employing qualified OHS supervisors, preparing for emergencies, and securing insurance for workers and machinery
4	The National Food Safety Policy 2013	The policy address food safety from various perspectives: legal regulations, information, education, traceability, infrastructure, and capacity. It aims to safeguard consumer health, support food industry growth, and ensure fair trade practices.	The Program will follow the policy's guidelines during implementation of the CKA under the SMP to ensure that suppliers and schools meet food safety standards, including having proper infrastructure. This involves testing food items for safety and cleanliness during meal preparation, transportation and serving.
5	Safety Standard manual for schools in Kenya, 2008	The School Safety Standards Manual acts as a guide to improve safety in schools. It emphasizes collaboration with stakeholders such as students, school staff, parents, communities, NGOs, and religious and community-based organizations. This partnership aims to create safe, secure, and nurturing environments conducive to quality teaching and learning. Additionally, the manual advocates for access to safe and nutritious food for students to support their physical and intellectual growth	This applies to all Program activities, including the Centralized Kitchen Approach (CKA) under the School Meals Program and infrastructure construction. MoE will implement measures to ensure learner safety during construction, such as securing construction sites and controlling access. Additionally, measures will be taken to test food items for safety and hygiene during meal preparation, transportation and serving.
Environmental Legislation relevant to Program activities			
1	Constitution of Kenya, 2010	The Constitution of Kenya (CoK) 2010 is the highest law of the land, binding all individuals and governmental bodies across all levels. In terms of environmental matters, Article	Program activities will adhere to the Constitution of Kenya concerning environmental management. This involves screening proposed sub-projects for environmental and social

		42 of Chapter Four, The Bill of Rights, grants every person the right to a clean and healthy environment. This includes the entitlement to environmental protection for the benefit of present and future generations through legislative measures, as outlined in Article 69, and the fulfillment of environmental obligations under Article 70. Section 69 (2) stipulates that every individual must collaborate with governmental bodies and others to safeguard and preserve the environment, ensuring ecologically sustainable development and natural resource usage. Section 70 addresses the enforcement of environmental rights.	risks and preparing E&S instruments to manage these risks. Contractors for sub-projects must also develop and implement specific plans to ensure environmental and social sustainability.
2	Environmental Management and Coordination Act, 1999 and Amended in 2015	The Environmental Management and Coordination Act (EMCA) of 1999, amended in 2015, was enacted to establish a regulatory and institutional framework for environmental management in Kenya. It guarantees every person in Kenya the right to a clean and healthy environment while imposing the duty to protect and improve it. Part II emphasizes the requirement for Environmental Impact Assessment (EIA) for any new program, activity, or operation, with a report submitted to the National Environment Management Authority (NEMA) for review and potential licensing.	The Act will apply to infrastructure rehabilitation and expansion activities with potential cause adverse impacts on the environment from waste generation, effluent discharge, air and noise emissions, and vibrations, and disturbance to soil and vegetation
3	EMCA (Impact Assessment and Audit, 2003), and the Amendment Regulations of 2019	This regulation outlines procedures for conducting Environmental Impact Assessments (EIA) and audits. It highlights essential aspects to be addressed during field studies and specifies the format and content of EIA and audit reports. The Amendment Regulations also require integration of climate change vulnerability assessment, and relevant adaptation and mitigation actions. Qualified environmental lead experts are required to carry out these assessments and audits. The legislation also clarifies the legal ramifications of partial or non-compliance with the Act's provisions.	The mandated ESIA's and audits will be undertaken by registered environmental and social experts. All sub-projects will be screened for environmental and social risks, and this will guide on the appropriate instruments to be prepared.

4	EMCA (Air Quality) Regulations, 2014	The Regulation aims to prevent, control, and reduce air pollution to maintain clean and healthy ambient air for human health protection. It prohibits air pollution in a manner that exceeds specified levels, provides for installation of air pollution control systems where pollutants emitted exceed specified limits, and provides for the control of fugitive emissions within property boundary. It addresses specific priority air pollutants from both mobile and stationary sources, establishing emission standards. Section 4 grants the National Environment Management Authority the authority to adopt internationally recognized emission standards in the absence of local standards or guidelines specified in the regulation.	Air pollution may arise locally due to dust emissions during excavation for building foundations and from vehicle emissions during the transportation of construction materials to project sites. Each sub-project must incorporate measures to mitigate air pollution as part of its Environmental and Social Management Plan (ESMP), as applicable.
5	EMCA (Noise and Excessive Vibrations Pollution) (Control) Regulations, 2009	The Regulations address noise and vibrations from specific sources, setting permissible levels for various activities, including construction. Section 3 of Part II prohibits any loud, unreasonable, unnecessary, or unusual noise that may annoy, disturb, injure, or endanger others or the environment. Activities emitting noise or excessive vibrations beyond permitted levels require a permit from NEMA.	Infrastructure rehabilitation and expansion activities are likely to generate noise, with possible exceedance of specified limits, and therefore requiring permitting by NEMA.
6	EMCA (Waste Management) Regulations, 2006	The Regulations offer guidance on managing all types of waste, covering domestic, industrial, hazardous, pesticide, toxic, biomedical, and radioactive waste. They assign responsibilities to waste generators, especially regarding environmental impacts. Waste generators must collect, segregate, and dispose of each type of waste according to the Regulations. Regulation 5 (1) outlines cleaner production methods to minimize waste generation. Licensed operators must use NEMA-approved vehicles for waste transportation, collecting from designated areas and delivering to approved disposal sites.	Infrastructure rehabilitation and expansion activities will produce various types of waste, such as excavated material and construction debris. The CKA under the SMP will generate wastes, creating environmental pollution risks. Each sub-project will outline measures, including worker and beneficiary training, to manage waste safely and effectively.
7	EMCA (Water Quality) Regulations, 2006	These regulations govern the sustainable management of water resources, covering domestic, agricultural, and	The program requires compliance with established standards whenever effluent is discharged into the environment during

		<p>industrial use and discharge. They aim to protect water sources like lakes, rivers, and wells from pollution, prohibiting water pollution and unauthorized water use. Individuals are required to avoid actions that could pollute water directly or indirectly, and are prohibited from disposing of contaminating materials into water sources. Standards for effluent discharge into sewers and aquatic environments are outlined.</p>	<p>program activities. Adequate and acceptable wastewater management in schools, particularly from WASH facilities, must be ensured.</p>
8	The Water Act (2016)	<p>This Act establishes the legal framework for water resource management, including conservation, control, and development, as well as regulation of water supply and sewerage services in Kenya, in accordance with the Constitution. Water resources ownership is held in trust by the National Government. Section 63 of Part IV grants every person in Kenya the right to clean and safe water and reasonable sanitation standards as outlined in Article 43 of the Constitution. The Water Resources Authority (WRA) is tasked with protecting, conserving, and regulating water resource use, including planning and issuing water abstraction permits.</p>	<p>During infrastructure rehabilitation and expansion activities, contractors engaging in water abstraction, whether from surface or groundwater sources, must obtain permits from the Water Resources Authority (WRA), and must ensure the sustainable use of water resources, safeguarding them from pollution and degradation, including the abstraction, use, and disposal of wastewater.</p>
9	Occupational Safety and Health Act (OSHA) 2007	<p>The act prioritizes the safety, health, and well-being of workers, aiming to prevent work-related injuries and illnesses and safeguard third parties from risks associated with workplace activities. OSHA 2007 applies to all workplaces, including offices, schools, and academic institutions. It mandates the Directorate of Occupational Safety and Health Services (DOSHS) to establish approved codes of practice for guidance on the Act's provisions. Inspection and enforcement systems are in place to ensure compliance with occupational safety, health, and labor standards. DOSHS is responsible for conducting inspections related to workplace environment, safety, general health, and worker welfare to uphold compliance with OSHA</p>	<p>Civil works contractors must adhere to the provisions of this act by obtaining necessary work site permits and licenses, training workers on occupational health and safety (OHS), inspecting equipment to ensure it is in optimal condition, and providing suitable personal protective equipment (PPE) to workers, among other measures. Regular supervision and inspection of school infrastructure buildings will be conducted during both construction and operational phases to guarantee their safety for human use.</p>

10	The Work Injury Benefits Act, 2007	The Act was formulated to ensure that workers injured, disabled, or succumbing to work-related diseases are duly compensated. It extends its coverage to all employees, including those within the Government, except for armed forces personnel, treating them on par with private sector employees. Any employee involved in an accident resulting in disability or death is entitled to benefits as outlined in the Act.	Occupiers of workplaces will be required to safeguard the safety and health of workers. Should injuries occur during Program implementation, the employer/contractor is obligated to compensate workers according to the Act. Therefore, the contractor must procure and uphold relevant insurance policies to cover this liability.
11	Employment Act 2007	The Employment Act of 2007 outlines the fundamental rights of employees, minimum employment terms and conditions, and regulations regarding child labor, among other provisions. Key sections of the Act detail aspects such as the employment relationship, wage protection, rights and duties at work, termination procedures, and child protection measures.	Contractors involved in infrastructure rehabilitation and expansion activities must provide favorable employment terms for their workers and ensure no child labor in their workforce.
12	HIV/AIDS Prevention and Control Act, 2006	Section 7 of Part 11 mandates HIV and AIDS education in the workplace. The government is responsible for providing essential information and training on HIV/AIDS prevention and control to employees across all government ministries, departments, agencies, as well as those in the private and informal sectors. Confidentiality regarding HIV/AIDS information in the workplace is paramount, with a focus on maintaining positive attitudes towards infected employees or workers.	The program will advocate for inclusivity, welcoming all individuals regardless of their HIV status. Contractors for sub-projects will provide training on HIV/AIDS awareness, prevention, and management to their workers in accordance with this legislation.
13	The County Government Act, 2012	Part II of the Act delegates authority to County Governments to oversee the planning of development projects, ensuring integrated planning and coordinating public participation, as well as environmental protection, including controlling air and noise pollution and addressing other public nuisances. Additionally, the Act grants County Assemblies the power, as outlined in the Constitution, to receive and approve plans and policies affecting the management and exploitation of county resources, as well as the development and	The Physical Planning department of the County, among others, will oversee the approval of school structural designs. Additionally, other relevant County departments, like the Department of Environment and Natural Resources, and the Department of Health, may issue directives regarding waste management and fire emergency preparedness, among other matters.

		management of infrastructure and institutions. Furthermore, the Act mandates County Governments to facilitate and coordinate community participation in local governance, assisting communities in developing administrative capacity for effective participation in local governance functions and powers.	
14	Standards and Guidelines for WASH Infrastructure in pre-primary and primary schools	The guideline serves as a technical reference for planning, designing, constructing, and managing WASH facilities. It offers guidance and recommends best practices for implementing sanitation and water supply in pre-primary and primary schools. It advises on procedures for selecting, designing, and implementing water sanitation and hygiene facilities, strategies to ensure cost-effectiveness, measures for successful implementation and maintenance of school WASH facilities, and procedures for enhancing facility performance and sustainability.	The construction of sanitation facilities is included in the program activities, and the Ministry of Education (MoE) must adhere to the guidelines and requirements for the proper siting and construction of WASH infrastructure. The design of the WASH facilities will incorporate measures to guarantee their long-term sustainability.
15	Public Health Act, Cap 242	The Public Health Act is designed to safeguard human health by preventing the introduction of infectious diseases, promoting public health, and controlling the spread of communicable diseases. It advises and directs local authorities on matters concerning public health and encourages a healthy environment by regulating waste management, pollution, and food hygiene. The Act prohibits activities that could pose a risk to human health and mandates local authorities to maintain clean and sanitary conditions within their jurisdiction. It also mandates proper construction and maintenance of buildings used for storing foodstuffs. Public health officers are responsible for inspecting schools to ensure compliance with the Act	Sanitation facilities, including those accommodating learners with special needs, must meet the minimum standards outlined in the Public Health Act. Additionally, the Program is tasked with promoting food safety and hygiene in the CKA initiative under the SMP. The County Public Health Department is responsible for inspecting and monitoring suppliers and schools to ensure they have adequate and safe food storage facilities and adhere to food hygiene measures. To ensure the safety and proper handling of food supplied to schools, the Ministry of Education will collaborate with the Ministry of Health or County Departments for regular inspections and monitoring.
16	NCA Act, 2011	The Authority is responsible for accrediting and registering contractors and overseeing their professional activities. All construction works, contracts, or projects, whether in the	Construction activities for school infrastructure, including classrooms and WASH facilities, require contractors and construction workers to be registered and accredited by the

		public or private sector, must be registered with the Authority as per the provisions of the Act.	relevant authority. Both new construction and rehabilitation sub-projects must also be registered with the authority.
Social legislation relevant to Program activities			
1	The Constitution of Kenya (CoK), 2010	<p>Provision for equality and freedom from discrimination: The Constitution of Kenya enshrines the Bill of Rights, forming the cornerstone of Kenya's democratic governance and guiding social, economic, and cultural policies. Article 19 is dedicated to upholding the dignity of individuals and communities, fostering social justice, and unlocking the potential of all Kenyans. Article 21 emphasizes the gradual realization of social and economic rights, mandating the State to uphold, respect, protect, promote, and fulfill the rights and freedoms outlined in the Bill of Rights. Article 27 underscores the principles of equality and non-discrimination, ensuring full and equal enjoyment of rights and freedoms for all. It mandates equal treatment for women and men in all spheres of life, prohibits discrimination based on various grounds including race, sex, pregnancy, marital status, and others, safeguarding against both direct and indirect discrimination.</p>	<p>The program aims to tackle existing inequalities in basic education access by reducing gender disparities in school participation and regional disparities in learning achievements. While the program covers the entire nation, there is particular attention to educationally disadvantaged Counties, which face challenges in accessing basic education. Through this, the program will help uphold the rights of all learners and regions to quality basic education.</p>
		<p>Provision for vulnerable and marginalized groups: Article 260 of the Constitution defines a "marginalized community" as: i) a group with a small population unable to fully engage in Kenya's social and economic life; ii) a traditional community preserving its culture outside mainstream society; iii) an indigenous group maintaining a hunter-gatherer lifestyle; or iv) pastoral communities, whether nomadic or settled but isolated. The Constitution mandates the State to address the needs of vulnerable groups, including minorities and marginalized communities (Article 21.3). Specific provisions include affirmative action programs (Articles 27.6, 56), protection of cultural and linguistic communities (Articles 7, 44.2, 56), safeguarding community</p>	<p>The program will establish mechanisms to ensure that Indigenous Peoples (IPs) and Vulnerable Marginalized Groups (VMGs) have access to program benefits, including scholarships for teacher trainees, and opportunities for teacher recruitment, and employment within the scope of school infrastructure activities.</p>

<p>land (Article 63), promoting minority representation in Parliament (Article 100), and establishing an equalization fund for marginalized areas (Article 204).</p>	
<p>Provisions on Disability: Chapter 4, Part III, Rights of Persons with Disabilities (Clause 54), individuals with disabilities are entitled to: i) respectful treatment and communication; ii) access to inclusive educational institutions and facilities; iii) reasonable access to public spaces, transportation, and information; iv) communication through Sign language, Braille, or other appropriate means; and v) access to assistive materials and devices. The State is mandated to progressively implement the principle of having at least five percent representation of persons with disabilities in both elective and appointive bodies.</p>	<p>The program will establish measures to ensure that persons with disabilities can access program benefits such as scholarships and opportunities for teacher recruitment. School infrastructure will be constructed to be disability-friendly, facilitating ease of access for all.</p>
<p>Provisions on Social Inclusion including Children, Youth, People Living with Disability and Women: The Constitution of Kenya ensures equality before the law for all individuals and mandates equal protection and benefits. It establishes a minimum gender representation requirement, aiming for not more than Two-Thirds of either gender in elected and appointed positions. Article 21 (3) directs State organs and public officers to address the needs of vulnerable groups, including women, older individuals, persons with disabilities, children, youth, and marginalized communities. Article 27 (1 and 4) prohibits age-based discrimination, while Article 55 guarantees youth opportunities in various spheres, including employment and education, defining youth as individuals aged 18 to 35. Article 53 protects children by guaranteeing their basic needs, shelter, health care, and safeguarding them from abuse, neglect, violence, harmful practices, and hazardous labor. The child's best interest is prioritized in all matters concerning them according to Article 53 (b).</p>	<p>The program will implement measures to prevent child labor related to infrastructure sub-projects. Additionally, safeguards will be established to protect children, women, persons with disabilities (PWD), and youth from gender-based violence (GBV) and sexual exploitation and abuse (SEA-H) risks arising from construction or program activities. Contractors will be required to ensure that all workers sign a code of conduct to prevent GBV/SEA-H and uphold children's rights. Furthermore, mechanisms will be established to ensure that persons with disabilities have access to program benefits, including scholarships, teacher recruitment, and appropriate infrastructure provision.</p>

2	Gender Policy, 2011	The aim of this policy is to incorporate gender perspectives into national development efforts to enhance gender equality. The policy advocates for the inclusion of measures to systematically identify and address gender-specific vulnerabilities and capacities of both men and women.	The program aims to generate employment opportunities and tackle gender disparities in the workforce by integrating gender considerations. It prioritizes equal access to education for both genders and mandates equal employment opportunities for men and women among program contractors and subcontractors. Additionally, the program addresses gender inequalities in basic education participation by reducing disparities between boys and girls. It also implements measures to ensure gender equity in accessing program benefits, including scholarships, teacher recruitment, and employment opportunities related to construction.
3	Sexual Offences Act 2012	This legislation, enacted by Parliament, addresses sexual offenses with the aim of preventing harm from unlawful sexual acts and safeguarding all individuals. Sections 15, 17, and 18 specifically target sexual offenses involving minors (children).	Reporting, monitoring, and addressing sexual offenses against program beneficiaries, including girls, vulnerable boys, and refugee children, will be facilitated through established mechanisms. Enhanced collaboration and communication among various stakeholders, including teachers, head-teachers, community leaders, chiefs, and the children's department, are essential for addressing incidents that violate the Act.
4	Child Rights Act 2012	This Act addresses various aspects of parental responsibility, fostering, adoption, custody, maintenance, guardianship, and protection of children. It also regulates the administration of children's institutions and aligns with international principles such as those outlined in the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Section 15 specifically prohibits sexual exploitation of children, including prostitution, coercion into sexual activities, and exposure to obscene materials.	The program will implement measures to safeguard children from gender-based violence and sexual exploitation and abuse in construction activities and in accessing program benefits. Additionally, contractors must ensure their workers adhere to a code of conduct to prevent gender-based violence, sexual exploitation, abuse, and child labor.
5	Labour Relations Act 2012	This Act consolidates laws related to trade unions and disputes, regulating their registration, management, and	The program will support teachers in exercising their rights, including joining unions and associations, by creating

		<p>democratization. It aims to foster sound labor relations by safeguarding freedom of association, encouraging effective collective bargaining, and facilitating dispute resolution. Section II Part 6 guarantees employees' freedom to associate, Section 7 protects their rights, Part 9 addresses dispute adjudication, and Part 10 safeguards employees' right to strike and employers' right to lockouts.</p>	<p>conducive environments. Contractors must ensure contracts that safeguard workers' labor rights are in place and enforced.</p>
6	<p>The National Council for Disability Act, 2003</p>	<p>This Act establishes the National Council for Disability to promote the rights of persons with disabilities as outlined in international conventions, legal instruments, and the Constitution. It defines the council's composition, functions, and administration, along with other related matters.</p>	<p>The program will establish mechanisms to cater to the needs of persons with disabilities (PWDs), including providing ramps for easier building access, constructing PWD-friendly WASH facilities, and offering employment opportunities for PWDs during program implementation.</p>

4 INSTITUTIONAL RESPONSIBILITIES FOR MANAGEMENT OF ENVIRONMENTAL, SOCIAL HEALTH AND SAFETY SYSTEMS

53 The institutions listed in the Table below are tasked with managing environmental, social, health and safety risks and impacts of the Program for realization of benefits.

Table 2: Institutional Responsibilities for Environmental, Social, Health and Safety Management

No.	Institution	Responsibilities	Relevance to the Program
1.	The Ministry of Education	The mandate of MoE is to ensure that all learners including those with special needs/disability and from minorities and marginalized groups have a right to free and compulsory basic education.	The MoE will ensure the protection of learners from the risks of GBV/SEA-H and child labor
2.	County Governments	The County Governments have powers to control or prohibit all businesses, factories and other activities including the proposed Program which by reason of smoke, fumes, gases, dust, noise or other cause, maybe a source of danger, discomfort or annoyance to the neighborhood. They also have powers to prescribe conditions that such businesses, factories, and other developers must comply with.	County Government and its relevant departments shall supervise Program roll-out to ensure no activity being implemented shall cause no harm to the environment or be a source of danger, discomfort, conflict or annoyance to the public at large.
3.	Ministry of Environment, Climate Change and Forestry	<p>The Ministry is responsible for environmental risks management at the policy level. The mission statement and the key objective of the ministry is to facilitate good governance in the protection, restoration, conservation, development and management of the environment, water, and natural resources for equitable and sustainable development.</p> <p>The mandate of the ministry is to monitor, protect, conserve, and manage the environment and natural resources through sustainable exploitation for socio-economic development aimed at eradication of poverty, improving living standards and ensuring that a clean environment is sustained now and in the future. The ministry comprises Semi-Autonomous Government Agencies under the ministry (SAGA's) including the National Environment Management Authority, Kenya Forest Service (KFS) among others.</p>	<p>Construction related activities shall be carried out in manner that ensures appropriate usage of the environment, water, and natural resources. Proposed infrastructure shall not be constructed in environmentally fragile areas.</p> <p>Before commencing construction related activities, mandatory environmental and social risk screening will be undertaken, and requisite instruments developed to guide management of adverse ESHS impacts facilitating environmental and social sustainability.</p> <p>The Ministry will play a key role in enhancing collaboration and synergy with different state departments on policy.</p>

No.	Institution	Responsibilities	Relevance to the Program
4.	National Environment Management Authority (NEMA)	<p>The National Environment Management Authority is a government parastatal established under the Environmental Management and Coordination Act (EMCA) No.8 of 1999, amended in 2015.</p> <p>The responsibility of NEMA is to supervise and coordinate all matters relating to the environment and be the principle of government agency in the implementation of policies relating to the environment.</p> <p>The authority is responsible for granting ESIA approvals including monitoring compliance with all environment regulations for any development project, to ensure protection and sustainability of the environment and development. The NEMA also offers advice on land-use planning and ensures that environmental management is integrated in development plans, policies, programs and projects.</p>	<p>Infrastructure interventions of the Program will be subjected to environmental and social assessments, undertaken by lead experts and submitted to NEMA for review and issuance of licences. NEMA licenses are issued with conditions that contractors will be required to comply with.</p> <p>The MoE will liaise with NEMA in monitoring compliance and implementation of ESMPs. The NEMA will also be engaged to offer capacity building, at the various levels.</p>
5.	County Environmental Committees (CEC)	<p>The County environmental committees contribute to decentralization of environmental management and enable the participation of local communities including persons with disabilities, marginalized groups and women in environmental management at the county level.</p> <p>The environmental management committees are constituted by the Governor and tasked with environmental management within the County.</p>	<p>The committees have a responsibility to conduct site visits and review environment related reports of County projects. In certain instances, they attend sub-projects site meetings and subsequently follow-up on infrastructure matters.</p>
6.	National Environmental Complaints Committee	<p>The National Environmental Complaints Committee (NECC) is established under Section 31 of EMCA. The NECC has powers to investigate any person or even against NEMA or on its own motion on any suspected case of environmental damage and/or degradation.</p> <p>The NECC is required by law to submit reports of its findings and recommendations to NEMA.</p>	<p>Where grievance cannot be resolved through the Program GRM systems, the committee shall be engaged to help address such environmental related complaints/ grievances or those against NEMA decisions. Any unresolved grievances are referred to the office of the Ombudsman.</p>
7.	National Environment Tribunal (NET)	<p>EMCA established the National Environment Tribunal which has the jurisdiction to hear appeals from the decision of NEMA particularly on, the grant of a license or permit or a refusal to grant a license or permit, or the transfer of a license or permit; the imposition of any condition, limitation or restriction on a license the revocation, suspension or variation of a license; the amount of money payable as a fee and the imposition of an environmental restoration order or environmental improvement order. These appeals must</p>	<p>The tribunal shall be engaged as and when disputes arise against NEMA decisions, as related to Program interventions.</p>

No.	Institution	Responsibilities	Relevance to the Program
		<p>be brought with 60 days of the decision so appealed. The tribunal is prohibited from extending this timeline by Rule 7 of the National Environmental Tribunal Procedure Rules, 2003, and thus does not hear any appeals brought outside it. EMCA gives the Tribunal the power to hear appeals against decisions of the Director-General of NEMA, NEMA itself, or NEMA Committees.</p>	
8.	Environment and Land Court	<p>The Court has jurisdiction over any disputes relating to the environment and land. The Court has powers to deal with disputes relating to: i) land administration and management; ii) public, private and community land and contracts, leases in action or other instruments granting any enforceable interests in land; iii) appellate jurisdiction over the decisions of subordinate courts or local tribunals in respect of matters falling within the jurisdiction of the Court; and, iv) it exercises supervisory jurisdiction over the subordinate courts, local tribunals, persons or authorities in accordance with Article 165(6) of the Constitution.</p>	<p>The Court shall be engaged as and when matters arise as related to implementation of Program activities such as infrastructure interventions particularly when such environmental related complaints/grievances cannot be resolved through the SEEQIP GRM at sub-project, county, and national levels.</p>
9.	Directorate of Occupational Safety and Health Services (DOSHS)	<p>The Directorate of Occupational Safety and Health Services (DOSHS) is one of departments within the Ministry of Labour and Social Protection, whose primary objective is to ensure safety, health and welfare of all workers in all workplaces.</p> <p>The Directorate enforces Occupational Safety and Health Act, (2007) with its subsidiary legislation which aims at prevention of accidents and diseases at work. It also administers the Work Injury Benefits Act, 2007 (WIBA, 2007) which provides for compensation of workers who have been injured or have suffered a disease out of and in the course of employment.</p> <p>Inspecting workplaces to ensure compliance with safety and health laws, including: investigation of occupational accidents and diseases with a view to preventing recurrence, training on OSH, first aid and fire safety and disseminating information on occupational safety and health to customers among other issues</p>	<p>The DOSHS will play a key role in SEEQIP by inspecting and auditing workplaces to promote best practices and ensure compliance with safety and health standards as set out in OSHA, 2007 and its subsidiary regulations.</p> <p>Potential OHS compliance gaps have been noted for the SEEQIP. Therefore, the DOSHS will be engaged to undertake capacity building at various government levels.</p>

No.	Institution	Responsibilities	Relevance to the Program
10.	The National Construction Authority (NCA)	The NCA was constituted to regulate, streamline and build capacity in the construction industry. It oversees the Kenyan construction industry and coordinates developments in the sector to ensure an effective and sustainable industry. The authority oversees; i) accrediting and registering contractors and regulating their professional undertakings, ii) registering all construction projects, iii) accrediting and certify skilled construction workers and construction site supervisors, iv) commissioning research into matters relating to the building sector, and v) the authority develops and publish a code of conduct for the construction industry.	The NCA will register sites and issue permits for construction of sub-projects under SEEQIP. The authority will also have a supervision role as part of its mandate to manage construction sites including safety aspects and quality assurance.
11.	Ministry of Health (Department of Public Health)	Public health officers play a critical role in the regulation and enforcement of the public health requirements. In Schools, they are required to: a) assess food handlers' health status, b) conduct impromptu visits to schools to check on food storage, food preparation process and sources and quality of water c) give advice on quality standards for food and food storage and processing, and d) approve design drawings for school infrastructure before construction.	Public health officers will facilitate in promoting food safety, handling, sourcing, and storage in the beneficiary schools. Additionally, the officers will review and approve designs of proposed school infrastructure and ensure such infrastructure adhere to public health requirements.
12.	State Department for Public Works	The Department provides technical advice to schools on all construction aspects including siting, development of designs, bill of quantities and supervision of the construction works to ensure quality construction of infrastructure in schools. The Department reviews and approves design drawings arising from consultants engaged by schools, and also certifies construction works and issues construction completion certificates necessary for prompting payment/handling over the facilities to the schools/MoE.	The MoE shall engage the State Department for Public Works on all technical aspects - including design, siting and quality of the proposed infrastructure

No.	Institution	Responsibilities	Relevance to the Program
13.	Ministry of Labour and Social Protection - State Department for Social Security and Protection	<p>The department focuses on the welfare of the family, women, Children, older persons and other vulnerable groups with special attention accorded to Persons with Disabilities (PWDs).</p> <p>The mandate of the department is formulation, review and implementation of Social Security, employment, Programme for persons with disabilities, National Human Resource Planning and Development, National labour productivity, Child Labour and regulation management, Facilitating and Tracking Employment creation, Co-ordination of National employment, Internship and Volunteers for public service, Community Development, Protection and advocacy of needs of Persons with Disabilities, Social Assistance Programmes, Workplace Inspection and Workman’s Compensation</p>	<p>The Program aims to target the most deserving of beneficiaries for Program benefits including VMGs/IPs.</p> <p>The Social Risk Management Unit within the ministry will support in management of Program social risks and impacts through capacity building to the various government levels. In addition, to identify and mitigate social risks during project inception, implementation, and operation phases.</p>
14.	Commission of Administrative Justice (CAJ)	<p>The office of the Ombudsman is commissioned with receiving and addressing public complaints. The types of complaints considered are; (i) Citizen against State/public officers and institutions; (ii) Public Officers against fellow public officers; and, (iii) Public Institutions against other public institutions. The Commission is also mandated to oversee and enforce the implementation of the Access to Information Act, 2016.</p>	<p>The commission shall engage with targeted Counties’ Directors of Education to facilitate the avoidance of abuse of power, delay, unfair treatment and injustice to Program beneficiaries.</p>
15.	Ministry of Labour and Social Protection Department for Social Protection	<p>The Department is responsible for sectoral oversight and management, of all matters concerning children, older persons and persons with disabilities. The Department also oversees the development of policies on children, older persons, persons with disabilities and social development, management of statutory institutions.</p>	<p>The department will ensure the protection of children from the risks of GBV/SEA-SH and child labor.</p>
16.	Ministry of Labour and Social Protection Department of Labour	<p>The department is responsible for sectoral oversight and management of all matters concerning employment, labour relations and working conditions. The Department is also responsible for the promotion of occupational health and safety at work, carrying out workplace inspection, and implementing Workman’s Compensation Policy.</p>	<p>The Department will ensure protection of workers from risks of GBV/SEA-SH. It will also ensure that female workers involved in construction and teachers have equal employment opportunities.</p>

No.	Institution	Responsibilities	Relevance to the Program
17.	Ministry of Public Service and Gender State Department of Gender	The department is responsible for sectoral oversight and management of all matters concerning gender. This includes implementation of the Gender Policy, special programs for women affirmative action, social empowerment of women, gender mainstreaming in ministries/departments/agencies, community mobilization, domestication of international treaties/conventions on gender, and policy and programmes on gender violence.	The department will assist in promoting equitable access to program benefits between women and men; monitoring of 30% access to government procurement opportunities for women, youth, and persons with disabilities; supporting activities targeting to reduce GBV and ensuring gender mainstreaming.
18.	National Gender and Equality Commission (NGEC)	The commission is responsible for oversight and surveillance of all matters concerning gender equality and equity; promoting gender equality and equity; coordinating gender main-streaming in national development; and facilitating gender main-streaming in national development.	The NGEC will assist to ensure there is gender equality and equity in access to program benefits including employment opportunities created through construction activities and in teacher recruitment.
19.	Kenya National Commission of Human Rights	The main goal of KNCHR is to investigate and provide redress for human rights violations. It achieves this goal by researching and monitoring compliance with human rights norms and standards, carrying out education and awareness creation on human rights, facilitating training, campaigns and advocacy on human rights as well as collaborating with other stakeholders in Kenya on human rights issues.	The KNCHR will assist to investigate and provide redress for human rights violations, as well as in monitoring compliance with human rights norms and standards in basic education in the target Counties.
20.	National Council for Persons with Disability (NCPWD)	The National Council for Persons with Disabilities is a state corporation established by an Act of Parliament; the Persons with Disabilities Act No. 14 of 2003 and set up in November 2004. The Council is mandated to promote and protect equalization of opportunities and realization of human rights for PWDs to live decent livelihoods.	Program activities will consider PWDs as beneficiaries, in promoting their inclusivity, human dignity, equity, and integrity. During the design review of infrastructure investments, the SEEQIP will collaborate with the NCPWD to facilitate inclusion of design specifications to cater for the needs of the PWDs.
21.	The Department of Refugee Services (DRS)	The DRS is an institution established under the Refugee Act, 2021. The DRS is responsible for all administrative matters concerning asylum seekers and refugees in Kenya; coordinates activities and programmes relating to asylum seekers and refugees; and handles all operational aspects of protection and assistance of refugees.	The MoE, in collaboration with county governments and the DRS, will provide technical coordination, capacity building and backstopping for the WHR interventions. The DRS will be represented at the sub-national level and DRS camp managers part of county coordination committees,

No.	Institution	Responsibilities	Relevance to the Program
			for WHR counties.

5 COMPARATIVE SYSTEM ANALYSIS OF BORROWERS ENVIRONMENTAL, SOCIAL, HEALTH AND SAFETY SYSTEM IN RELATION TO THE PforR CORE PRINCIPLES AND KEY PLANNING ELEMENTS

- 54 This chapter summarizes the operational performance, and capacity of institutions for E&S management of identified E&S risks and impacts associated with the Program interventions as defined in policies, legal and regulatory framework, procedures, guidelines and consistency with the core principles and key planning elements of PforR financing.
- 55 The applicability of the six core principles in terms of strength, weakness, opportunities, and threats/risks with respect to the policy and legal framework, institutional context and existing environment and social management system are discussed. The Approach applied entails:
- i. An analysis of the strengths of the existing ESHS system, as it functions effectively and efficiently and it's consistent with Bank Policy and Directive for Program-for-Results Financing.
 - ii. Identification of system challenges/weaknesses, capacity constraints and gaps in the existing national and county levels. Considering the inconsistencies and gaps with the Bank Policy and Directive for Program-for-Results Financing.
 - iii. Identification of opportunities and key actions to strengthen the existing system to ensure environmental and social soundness and long-term sustainability in line with the design, construction, and operation phases of Program interventions.
 - iv. System and capacity assessments that identified gaps and opportunities which informed the Program design recommendations and Program Action Plan (PAP) for enhanced ESHS management.
- 56 Based on the findings from the analysis, and the resulting identification of gaps, the opportunities, proposed mitigation measures and actions to strengthen the existing system will be used to inform the recommendations presented for the Program for managing E&S aspects and will also inform the preparation of the Program Action Plan (PAP). The analysis of borrowers Environmental, Social, Health and Safety system in relation to the PforR Core Principles is presents in Table X below:

Table 3: Analysis of borrowers Environmental, Social, Health and Safety system in relation to the PforR Core Principles

<p>Core Principle 1: General Principle of Environment and Social Management</p>	
<p>Bank Policy for Program-for-Results Financing: Environmental and social management procedures and processes are designed to.</p> <ul style="list-style-type: none"> a) promote environmental and social sustainability in Program design. b) avoid, minimize, or mitigate against adverse impacts; and c) promote informed decision-making relating to a Program’s environmental and social effects. 	
<p>Bank Directive for Program-for-Results Financing: Program procedures will:</p> <ul style="list-style-type: none"> a) Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the Program level. b) Incorporate recognized elements of environmental and social assessment good practice, including: <ul style="list-style-type: none"> • early screening of potential effects of all projects. • consideration of strategic, technical, and site alternatives (including the “no action” alternative). • explicit assessment of potentially induced, cumulative, and trans-boundary impacts. • identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized. • clear articulation of institutional responsibilities and resources to support implementation of plans. • Responsiveness and accountability through stakeholder consultation, timely dissemination of Program information, and • responsive grievance redress measures. 	
<p>Applicability: Applicable</p> <p>Core Principle 1 is relevant as related to environmental and social management for the SEEQIP. The PforR component of the SEEQIP includes investments pertaining to civil work activities related to new construction, rehabilitation, or expansion of existing infrastructures. These include classrooms, WASH facilities, rain harvesting, among others.</p> <p>The implementation of these type of investments are likely to have a physical footprint with varying degree of E&S risks and impacts during the lifecycle of the sub-project investments (construction, operation, and maintenance, and during decommissioning phases). Although expected to be localized, manageable and in some cases temporary, these risks and impacts require mitigation. Potential impacts may be due to materials sourcing and excavation, waste generation and management, health and safety risks and environmental (land, air, water) pollution. The SEEQIP will undertake E&S assessments and providing appropriate mitigation measures for identified E&S risks and adverse impacts.</p>	
<p>STRENGTHS</p> <ul style="list-style-type: none"> ▪ Kenya has an adequate national policy, legal and regulatory framework for environmental and social management. Regulations clearly articulate institutional responsibilities to support implementation of ESHS plans. ▪ The National EIA system is anchored on EMCA, 1999, (amendment, 2015) and EMCA legal Notice No. 31 2019 and provides a comprehensive 	<p>CHALLENGES/WEAKNESSES</p> <ul style="list-style-type: none"> ▪ The EIA system mainly focuses on environmental aspects and does not comprehensively cover the social, health and safety aspects such as on labour, occupational/community health and safety, land management.

<p>framework for environmental impact assessment broadly consistent with the core principles of the Bank policy and Directives on PforR operations and key planning elements.</p> <ul style="list-style-type: none"> ▪ EMCA provides clear guidelines on screening and categorisation of the sub-projects according to the risks. The risk rating can either be low, medium, or high-risk as outlined in legal Notice No. 31, EMCA, 1999, amendment of the second schedule, 2019. ▪ NEMA is the responsible entity to ensure compliance with EIA regulations and is devolved to the County level. The County offices are staffed with environmental inspectors responsible for monitoring environmental compliance of projects within their jurisdiction. ▪ The EMCA provides for the preparation of County Environmental Action Plans (CEAP) whose objectives include the provision of guidance on the planning and management of the environment and natural resources at the county level. ▪ The national standard contract documents for civil works under the Public Procurement Regulatory Authority (PPRA), have some ESHS clauses incorporated, with an opportunity for strengthening, to enhance compliance enforcement and monitoring. ▪ Public participation in county planning processes is provided for in the County Governments Act 2012, requiring provision of clear information on environmental and social impacts in the engagements. Some counties have developed and enacted public participation legislation, while others are in the preparatory stage. ▪ Counties undertake quarterly citizen forums for public engagement on investment priorities and activities. Other avenues for stakeholder engagement include newspapers, radio, TV stations, face-book/twitter platforms, local leaders, and churches. ▪ The Grievance redress systems at the national and county levels are in place although in some cases not well structured and functional. Some counties have established GRM committees with committee members comprising of; engineer, planner, E&S officers, and a desk officer. Examples of Grievance uptake channels include written grievance, walk 	<ul style="list-style-type: none"> ▪ There is insufficient ESHS human and financial resources allocated at the MoE to ensure fidelity of implementation of the systems and compliance monitoring. ▪ In some cases, there were inadequate personnel and skills at counties responsible for mainstreaming ESHS aspects and management thereof. ▪ Counties are not allocated adequate budgets to award full-time resources for ESHS management. The most common arrangement is secondment of county resources with high turnover and limited ESHS management. ▪ There is varied application of country systems on environmental, social, health and safety risk management, labour and working conditions, and grievances management, as per the national requirements. ▪ Weak multi-sectoral coordination and collaboration with key MDAs such as NEMA, NCA, public works and DOSHS to provide technical and monitoring support for interventions. ▪ NEMA supports external monitoring/providing oversight on sub-projects during implementation but are currently understaffed and underfunded to support proper preparation and supervision of projects. ▪ There is general appreciation on the need to undertake stakeholder consultations during the inception, preparation, implementation, and operational phases of the interventions. However, meaningful public participation is not attained as there are gaps on public consultation notices, allocated duration, documentation, and feedback to the public of scheduled sessions. ▪ The existing GRM systems at the county levels are not standardized and have notable gaps in logging, responding, and resolving. In addition, GRM committees do not include community and VMGs/IPs representation.
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<p>in, GRM desk/log, face book and counties toll free hotline numbers (updated on their websites).</p>	
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> ▪ The E&S screening checklist developed under the KPEELP should be reviewed for enhanced identification of potential ESHS risks and impacts and risk categorisation based on Legal Notice No. 31, EMCA, 1999, amendment of the second schedule, 2019. ▪ Ensure consistent application of screening checklist across counties and across projects. ▪ Allocate adequate budget for ESHS management such as on stakeholder engagement, grievance management, ESHS assessments and monitoring. ▪ To improve on ESHS documentation, monitoring and reporting, applying the guidelines, SOPs and templates in the KPEELP ESHS management manual. ▪ Considerations for peer learning on ESHS management can also be explored through inter-forums, information sharing and exchange Programs. ▪ The Program will partner with DOSHS, NEMA, Department of Labour, Department for Social Protection, public works and public health to enhance the capacity of counties on ESHS risks management based on national laws and regulations. ▪ Enhance the ESHS clauses in the contract and bidding documents to ensure key issues are comprehensively included. Contractors are required to ensure they have qualified ESHS personnel, comply with site specific ESMPs prepared for the sub-projects and integrate the NEMA licence conditions, including labour welfare, health and safety aspects in contract management. ▪ Review the guidelines on stakeholder engagement, in the KPEELP ESHSM manual, for enhanced targeting, inclusion, consultation, and feedback mechanism. Public consultations should be comprehensive to include i) description of site conditions versus project design considerations; ii) project affected persons (PAP) and beneficiaries; iii) checklist to show the level of participation, and iv) feedback incorporated in project designs. 	<p>RISKS</p> <ul style="list-style-type: none"> ▪ Limited financial and human resource capacity for ESHS management at the counties. ▪ Inadequate social risks identification and assessments at project level as there is no existing national regulatory body for social risk management and such risks are not adequately captured in EIA's. ▪ Limited supervision, monitoring and reporting on ESHS management. ▪ Political interference in decision-making on budgets, investment priorities operationalization of environmental and social management plans, application of by-laws and planning guidelines.

<ul style="list-style-type: none"> ▪ Review GRM provisions in the KPEELP ESHSM manual to; i) harmonize and strengthen the existing grievance redress mechanism under SEQIP and KPEELP for enhanced functionality; ii) incorporate a GBV referral pathway and referral system hotline to addressing GBV/SEAH issues; iii) Ensure the GRM is gender responsive and accessible to all persons including VMGs and IPs, iv) have a comprehensive system for documenting grievances with feedback mechanisms; v) create awareness to the public on the GRM systems and uptake channels; vi) assign a GRM focal person at county level and enhance their capacities, vii) have a functional and well represented GRM committee, and viii) Build capacity of the GRM focal persons on the mechanism, structure, logging and feedback. ▪ Grievance management structures exist in the WHR counties (Turkana and Garissa), but require strengthening by integrating the GRM local structures, reviewing the Grievance Redress Committee (GRC) composition to include community leaders and elders from the refugees and host communities. 	
<p>Core Principle 2: Natural Habitats and Physical Cultural Resources</p>	
<p>Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources (PCR) resulting from the Program. Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.</p>	
<p>Bank Directive for Program-for-Results Financing: Program procedures will:</p> <ul style="list-style-type: none"> • Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas. • Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or Program activities. • Takes into account potential adverse effects on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects. 	
<p>Applicability: Applicable</p> <p>The provisions in Core Principle 2 are considered as part of the ESIA process analyzed under Core Principle 1. The program will not support activities that will either impact or be implemented in natural habitats and areas of cultural significance. School infrastructure construction activities will not likely generate significant adverse impact on natural habitats and physical cultural resources as all the civil works will be within the boundaries of existing schools. However, all sub-projects under the school infrastructure activities will be subjected to screening and appropriate mitigation measures put in place to manage all potential ESHS risks. This includes reviewing the siting of proposed infrastructure to ensure they are not located in natural habitats or areas of</p>	

cultural significance as prescribed in the exclusion list. In addition, chance finds procedures will be embedded in construction contracts and supervised appropriately. The Program will not support investments that would either affect, convert or degrade critical natural habitats and cultural heritage sites.

<p>STRENGTH</p> <ul style="list-style-type: none"> ▪ The existing system especially the Environmental Management and Coordination Act - EMCA, 1999, amendment (2015) and National Museums and Heritage Act, 2006 (2012) provides for protection of natural habitats and physical cultural resources, including screening for archaeological, historical, and cultural sites to ensure environmental and social sustainability. ▪ The E&S screening checklist prepared under the KPEELP facilitates identification of the potential impacts to natural habitats and PCR at the sub-project areas and avoid construction impacts. ▪ National Museums of Kenya (NMK) under the Ministry of Sports, Culture and Heritage has procedures and mechanisms for chance finds for PCR. The department has mapped the PCR and has a special protection status preventing degradation or damage. ▪ There are existing institutions legally established that mainly guide on the protection of Natural habitats and PCR such as NEMA, Kenya wildlife Service (KWS), Water Resource Authority (WRA), Kenya Forest Service (KFS) and NMK. ▪ Counties recognize the presence and importance of physical cultural resources and have mapped them within their jurisdictions. 	<p>WEAKNESS</p> <ul style="list-style-type: none"> ▪ Most departments at counties have not fully appreciated the County Integrated Development Plans (CIDPs) which is a multisectoral document and includes aspects on protection of the natural habitats and PCR. ▪ Due to limited awareness on the presence and importance of PCR such as structures, monuments, natural features, and landscapes that have archaeological, historical, religious, or cultural importance, PCR's may not be identified and hence affected. ▪ Budgets necessary for the protection of the PCRs are inadequate or unavailable, which may result in high risk of destruction/degradation of the PCRs. ▪ Garissa and Turkana counties are challenged with environmental degradation, mainly from cutting of indigenous trees for wood fuel and building materials. The <i>prosopis Juliflora</i> shrub, originally introduced as a solution to deforestation and fuelwood shortages, has become highly invasive, displacing indigenous plants, and negatively impacting biodiversity and livelihoods.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> ▪ Encourage multisectoral collaboration (such as with KFS, KWS, NMK, NEMA) to better manage the natural habitats and physical cultural resources. ▪ Chance find procedures should be made a key requisite in E&S management provisions, in civil works contracts for infrastructure sub-projects. ▪ Enhance awareness on safeguarding PCR and natural habitats in counties. 	<p>Risks</p> <ul style="list-style-type: none"> ▪ The inability to adequately screen sub-projects may lead to adverse impacts to the physical cultural resources and natural habitats. ▪ Construction of infrastructures pose potential risks to natural habitats and PCR if not appropriately sited and if chance finds procedures are not embedded in general construction contracts and supervised appropriately. ▪ Limited budget allocation for the protection of PCR or conservation of the natural habitats.

<ul style="list-style-type: none"> ▪ Incorporate climate change consideration in the design of sub-projects such as access roads, surface drainage and waste management infrastructure. ▪ Update the county database on existing natural habitats and physical cultural resources within the county, to promote conservation and preservation respectively. ▪ Allocate sufficient budget for the identification and management of natural habitats and PCRs. ▪ Promote the preservation of culture during infrastructure design especially under the WHR component. 	
<p>Core Principle # 3: Public and Worker Safety</p>	
<p>Program E&S management systems are designed to protect public and worker safety against the potential risks associated with;</p> <ul style="list-style-type: none"> a) the construction and/or operation of facilities or other operational practices under the Program; b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards. 	
<p>Bank Directive for Program-for-Results Financing: Program procedures will:</p> <ul style="list-style-type: none"> ▪ Promotes community, individual, and worker health, safety, and security through the safe design, construction, operation, and maintenance of Program activities; or, in carrying out activities that may be dependent on existing infrastructure, incorporate safety measures, inspections, or remedial works as appropriate. ▪ Promote measures to address child and forced labour. ▪ Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated under the Program activities. ▪ promotes the use of integrated pest management practices to manage or reduce pests or disease vectors, and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions. ▪ Include adequate measures to avoid, minimize, or mitigate community, individual, and worker risks when the Program activities are in areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events. 	
<p>Applicability: Applicable</p> <p>The provisions in Core Principle # 3 are considered as part of the ESIA process analyzed under Core Principle # 1. The core principle is fully applicable during construction, operation, maintenance, and decommissioning phases which could pose risks and have impacts on public and worker safety. New construction and rehabilitation of infrastructure sub-projects could expose the public and the community to direct or indirect health and safety risks such as from improper disposal of solid and liquid waste, exposure to hazardous materials which can cause nuisance due to odour, soil contamination, spread</p>	

of disease and pollution (air, noise, and water). Management of OHS risks is provided for in the ESMP and included in the ESIA process under the Kenyan ES risk management system.

STRENGTHS

- The country has legal statutes and provisions to protect the workers such as the Occupational Health and Safety Act (OSHA) 2007 and the Workers Injury and Benefits Act (WIBA), 2007.
- Employment Act No 11 of 2012 [2007] confides the rights of children and has penalties on unlawful employment of children²⁰.
- Kenya has a Climate Change Act, 2016 and National Climate Change Policy Framework which guides on low carbon emission and climate resilient technologies.
- Kenya has several regulations under the EMCA, 1999, such as on waste management, water and air quality, noise and excessive aimed to protect the environment from all forms of pollution and environmental degradation across different sectors.
- The Ministry of Labour through the Directorate of Occupational Safety and Health Services (DOSHS) has the responsibility to promote workers safety and health at workplaces.
- Agencies such as DOSHS and NCA provide guidelines on management of construction sites ensuring the public and workers are safe from risks related to co
- Government E&S systems have elaborate provisions for addressing CHS risks and impacts related to construction activities (noise, air and water pollution), worker influx (GBV and SEA/SH, transmission of HIV/AIDS and other STDs) application to infrastructure investment.
- The national standard contract documents for civil works under the Public Procurement Regulatory Authority (PPRA) includes some clauses such as; a) the requirement to maintain an accident prevention officer on site; b) maintain logs of any accident/incident at the work sites and report on incidents occurred; c) create awareness to workers on HIV and other

CHALLENGES/WEAKNESSES

- The National EIA system does not comprehensively cover aspects on public and worker’s health and safety. This results in the prepared ESIA/ESMP not broadly incorporating health and safety requirements and mitigation measures.
- The Occupational Health and Safety Act mainly covers the workers’ health and safety (OHS) presenting a gap in addressing community health and safety aspects during implementation of infrastructural investments.
- Currently, there are no designated health and safety officers as part of the SEQIP and KPEELP national PCU limiting adequate H&S management.
- Counties have limited engagement and collaboration with DOSHS as a relevant directorate in addressing occupational health and safety related matters. Rarely are they involved in providing health and safety oversight at construction sites.
- Weak implementation and enforcement of OSHA due to limited DOSHS staff and financial resources at county level.
- Limited compliance monitoring of school infrastructure construction to ensure adherence to set national standards due to limited staff capacity and inadequate financial resources among DOSH and NCA.
- There is poor maintenance of school infrastructures by MOE during operational phase to ensure they remain safe for learners and the public
- Limited awareness, capacity, and enforcement of the relevant provisions for addressing community health and safety risks and impacts related at construction sites such as environmental pollution, labour influx risks (GBV-SEAH, spread of HIV/AIDS and communicable diseases). This is mostly due to limited budget for the contractor to comply with the health and safety requirements.

²⁰ The Employment Act No 11 of 2012 provides for the prohibition of employment and awarding of written contracts of children between thirteen years and sixteen years of age.

<p>sexually transmitted diseases; d) labour laws (working hours, facilities for staff and labour, prohibition of forced, compulsory or child labour). However, there is an opportunity to strengthen the existing contract documents.</p>	<ul style="list-style-type: none"> ▪ There is poor siting of infrastructure on wildlife corridors presenting a risk of learner safety. ▪ Weak project workers grievance redress mechanism presenting a gap in addressing workers grievances on occupational safety and health. ▪ There is limited budget allocation for operation and maintenance of infrastructure at the county level presenting potential community health and safety risks. ▪ In Turkana County, child labour is common at Kakuma, this mainly is as a result of high poverty levels of the host community, vulnerability, limited child support, child headed homes and street children.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> ▪ Enhance collaboration with DOSHS for oversight and enforcement on technical and OHS requirements during implementation of infrastructure sub-projects, especially at the county level. ▪ The Program will partner with DOSHS to enhance the capacity of counties on the H&S management in line with national laws and regulations. Among the activities that shall be supported by DOSHS in collaboration with the NPCU include: (i) training and capacity building of officers that support ESHS management on the occupational safety and health act (OSHA) 2007 requirements and related regulations; and (ii) induction and training of contractors on OSHA 2007. ▪ ESIA reports submitted for sub-projects should cover public and workers health and safety requirements. ▪ Identify the gaps in contract and bidding documents to incorporate the ESHS clauses in the ESHS manual and the in the national standard contract documents for civil works, as an addendum. These include; a) Contractor’s requirement to register work sites with DOSHS and obtain the permits; b) application of employee’s insurance to comply with WIBA requirements; c) requirement on contractors key ESHS personnel; d) Code of conduct to the contractor/ sub-contractor employees; d) contractors general ESHS obligations and penalties e) template for reporting ESHS progress, among other key requirements. 	<p>Risks</p> <ul style="list-style-type: none"> ▪ Limited enforcement on public and worker safety aspects at the construction sites may result on incidents and accidents including physical injuries, serious accidents, and fatalities. ▪ Improper management of solid and liquid waste may pose health risks. ▪ Contractor non-adherence to OHS provisions such as site hoarding, provision of PPEs and signages, pose potential H&S risks and impacts.

<ul style="list-style-type: none"> ▪ Review and update the existing KPEELP accidents/incidents recording template and ensure conformity with DOSHS form 1. ▪ Enhance the project worker’s grievance redress mechanism to address workers grievances including incorporating health and safety aspects. ▪ Create awareness and sensitise contractors on legal prohibitions on use of forced and child labour and its implications. ▪ Create awareness to contractors and the public on OHS and CHS aspects. ▪ Encourage counties to develop, roll-out and allocate resources for the operation and maintenance manuals for the different infrastructure projects. ▪ Incorporate climate change consideration in the design of sub-projects such as water harvesting and storage infrastructure. 	
Core Principle # 4: Land Acquisition	
Bank Policy for Program-for-Results Financing: Program E&S systems manage the land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards	
Bank Directive for Program-for-Results Financing: As relevant, the Program to be supported: <ul style="list-style-type: none"> ▪ Avoids or minimizes land acquisition and related adverse impacts. ▪ Identifies and addresses economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy; ▪ Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid prior to taking of land or restricting access; ▪ Provides supplemental livelihood improvement or restoration measures if the taking of land causes loss of income- generating opportunity (e.g., loss of crop production or employment); and ▪ Restores or replaces public infrastructure and community services that may be adversely affected ▪ (Program activities for which the borrower’s land acquisition and resettlement (LAR) processes have significant gaps with this principle, or for which the borrower lack sufficient capacity to manage LAR impacts in a manner consistent with this principles, should not be considered eligible for the PforR Financing regardless of the number of people affected, unless supplemental arrangements are agreed with the Program authorities and endorsed by the CESSO, GSUSS, and/or the Regional Standard Advisor). 	
Applicability: Not applicable Core Principle 4 is not applicable as SEEQIP interventions related to school infrastructure will be on existing premises. Any activities requiring land acquisition and/or resettlement are excluded under the program.	
Core Principle 5: Indigenous People and Vulnerable Groups	

Bank Policy for Program-for-Results Financing: Program E&S systems give due consideration to the cultural appropriateness and/or equitable access to, Program benefits, giving special attention to the rights and interests of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to the needs or concerns of vulnerable groups.

Bank Directive for Program-for-Results Financing: As relevant, the Program to be supported will:

- Undertakes free, prior, and informed consultations if Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities are potentially affected (positively or negatively) to determine whether there is broad community support for the Program.
- Ensures that Indigenous Peoples can participate in devising opportunities to benefit from the exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.
- Gives attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable access to Program benefits.

Applicability: Applicable

The Program has a nationwide scope and will be implemented in all counties where the indigenous people and vulnerable groups including the PWDs, women, youth and children are present. Measures to ensure the VMG and IPs have access to program benefits will be put in place. The Program design provides for the targeting of learners in educationally disadvantage counties through provision of school grants that will facilitate provision of learning materials, sanitation facilities and water provision, among others, to improve on learning outcomes and the environment.

STRENGTHS

- The constitution of Kenya (CoK), 2010: (a) provides that all State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities; and (b) elaborates certain rights to ensure greater certainty as to the application of the rights and fundamental freedoms to of vulnerable groups including children, youth, minorities and marginalized groups, older members of society and persons with disabilities.
- The County Government Act, 2020, has provisions on the promotion of interest and rights of minorities, gender equity and representative citizen engagement in county planning.
- The Refugees Act, 2021, provides for the recognition, protection, and management of refugees.

CHALLENGES/WEAKNESSES

- There are no clear mechanism, guidelines, and procedures for targeting and inclusion of vulnerable and marginalised groups at the county level.
- Weak multisectoral engagements and collaborations at the county level results in lack of synergy among social protection departments (NCPWD, department of labour, department of gender)..
- Weak capacity to disseminate information to promote social accountability, equity and grievance redress mechanism at the county level.
- There is no monitoring system to measure progress of equitable access.

<ul style="list-style-type: none"> ▪ Provisions in the National Cohesion and Integration Act, 2008 encourage national cohesion and integration by outlawing discrimination on ethnic grounds and promotes ethnically equitable distribution of public resources ▪ The National Gender and Equality Commission (NGEC), established under the National Gender and Equality Act, 2011, facilitates the reduction of gender inequalities and the discrimination against all; women, men, persons with disabilities, the youth, children, the elderly, minorities, and marginalized communities. ▪ County systems have articulated the minimum requirements for equitable access and benefits for vulnerable groups including the disabled, women, and youth. 	
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> ▪ Include a SOP on social inclusion to target the vulnerable groups and create awareness to relevant stakeholders. The SOP should include aspects on poverty, gender, child labor and PWD’s targeting, inclusion and mainstreaming to facilitate access to Program benefits. ▪ Capacity build counties on the targeting and inclusion of vulnerable groups (women, children, elderly and PWD) and promote equitable access to Program benefits. ▪ During public participation and sensitization there should be targeting of vulnerable and marginalised communities’ members including the refugees and uptake of their recommendations in Program activities. ▪ Promote multi-stakeholder collaboration with departments such as gender, social protection, PWD’s, to ensure appropriate inclusion of the vulnerable and marginalised groups and communities into Program activities. ▪ Enhance social inclusion in contract and bidding documents to mainstream targeting and inclusivity of vulnerable groups and employment of local labourers. ▪ Promote social inclusion in the project designs and implementation of investments. 	<p>Risks</p> <ul style="list-style-type: none"> ▪ Risk of biased selection criteria, negatively impacting the most deserving schools to benefit from the program activities. ▪ Exclusion of IP’s and VMG’s from accessing program benefits such as scholarships, school grants. ▪ Delayed procurement procedures that may affect timely implementation of the school infrastructure Program. ▪ Limited stakeholder consultation and disclosure of information on the Program may result in conflicts which may hamper Program implementation.

<ul style="list-style-type: none"> Strengthen requirements and address impacts on sexual exploitation and abuse-sexual harassment (SEA-SH); special measures should be taken to promote confidential reporting of SEA/SH related complaints and equitable access to Program benefits. 	
<p>Core Principle # 6: Social Conflict</p>	
<p>Bank Policy for Program-for-Results Financing: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes</p>	
<p>Bank Directive for Program-for-Results Financing: As relevant, the Program to be supported: Consider conflict risks, including distributional equity and cultural sensitivities.</p>	
<p>Applicability: Applicable The Program will not undertake projects that will cause or exacerbate social conflict in fragile states, post-conflict areas, areas subject to territorial disputes, impact distributional equity or associated cultural sensitivities. The principle is also applicable to the Program due to potential conflicts and grievances that may arise due to bias selection criteria for the school grants, scholarships management, labour influx in the project areas such as gender-based violence, increased risk of illicit behavior, crime and increased risk of communicable diseases.</p>	
<p>STRENGTHS</p> <ul style="list-style-type: none"> Chap. 4 of the CoK, 2010, gives provisions for the Bill of Rights as the framework for social, economic, and cultural policies. It considers the rights and fundamental freedoms to preserve the dignity of individuals and communities and promote social justice and the realisation of the potential of all human beings. The CoK, 2010, also provides for economic and social rights including, (a) access to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; (b) to accessible and adequate housing, and to reasonable standards of sanitation; (c) to be free from hunger, and to have adequate food of acceptable quality; (d) to clean and safe water in adequate quantities; (e) to social security; and (f) to education Express provision in the Employment Act on employer-employee relationship for management of contractor-worker relations during implementation of infrastructure activities. The country and county systems clearly articulate the minimum requirements for equitable access and benefits for the persons with 	<p>CHALLENGES/WEAKNESSES</p> <ul style="list-style-type: none"> There is no legally established entity in Kenya that is specifically tasked with social risk management. Limited information disclosure and mechanisms for reducing social conflicts within MoE/ TSC at the national and county levels. The existing grievance management systems are not standardised across counties and the application of existing system is inconsistent. There are weak systems to disseminate information and mechanisms to reduce social conflicts at National and County levels. Weak capacities to ensure compliance to legal provisions and law enforcement at the county levels. Weak procurement processes resulting in conflict between the local leaders and community on the available opportunities and proposed interventions.

<p>disability, women, and youth in its Programs to promote social inclusion and recognises the vulnerable groups.</p> <ul style="list-style-type: none"> ▪ The government systems have embedded in the constitution the citizen engagement through Consultation and Public Participation (CPP) requirements on all County Programs as part of the devolution process. ▪ Counties have varied procedures for stakeholder engagement protocols, multiple mechanism for communication with the public and grievance redress mechanism. 	
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> ▪ Contractors should prioritize to the extent possible, recruitment of local labour. ▪ Undertake deliberate efforts to strengthen the multi-agency coordination between the administration units and local leaders to resolve social conflicts arising at project areas. ▪ Counties have existing grievance redress mechanisms that needs to be reviewed and strengthened under the SEEQIP. GRM should be sensitive to all reported concerns including issues related to labour influx and have a referral pathway in case of GBV cases. ▪ Integrate social management aspects in contracts and bidding documents for contractors to take responsibility on social risks management. ▪ Contractors should have social officers as part of their teams to support in mitigating the labour influx related risks that may exacerbate social conflict, among other social development risks and negative impacts. ▪ There is need to create awareness and mainstream HIV/AIDs, and GBV-SEAH in Program activities. 	<p>RISKS</p> <ul style="list-style-type: none"> ▪ Political interferences may exacerbate social conflicts. ▪ Limited stakeholder engagement and disclosure of Program information may lead to social conflicts. ▪ Unavailability of local labour and/or preference to award job opportunities to workers beyond counties jurisdiction may present social conflicts. ▪ Hiring of contractors with weak capacity to identify and manage social risks. ▪ Social conflicts are prevalent between the host and refugees' communities, due to unequal access to public services, limited access to resources, land for socio-economic development and limited job opportunities.

6 CAPACITY ASSESSMENT FOR MANAGING PROGRAM ENVIRONMENTAL SOCIAL HEALTH AND SAFETY EFFECTS

57 The MoE and the TSC are the main implementing entities. MoE will implement the Program with support from relevant Implementing Agencies (IAs) SAGA agencies that are implementing SEQIP and PEELP operations. These include the CEMASTEPA, KEMI, NACONEK, KICD, KNEC, JKF, and KISE.

58 The chapter provides a detailed description of their mandates, core functions and assesses their overall technical, financial, and human resource capacity for environmental, social, health and safety management as related to Program activities. Based on the assessment, recommendations to address the capacity gaps are provided through Technical Assistance and capacity building under the IPF component.

6.1 Ministry of Education

59 In the Ministry of Education (MOE), the Directorate of Infrastructure oversees infrastructure development in primary, secondary schools, and colleges. While MOE lacks a specific unit for managing Environmental and Social (E&S) risks related to school infrastructure, it applies the national system outlined in the EMCA 1999, although inconsistently. Compliance with national legal requirements is more apparent in major nationally procured infrastructure projects and in donor-funded projects. The ongoing Programs and Projects like KPLEEP and SEQIP have included environmental and social experts as part of their conditions for financing with the World Bank. However, for smaller investments contracted locally, especially by schools, adherence to national environmental requirements is less consistent.

60 Public Works Officers play a crucial role in infrastructure development, but their numbers at the national level are limited. Collaboration with regional-level officers is necessary for effective E&S risk management. The Directorate of Quality Assurance and Standards, in collaboration with other departments like Public Health and Public Works, assesses school infrastructure and addresses major disasters in collaboration with multi-agency teams. However, the safety manual for schools needs updating to align with current and emerging needs.

61 Grievances related to procurement are managed according to the Public Procurement and Asset Disposal Act, 2015, while other complaints are handled at the school level and escalated to MoE if necessary. Harmonizing Grievance Redress Mechanisms (GRMs) across projects and Programs will be beneficial for addressing complaints and grievances within MoE.

62 Recommendations for managing E&S effects related to infrastructure activities:

- i. Build capacity of MoE staff, school head teachers, their deputies, BOM and the regional public works officers on E&S risk management including appointment of focal persons to spearhead compliance monitoring.
- ii. Develop guidelines on management of E&S risks for application within MOE. This should include a checklist for undertaking compliance monitoring.
- iii. MOE to ensure engagement of the relevant stakeholders/institutions such as DOSHS, NCA, NEMA, Public Health etc to support adherence with compliance requirements.
- iv. Ensure Environmental Social Health and Safety (ESHS) are consistently included in contract bidding documents.
- v. Where feasible establish a unit on E&S risk management within MoE and assign qualified staff to guide MOE in this regard.

6.2 Teachers Service Commission (TSC)

56. TSC is an independent commission established under the Constitution of Kenya to manage human resources within the education sector for quality education and development. Within the SEEQIP, TSC will play a critical role of enhancing access to basic education by ensuring that all public schools are resourced with adequate number of teachers to address the current shortages and also ensure that the capacity of the teachers is enhanced for delivery of the CBC curriculum.

57. The teaching profession is regulated by law that specifies the entry requirements applied to all interested candidates across the nation. The teacher recruitment by the Commission is demand driven and has been decentralized to TSC County for primary schools and Board of Management for post- primary institutions. However, once successful candidates are identified through the interview process at the County level, the Commission vets the recruitment documents in accordance with the guidelines and informs the counties of the outcome of the vetting process including issuing appointment letters to successful candidates. The system also provides for complaints resolution where the aggrieved candidates can channel their grievances to the Commission within two weeks from the selection date.
58. To improve learning outcomes, the TSC is strict in the application of the guidelines on the recruitment process and the entry requirements. However, the commission has also in the past made attempts to accommodate VMGs through affirmative action. To enhance inclusion, the Commission has employed various strategies such as lowering the entry points for PWDs and ensuring that the recruitment panel at BOM is inclusive and representative. With the ongoing plans to integrate learners with special needs and disability (except for the learners with extreme forms of disability) in ordinary public schools, the TSC targets to ensure that all the teachers are trained on inclusive education. This is part of the standard number 4 of the Teacher Professional Development (TPD) training that seeks to ensure that all teachers have the capacity to handle learners with special needs and disability and establish an inclusive learning environment. The TSC recognizes that schools within refugee camps have high teacher shortages and a significant proportion of unqualified teachers have been engaged to bridge the gap. Towards this end, the TSC has been building the capacity of both qualified (Kenyan) and non-qualified (non-Kenya) teachers to ensure effective delivery of the new curricula (CBC). The TSC also implements the equitable teacher allocation initiative in which 10 percent of annual budgeted new teaching posts are allocated to target primary schools to meet the PTR standard set by the Government of 40:1 on top of the pro rata allocations.
59. In managing social risks such as GBV/SEA-H, especially those perpetrated by teachers, the commission has applied the code of regulation (2015) developed to manage the teaching profession. The commission has also sensitized teachers on how to maintain professionalism amongst themselves and between teachers and learners. In the past, a team of volunteer teachers under the name “Pivot Teachers”, have been instrumental in addressing social risks within schools. While these efforts have yielded some results, the Commission was categorical to state that, they need a more structured way of managing social risks including mental health issues affecting both teachers and learners. Below are some of the recommended actions to further enhance the performance of the TSC in management of social risks related to improving access to basic education.
60. Recommendations to enhance ESHS Management
- i. Build capacity of teachers for a more structured approach in management of social risks such as GBV/SEA-H.
 - ii. Build the capacity for teachers on management of E&S risks associated with school infrastructure so that they can support in areas such as site identification and compliance monitoring of school infrastructure.

6.3 The National Council for Nomadic Education in Kenya (NACONEK)

61. NACONEK’s functions include: to Initiate the development of policies on all matters relating to nomadic education in Kenya; Mobilize funds from various sources for the development of nomadic education in order to support relevant activities of the Council; Institutionalize mechanisms for effective coordination, monitoring and evaluation of the activities of agencies involved in the provision of nomadic education; Implement guidelines and ensure geographical spread of nomadic education activities and targets for the nomadic people; Establish appropriate linkages and partnerships with other participating departments and agencies; Determine standards and skills to be attained in schools and institutions within nomadic communities and review such standards from time to time; Prepare reliable statistics of nomads and their school-aged children and establish a data bank, and; Co-ordinate research activities on nomadic education in Kenya.. As a Semi-Autonomous Government Agency, NACONEK collaborates with state agencies to raise awareness about cultural practices hindering socio-economic progress. NACONEK has partnered with organizations such as UNICEF in package interventions such as the

Operation Back to School project where back- to-school kits for girls, fortified porridge, sustainable household solutions, cash transfers, sanitary towels, internships, and community engagement initiatives were rolled out.

62. NACONEK does not have in-house capacity with environmental and social staff to provide oversight on E&S issues. Legal environmental and social requirements applicable to its interventions are considered and enforced through contracted service providers who supervise and monitor their implementation. In addition to contracted services, NACONEK also works with relevant government institutions and partners to implement programs that address specific areas related to their mandate. To enhance its E&S management systems, NACONEK has reached out to agencies such as Water Resources Authority (WRA), NEMA, NCA and relevant county government departments to participate in independent oversight, reviews, and approvals of on-going interventions.
63. Recommendation to enhance ESHS Management - The mandate of NACONEK can be enhanced through capacity building on E&S management including training of a focal point within the organization on the ESHS Manual and its application on related Program activities.

6.4 Kenya Education Management Institute (KEMI)

64. KEMI's primary responsibility is to enhance the capacity of education managers and headteachers in school management, including instructional leadership, as mandated by Legal Notice 19 of 2010 under the Education Act. As an arm of the Ministry of Education (MOE), KEMI collaborates with MOE to provide in-service training for all education officers, ensuring alignment with curricular delivery. Within the proposed program, KEMI may partner with MOE to bolster the management capacity of all personnel involved in education management and training.
65. In terms of Environmental and Social (E&S) risk management, KEMI showcases its commitment to promoting the Sustainable Development Goals (SDGs) through its Education for Sustainable Development (ESD) Centers established in all 47 counties. These centers train education managers on environmental sustainability, with model centers serving as examples of best practices. KEMI also collaborates with entities like NEMA and the Wildlife Association of Kenya to build teachers' capacity in ESD, focusing on informed decision-making and responsible actions.
66. To ensure inclusivity, KEMI promotes equal opportunities for all participants, monitoring gender participation and catering to the needs of special learners and persons with disabilities (PWD) by providing adapted materials and physical assistance. While KEMI has competent instructors for learners with special needs, it collaborates with KISE to enhance their capacity. Moreover, training facilities are made accessible to PWD to ensure no one is left behind.
67. KEMI diligently evaluates the effectiveness of its trainings and seeks feedback from participants. However, emerging challenges in the education sector, such as learner unrest, substance abuse, gender-based violence (GBV), and indiscipline, require KEMI's attention. Establishing strong community relationships is crucial for addressing conflicts in schools, with grievance management starting at the school level and escalating to KEMI at the national level when necessary. While KEMI's grievance management system has functioned adequately, its limited documentation may hinder stakeholder utilization and overall effectiveness.
68. Recommendations to enhance ESHS Management
 - i. Capacity building for KEMI staff to enhance effective management of E&S risks associated with execution of their mandate and actions under SEEQIP.
 - ii. Strengthen the existing GRM by enhancing its documentation, harmonization with that of MoE as well as disclosure to the relevant stakeholders.
 - iii. Where feasible KEMI to be supported in the design and delivery of a training program that helps education managers to addresses some of the contemporary challenges

6.5 Center for Mathematics, Science and Technology in Africa (CEMASTEA)

69. CEMASTEAs primary role is to enhance the capacity of mathematics and science educators through its In-Service Education and Training (INSET) program. Positioned as a center of excellence, CEMASTEAs is dedicated to bolstering Science, Technology, Engineering, and Mathematics (STEM) education not only within Kenya but across the African continent. It focuses on identifying, nurturing, and developing STEM talents from early childhood through middle and senior school, aiming to cultivate a robust cohort of students interested in pursuing STEM-related courses and careers. The center's initiatives are tailored to empower teachers to address pedagogical challenges in effectively delivering STEM curricula.
70. In collaboration with the Teachers Service Commission (TSC), CEMASTEAs implements the School-Based Teacher Support program in STEM subjects, aiming to enhance student learning outcomes. CEMASTEAs also collaborates with the Kenya Institute of Curriculum Development (KICD) to develop instructional materials, ensuring alignment with pedagogical principles. Efforts to promote gender balance in training selection and accommodate persons with disabilities (PWDs) include sign language training for facilitators, provision of braille materials, and disability-friendly infrastructure.
71. Further collaboration with the Kenya Education Management Institute (KEMI) focuses on initiatives like education for sustainable development, integrating environmental and social sustainability into the education sector. This encompasses activities such as promoting the use of biogas in schools.
72. CEMASTEAs requires enhancement of its technical expertise in environmental and social risk management. This improvement is necessary to effectively apply the relevant frameworks for managing such risks associated with the program, which are pertinent to CEMASTEAs.
73. Recommendation to enhance ESHS Management - Capacity building for CEMASTEAs staff to enhance effective management of E&S risks associated with execution of their mandate and actions under SEEQIP.

6.6 Kenya National Examination Council (KNEC)

74. KNECs primary responsibility is to conduct assessments and evaluate students' educational progress. While KNEC lacks a dedicated unit for environmental and social risk management, it adheres to relevant guidelines provided by institutions like NEMA, NCA, DOSHS, and Public Works. Despite this, KNEC has formulated an environment and social policy, which requires revision to address evolving needs.
75. Collaboration is integral to KNECs operations, involving various stakeholders. These include the Ministry of Interior for exam security, KICD for curriculum development, TSC for exam development, marking, and moderation, MoE for field coordination, and KISE for exams catering to Special Needs Education candidates. Additionally, education associations like KEPSHA and KESHA play significant roles in KNECs activities.
76. The primary obstacle in fulfilling their mandate, particularly in ensuring inclusivity, is the scarcity of reliable data on the types and extents of disabilities essential for effective planning. This scarcity complicates KNECs ability to accommodate learners with special needs and disabilities, especially when certain disabilities are only identified during exam administration. Additional challenges include the logistical difficulties of conducting exams in remote and inaccessible areas due to poor infrastructure. Given KISE's mandate, familiarity with relevant environmental and social management frameworks is crucial not only to improve access to education for students with special needs but also to assist in mitigating and addressing associated environmental and social risks within KISE's jurisdiction.
77. Recommendations to enhance ESHS Management

- i. Review and analyze NEMIS capabilities on collecting, disaggregation and reporting on data for learners with special needs and disability and so that KNEC can use to ensure better planning and service delivery for learners with special needs and disability.
- ii. Build capacity of staff in KNEC in E&S risk management by identifying a focal person, and providing training on E&S aspects relevant to Program activities.

6.7 Kenya Institute of Special Education (KISE)

- 78. KISE's primary responsibility is to promote inclusive education and provide educational resources and assistive devices for individuals with special needs and disabilities. In the proposed program, KISE will undertake key tasks including teacher capacity building, production of learning materials and assistive devices, learner assessment for proper placement, and management of data related to persons with disabilities (PWD) to enhance service delivery.
- 79. At the national level, KISE possesses sufficient capacity to fulfill its mandate, with well-trained staff proficient in teacher training for learners with special needs and disabilities. While lacking a dedicated department for environmental and social risk management, KISE has established structures at county and sub-county levels to support its operations. For instance, it has Education Assessment and Resource Centres (EARCs) at the county level, aiding in equipping teachers with assessment skills to ensure accurate placement of learners with special needs and disabilities. However, challenges persist in the assessment process, including the use of inappropriate screening tools, limited follow-up activities, and the absence of a well-defined program for assessment and placement follow-up.
- 80. One of the main obstacles to effectively targeting and placing learners with Special Needs Education (SNE) is the lack of comprehensive data on their specific disabilities. Accurate data is essential for several reasons: to enhance educational planning for SNE learners, improve learning outcomes through tailored materials, and empower caregivers. At the sub-county level, KISE collaborates closely with Curriculum Support Officers for Special Needs Education (CSO-SNE), who assist in supporting SNE initiatives at the county level. However, the effectiveness of CSO-SNEs is hindered by their additional responsibilities assigned by TSC, leaving limited time to focus on SNE children. Therefore, establishing a dedicated structure for CSO-SNEs under the Directorate of SNE is essential for better management and support at the county level.
- 81. KISE also partners with institutions like KICD to ensure SNE learners benefit from curriculum development by improving access to adaptation materials. While KISE is tasked with training teachers, resource constraints have hindered monitoring of quality and assessment for SNE learners. Given KISE's mandate, it's imperative to be familiar with relevant Environmental and Social (E&S) management frameworks to not only enhance access to education for SNE learners but also to address and mitigate associated E&S risks effectively.
- 82. Recommendations to enhance ESHS Management
 - i. Capacity building for KISE staff to enhance effective management of E&S risks associated with execution of their mandate and actions under SEEQIP
 - ii. Collaborate with MoE to collect data on learners with special needs and disability and develop action plans for their inclusion in Program benefits

6.8 National Environment Management Authority (NEMA)

- 83. The mandate of NEMA is to coordinate, supervise and manage all matters relating to the environment and to be the principal instrument of government in the implementation of all environmental policies relating to the environment. The Authority is also charged with enforcing EMCA's provisions as well other subsidiary legislation that has been passed, that are relevant to this program. The subsidiary legislations include noise, water quality, waste management, controlled substances, biodiversity, wetland, river and seashore, and environmental impact assessment (EIA) regulations. Most of the provisions contained in EMCA, as well as the

subsidiary legislation, are intended to provide regulations for the usage and type of allowable activity in the different ecosystems and habitats of Kenya. Thus, NEMA's main task is to review and grant licenses to proponents intending to implement development activities envisaged under the 2nd Schedule of the EMCA. To complete this task, EMCA grants NEMA the power to compel any project proponent, authority or ministry to comply with existing environmental regulations.

84. The EMCA has gaps in addressing social issues as mandated by law and in practice. NEMA has no role for SRM, including the review of social aspects of the ESIA, ESMP or RAP. In addition, it has no internal capacity to review social risks, with poor coordination and collaboration with the department of social security and protection under the Ministry of Labour, Social Protection (MLSP) to support in this role. In most cases where there are sub-projects with land acquisition and resettlement issues, the matters are handled by the National Land Commission (NLC). The new proposed Social Risk Management (SRM) unit under department of social security and protection will be instrumental in management of social issues and NEMA will collaborate with the department during the ESIA process.
85. There is NEMA representation in all the 47 counties, with assigned County Directors of Environment (CDE). However, the authority has capacity gaps, with approximately 300 officers required to supervise over a thousand sub-projects.
86. The main challenges of NEMA at the national and county levels are;
 - i. Understaffing at County levels – most of the counties are represented by 1 County Director of Environment (CDE) and supported by one Environmental Compliance Officer and a few interns
 - ii. Lack of financial resources, technical equipment, and transportation allocation for effective monitoring and supervision;
 - iii. Poor coordination with other multi-agencies in charge of managing construction activities, environmental, health and safety, and social risks management,
 - iv. Political interference which results to non-compliance on E&S process and management, where NEMA county office is not able to intervene
87. Recommendations to enhance ESHS Management
 - i. Integrate NEMA early into the program planning process, including participating in a rigorous screening of environmental and social risks for the sub-projects.
 - ii. Collaborate with NEMA to carry out capacity building of the program's implementation agencies, and contractors' workers on ESHMP implementation;

6.9 Directorate of Occupational Safety and Health Services (DOSHS)

The Directorate of Occupational Safety and Health Services (DOSHS), under the State Department of Labour and skills Development, provides health and safety services to ensure the safety, health, and welfare of all workers in all workplaces. Other services provided by DOSHS include but not limited to registration of workplaces, registration of plant, registration of approved health and safety experts and institutions, workplace inspection & audits, examination & testing of plants, and accident investigation. DOSHS is mandated to develop and implement effective systems for the prevention of workplace diseases, ill health and accidents to reduce damage to property and work injury compensation claims for improved productivity.

88. The Directorate enforces the Occupational Safety and Health Act, 2007 (OSHA, 2007) with its subsidiary legislation which aims at the prevention of accidents and diseases at work. It also administers the Work Injury Benefits Act, 2007 (WIBA, 2007) which provides for compensation of workers who have been injured or have suffered a disease out of and in the course of employment.
89. In fulfilment of its responsibility of identifying hazards at workplaces and assessment of risks with a view of preventing accidents, diseases and damage to property, the Directorate will play a key role in the program by

inspecting and auditing of workplaces to promote best practices and ensure compliance with safety and health standards as set out in OSHA, 2007 and its subsidiary legislations.

90. The department is represented in 29 counties across the country, with the majority of the counties in the North-Eastern and Western region not represented. The officers at these counties are qualified and possess the requisite skills necessary in health and safety. However, the offices are understaffed, with the capacity assessment findings under various World Bank – funded Programs including KPEELP and K-WASH, revealing that most officers are not able to cover their regions as required, especially those who have been assigned multiple of large counties, with limited human and financial resources provided to them. This has made it difficult for the staff to enforce and monitor the health and safety requirements as per the OSHA and WIBA requirements, especially for infrastructure projects.
91. Some of the challenges faced by the Directorate include but not limited to:
 - i. Lack of presence in 19 Counties: currently, DOSHS has 29 county offices (out of 47 counties);
 - ii. Functions of the Directorate are not devolved and remain as a function of the State Department for Labour nationally;
 - iii. Inadequate staffing levels in counties where DOSHS is represented;
 - iv. Lack of continuous professional development of its technical staff; and
 - v. Inadequate allocation of financial resources and provision of other resources such as vehicles, office space, specialized surveillance equipment, vehicles, protective equipment Lack of information management system to collect and collate OHS data and statistics for policy and decision making.
92. Recommendations to enhance Occupational Health and Safety Management
 - i. The ESHSM manual shall include guidelines on OHS to be adopted by all implementing agencies and contractors for the program’s activities. The NPCU will consult the DOSHS on the developed guidelines for concurrence.
 - ii. Integrate DOSHS early into the program planning process, including participating in the screening of health and safety risks for the sub-projects.
 - iii. Collaborate with DOSHS to carry out capacity building of the program’s implementation agencies, and contractors’ workers on OHS.
 - iv. Representation of DOSHS as member of the county project committees, to be involved in periodic program meetings and site inspections.

6.10 The State Department of Public Works

93. The State Department of Public Works is an agent of the Ministry of Transport, Infrastructure, Housing and Urban Development. The State Department is mandated to provide overall policy and strategic direction and coordinate all matters related to Design, documentation construction, supervision, rehabilitation and maintenance of public buildings and other public works, including school infrastructure development. Part of its policy intervention is development and implementation of the National building Code. In execution of new constructions, rehabilitation and expansion works under the proposed SEEQIP, the code requires the State Department provide supervisory and oversight role as well as certification of works and further ensure buildings Infrastructure quality assurance is realized for safe and secure habitation.
94. The State Department has seconded some engineers and other built environment professionals to the Ministry of Education to support implementation of various school infrastructural activities in schools and specifically: Support in development of technical design aspects; Administration of construction contracts; supervising and monitoring various school infrastructure projects; assessing the quality of ongoing construction works, including handing over of school buildings, and; Issuance of compliance certificates for completed construction works.
95. The State Department plays a key role in dispute and conflict resolution among construction workers, contractors and other schools’ stakeholders through reconciliation, mediation and arbitration on matters

relating to school infrastructure. For coordination and ease access to its services to the various National Entities including schools, the State Department established and operationalized 10 No. Regional works offices spread across the country.

96. Key challenges faced by the Department include limited human resource and capacity both at headquarter and regional levels, to fully support on technical issues such as electrical, engineering and E&S management. The department is fully dependent on government budget allocations and is frequently unable to provide adequate support on activities that require significant logistical arrangements. Due to the limitation in financial resources there is therefore expectation that available officers will receive logistical facilitation from clients including other government departments to enable them access far-flung and remote sites for inspections.
97. Recommendations to enhance ESHS Management
 - i. For effective management of E&S risks associated with school infrastructure delivery, officers from the State Department need training on identification and management of environment social, health and safety risks and impacts.
 - ii. Public works officers also need to be involved and participate in county-level Program meetings on quality and progress of works
 - iii. The Program will also require to provide logistical support to Public works officers to access remote locations where infrastructural interventions are proposed for supervision of the works;
 - iv. There is need to build internal capacity within Public Works to embrace and support stakeholder engagement expected under the program, as well as on reporting on relevant activities

6.11 National Construction Authority (NCA)

98. The National Construction Authority (NCA) is a government body tasked with regulating and advancing the construction sector. Its responsibilities include accrediting and overseeing contractors, certifying construction workers and supervisors, and establishing industry standards. While not directly involved in environmental and social management, NCA oversees construction site safety and issues licenses for projects. It also conducts research, focusing on industry trends and offers capacity-building programs for workers and supervisors, such as training on sustainable urban development practices involving plastic use.
99. The National Construction Authority (NCA) operates through 14 regional offices, 13 liaison offices, and has representation in 52 Huduma centers across the country, with two officers stationed at each center. Collaboration with other ministries, departments, and agencies is crucial, as project sites require approval from entities like NEMA and the county planning department, and registration with DOSHS. To enhance monitoring activities, NCA has introduced the Regulatory Construction Information System (RCIS) to automate and streamline its processes. Additionally, efforts are underway to enhance the SharePoint system, aiming to bolster engagement and collaboration among relevant departments, thereby improving overall business processes and systems.
100. The main challenge facing NCA is lack of capacity across all the counties. The regional staff is not able to monitor all projects for compliance especially for vast counties, and projects that are in remote and rural areas. In the proposed Program, NCA will play a critical role in a) ensuring contractors and skilled construction workers involved in infrastructure rehabilitation and expansion are registered with NCA, and b) ensure quality construction standards and contract management.
101. It is recommended that all projects under the program have to be approved by NCA before commencement of civil works

6.12 State Department for Social Protection

The State Department is mandated with formulation, review and implementation of social security, employment, programmes for Persons with Disabilities, national human resource planning and development, national labour productivity, child labour and regulation management, facilitating and tracking employment creation, co-ordination of national employment, internship and volunteers for public service, community development,

protection and advocacy of needs of Persons with Disabilities, social assistance programmes, workplace inspection and workman's compensation.

102. The State department also have other directorates relevant to the Program which are: Child Services (mandated to Safeguard and protect the rights and welfare of children for national prosperity as per the Children Act 2001, and lead, oversee, plan and coordinate child protection programmes and services in Kenya), and Social Development (mandated to mobilize and empower individuals, families, groups and communities to facilitate the process of social change for growth and improved livelihoods). The department has an existing grievance redress system, although not well structured.
103. A Social Risk Management (SRM) unit has recently been established at the Directorate of Social Development, with support from the ongoing Bank funded FLLoCCA Program. The aim of the Unit is to oversee the management of social risks of infrastructure projects in the country. While the Unit is yet to achieve the policy and legislative backing in order to give it the teeth that it needs to do its work, it has nevertheless developed a checklist to guide the screening of social risks in projects.
104. The challenges faced by the department include lack of specific policy and legal frameworks for the management of social risks of infrastructure projects in the country and lack of legislative backing for the SRM Unit. In the absence of these, other legislations are considered. These include the Kenya National Social Protection Policy 2011, EMCA 1999 as amended in 2015, Children Act 2012, and CoK 2010. The application of these legislation to SRM is somewhat cumbersome. To this end, the SRM Unit has drafted the Kenya Social Risk and Impact Management Policy, under the FLLoCCA Program. In addition, a SRM curriculum has been developed, published, and is under implementation by the Kenya School of Government which has a MoU with the University of Nairobi (UoN) for accreditation of the curriculum and for conducting the training. In addition, a multi-sector SRM committee has been established at the national level with membership from the NEMA, labor department, UoN, children department, NCPWD among others.
105. Recommendations to enhance Social Risk Management
 - i. The ESHSM manual shall include guidelines on Social Risks management to be adopted by all implementing agencies and contractors for the program's activities, including the role of the SRM Unit. The NPCU will consult with the Social Development and Child Services directorates on the developed guidelines for concurrence.
 - ii. Integrate the Social Development and Child Services directorates early into the program planning process, including participating in the screening of social risks for the sub- projects.
 - iii. Collaborate with Social Development and Child Services directorates to carry out capacity building of the program's implementation agencies, and contractors' workers on social risks.
 - iv. Collaborate with Social Development and Child Services staff at the subcounty offices to supervise and monitor issues related to contractors' workers, child labour, GBV/SEA/SH, among other social risks for compliance.

6.13 National Commission on Administrative Justice (CAJ)

The Commission on Administrative Justice (CAJ), also known as the Office of the Ombudsman is an independent commission established by the Commission on Administrative Justice Act, 2011 pursuant to Article 59 (4) of the Constitution of Kenya. The Commission has oversight on access to information to ensure there is effective and efficient service delivery by ensuring that maladministration is redressed, and citizens are timely and proactively provided with information by government institutions in line with the access to Information Act. The CAJ investigates maladministration for the public and private sectors.

106. The CAJ has a footprint in 19 Counties across Kenya with 6 regional offices and at 12 Huduma Centres for accessibility and decentralization of services. Traditionally, the CAJ investigates reported complaints. However, it's role has expanded to include capacity building to counties. There exists synergy between the Commission and other government entities enhancing complementarities in provision of public services and avoiding the duplication of structures and systems. Some of the entities the CAJ closely engages with includes the National Human Rights Commission, National Gender Equality Commission, and other state departments.

107. Under the KDSP CAJ supported the establishment of complaints handling guidelines which the SEEQIP Program can leverage to facilitate the establishment of county level GRMs structures.
108. The challenges faced by CAJ include inadequate staff capacity to enable it offer support at both national and county levels, given that it has presence in only 19 counties.
109. Recommendations for the involvement of CAJ (the Ombudsman) in Program Activities - The CAJ should be brought board early, to lead the Program in offering oversight to ensure that stakeholders can access project information in line with the access to Information Act, to enable them to make informed decisions that would help in the effective and efficient delivery of Program services.

6.14 The National Gender and Equality Commission (NGEC)

110. The mandate of the Commission is to promote and ensure gender equality, principles of equality and non-discrimination for all persons in Kenya as provided for in the Constitution of Kenya 2010 with a focus on the following Special Interest Groups (SIGs): women, persons with disability, children, youth, older members of society, minority, and marginalized groups. The Commission offers oversight and surveillance of all matters concerning promoting gender equality and equity and coordinating gender mainstreaming in national development. The Commission considers policies at the international level, related to its mandate. It is currently developing a National inclusive framework for Indigenous Persons (IPs).
111. The NGEC has been in existence for the last 10 years with about 100 staff. It has a national office and 5 regional offices: Garissa (Tana River, Garissa and Wajir), upper Eastern (Isiolo), Coast region (Kilifi, Mombasa), Nakuru and Kisumu. Every region has 4 staff who play a key role in addressing issues on equality and inclusion.
112. There is an inter-agency collaboration with other MDA's that facilitate the management of gender and social aspects including the gender department, children's department, labor department, KNCHR, CAJ, NCPWD. There is also collaboration with the climate change unit which taps the Commission's expertise on gender inclusion and participation.
113. The Commission has a functional grievance redress mechanism system and structure. The Complaints department is responsible for handing grievances and the legal department supports in review of findings and recommendations. Common grievances logged include: discrimination of PWD during employment, child labor and GBV/SEA-SH issues.
114. Challenges the commission is faced with include: limited adherence to legal provisions, limited gender mainstreaming such as inclusion of women in project, limited preparation and delayed submission of progress reports by public institutions to the Commission on implementation of the key requirements, and limited budget allocation and staff capacity for monitoring and support to MDA's, including project implementing agencies.

Recommendations for the involvement of NGEC in Program Activities

115. The Program should collaborate with NGEC and facilitate it to undertake the following roles in Program activities:
 - i. Offer oversight in ensuring gender equality, principles of equality and non-discrimination for all persons in Kenya in line with the Constitution of Kenya, 2010, are promoted by the project, with a focus on the inclusion of women, persons with disability, children, youth, older members of society, minority groups and VMGs.
 - ii. Offering support in handing grievances related to discrimination of PWD, women and youth from project employment opportunities, as well as grievances related to child labor and SEA- SH issues.

116. Offer training to the implementing agencies on gender mainstreaming through; a) more targeted capacity building on the legal requirements to various stakeholders to promote programs that are inclusive and gender responsive; b) encourage the Implementing Agencies to document gender mainstreaming initiatives; and c) encourage gender consideration in all program committees at the national and county levels

7 MEASURES TO STRENGTHEN SYSTEM AND INSTITUTIONAL PERFORMANCE

117. This chapter summarizes measures recommended to strengthen the ESHS existing system and institutional performance in line with the gaps and risks identified in the ESSA. The proposed measures shall be executed during Program implementation to address identified gaps and risks considering the existing country system and capacity versus the PforR core principles and key planning elements.

7.1 Program Design Recommendations

1. Review and update the KPEELP ESHSM Manual to: include enforceable clauses in bidding and contract documents on adherence to established laws, regulations and good ESHS practices in the implementation of civil works by Program effectiveness; include procedures for the handling and disposal of asbestos-containing roofing materials at TTCs, and; include standard operating procedures, directives and regulations issued by the MoE on the protection of learners from sexual exploitation and abuse and sexual harassment by Program effectiveness
2. The MoE shall operationalize the reviewed Environmental, Social, Health and Safety Management Manual and undertake targeted capacity building at all relevant government levels. Aspects to be included for capacity building include; occupation and community health and safety, monitoring and reporting, stakeholder engagement, disclosure of Program information, inclusion of VMGs and IPs, labour management, grievance redress management, child/forced labour and GBV/SEA-SH.
3. Strengthen coordination between education national and county Program coordination teams, to enhance ESHS management.
4. Strengthen the capacity and define the roles of county-level Program monitoring teams for enhanced ESHS management. Roles may include; i) E&S screening of sub-projects and identification of instruments to be prepared; ii) review of the environmental and social safeguards documents prepared by the lead experts; iii) ensuring that environmental and social provisions are included in bidding and contract documents iv) participation in stakeholder consultation and dissemination campaigns; v) support grievance management; vi) conduct supervision monitoring field visits, throughout project implementation phase; vi) support labour and gender management; and vi) maintain liaison with key MDA's.
5. At the county level, enhance collaboration with MDAs for enhanced technical advice, training and external monitoring. These include the NEMA, DOSHS, NCA, public health and public works from sub-project design, construction, operation and hand-over of investments.
6. Enhance the stakeholder engagement strategies to; i) adequate budget allocation for appropriate planning; ii) facilitate the targeting and inclusion of VMGs and IPs; iii) facilitate timely sharing of information prior to scheduled consultations in a form and language understandable to project-affected parties and other interested stakeholders; iv) document the meetings proceedings and list of stakeholders, and v) facilitate timely feedback on deliberations.
7. Ensure committees constituted under the Program comprise representatives from VMGs and IPs groups/communities.
8. The ministry shall adhere to the Program's ESHS exclusion list to avoid high risk investments, activities that require land acquisition and resettlement and those that will lead to degradation of critical habitats or cultural heritage sites of value.

Recommendations for the Program Action Plan

No.	Action Description	Responsibility	Timing	Completion Measure
1.	Updating of the existing MoE Environmental, Social, Health and Safety Management (ESHSM) Manual to include i) clauses on adherence to established laws, regulations and good ESHS practices in bidding and contract documents for civil works; ii) procedures for the handling and disposal of asbestos-containing roofing materials at TTCs, and iii) SOPs, directives, and code practise for protection of learners.	MoE	By Program effectiveness	An updated Environmental, Social, Health and Safety Management (ESHSM) Manual. ESHSM clauses incorporated, as an addendum, in the national standard contract documents for civil works under the Public Procurement Regulatory Authority (PPRA).
2.	Capacity building of existing county-level Program monitoring teams comprised of members from National government administration, County Education Office, Regional Public Works Office, County Public Health Office, and County ESHS Experts, to address ESHS and quality issues on works contracts	MoE	6 months after effectiveness	Training reports on ESHS capacity building of county-level Program monitoring teams.
3.	Deploy qualified, experienced and full-time, environmental, social, health and safety staff at the Program Coordination Unit (PCU): e. 1 environmental officer f. 1 social officer g. 1 health and safety officer h. GBV advisor	MoE	By Program effectiveness and as an ESCP commitment	Qualified, experienced and full-time 1 environmental officer, 1 social officer, and 1 health and safety officer, deployed and retained. 1 GBV advisor available on a need basis. Confirmed annually through APA. Aligned to the ESCP.
4.	Counties receive training for the implementation of the Environmental, Social, Health and Safety Management (ESHSM) Manual. The SEEQIP to partner with relevant lead agencies for ESHS risks management. These include the DOSHS, NEMA, Department of Labour and the Department for Social Protection, to deliver capacity building to counties and contractors.	MoE	Yearly	ESHSM Manual training undertaken annually and confirmed through progress reports. Aligned to the ESCP. Number of trainings and technical assistance provided in collaboration with relevant agencies. Confirmed through progress reports.

5.	Strengthen the implementation of the existing module on National Education Management Information System (NEMIS) for the MoE, TSC, SAGAs and at county level, to strengthen the Grievance Redress Mechanism.	MoE	6 months after effectiveness	Capacity building undertaken on the GRM MIS module on NEMIS for the MoE, TSC, SAGAs and at county level. Aligned to the ESCP.
6.	Capacity building on NEMIS capabilities to collect, analyse aggregate data on school dropouts by gender. Enhance utilization of data to inform prevalence and distribution of SEA-H risks and impacts and quantify efforts for re-entry and re-integration.	MoE	1 year after effectiveness	Training reports on NEMIS capabilities.

8 ANNEXES AND REFERENCE DOCUMENTS

Annex 1: Program Boundaries

	Government program (NESSP II)	Program supported by the PforR	Reasons for non-alignment
Objective	The overall aim of NESSP II is to provide quality and inclusive education, training, and research for sustainable development with a motivated and globally competitive workforce	To reduce regional disparities in access and learning outcomes in target Junior and Senior Schools, and strengthen systems for delivering equitable education outcomes	Objectives and focus areas are aligned for target sub-programs and sub-set of activities.
Duration	FY 2022/23 -2027/28	2024 to 2028	Aligned
Geographic coverage	Nationwide	-Targeted to 19 counties for RA 1, and partially for some interventions under RA 2 and 3 (bottom quintiles counties in terms of educational performance and poverty index). -Nationwide for RA 3.	Aligned. Although there is targeting for some RAs, the updated NESSP II clearly mentions inequalities in some regions ^[1] and the underlying factors (economic, ethnic, and other family backgrounds).
Subprograms	1. Sector Governance and Accountability and Cross Cutting and Contemporary Issues ^[2] 2. Primary Education 3. Teacher Education, Professional Development and Management 4. Secondary education 5. University education 6. Technical and Vocational Education and Training (TVET)	Limited to a priority subset of subprograms in secondary education: RA 1: Access and quality is aligned with subprograms 1 and 4. RA 2: Teachers is aligned with subprogram 3. RA 3: Systems strengthening is aligned with sub program 1. *Aspects of intervention for sub-programs 1 and 3 are different from those included in PEELP for these sub-programs.	Selectivity in interventions supported include: <ul style="list-style-type: none"> - Focus on Junior and planned Senior school. - Junior school capitation grants in target counties. - Girls' education including scholarships in Senior school for poor and vulnerable learners. - Refugee education (secondary education). - Teacher quality and management (secondary education). - Sector governance (secondary education).
Overall Financing	US\$2,923 million ^[3]	US\$ 220 million	Government and other DPs provide parallel financing for NESSP II

^[1] For example, the NESSP II highlights eleven counties performing below the national averages in enrollment in basic education (Mandera, Marsabit, Garissa, Wajir, Isiolo, Tana River, Nairobi (informal settlements), Samburu, and Mombasa).

^[2] Includes girl's education, Special Needs Education, and refugee education.

^[3] This total amount is highly likely to be revised upwards in the operational plan being revised by MoE for the updated NESSP.

Annex 2: Stakeholder consultations attendance lists



MINISTRY OF EDUCATION
State Department for Basic Education
Directorate of Projects Coordination and Delivery

Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 13/4/2024 COUNTY: NAIROBI VENUE: KICA

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

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MINISTRY OF EDUCATION
State Department for Basic Education
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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 8/14/2024 COUNTY: NAIROBI VENUE: KICD

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MINISTRY OF EDUCATION
State Department for Basic Education
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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE:..... COUNTY MOMBASA VENUE.....

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MINISTRY OF EDUCATION
State Department for Basic Education
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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE:..... COUNTY MOMBASA VENUE.....

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REPUBLIC OF KENYA
MINISTRY OF EDUCATION

STATE DEPARTMENT OF BASIC EDUCATION

STAKEHOLDER CONSULTATIONS ON ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT (ESSA) FOR THE PROPOSED KENYA SECONDARY EDUCATION EQUITY AND QUALITY IMPROVEMENT PROGRAMME (P50648)

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: COUNTY: MOMBASA VENUE: CC's BOARD ROOM

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 05-02-2024 COUNTY: MOMBASA VENUE: CC'S BOARD ROOM

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 05/04/2020 COUNTY: MOMBASA VENUE: County Commissioner - W/S

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 05-04-2020 COUNTY: MOMBASA VENUE: C.C.'S BOARD ROOM

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 4th APRIL 24 COUNTY: LAikipia VENUE: T.HINGITHU

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DATE: 4th APRIL 24 COUNTY: LAKWIPA VENUE: THINJITU

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 5th APRIL 24 COUNTY: LAKIPIA VENUE: THINGITHU

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DATE: 5TH APRIL 24 COUNTY: LAIKIPIA VENUE: TIKINDI TOWN

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DATE: 5TH APRIL 24. COUNTY: LAIKIPIA VENUE: TIKINDI TOWN

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Stakeholder Consultations on Environmental and Social Systems Assessment (ESSA) for the Proposed Kenya Secondary Education Equity and Quality Improvement Program

DATE: 5th APRIL 24, COUNTY: LAKIPIA VENUE: HTI/24/01/24

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Annex 3: Summary Disbursement Linked Indicators (DLIs)

RA	Disbursement Linked Indicator	Disbursement Linked Result	Disbursement Protocol	Total Amount Allocated (US\$ million)
Expand equitable access to quality Junior and Senior School Education.	DLI 1: Number of new and rehabilitated classrooms/labs /WASH facilities in existing JS and FDSE as per the approved needs assessment report.	DLR 1.1: A needs assessments report approved, with an implementation plan with clear targets and milestones for each target school.	US\$ 30.8 million for the approved needs assessment report and implementation plan with clear targets and milestones.	63.8
		DLR 1.2: Implementation of the plan to meet milestones of targets facilities.	Scalable. US\$ 10 million for every 33 percent of milestone achieved, up to a maximum of US\$ 30 million. A milestone comprises a batch of at least 33 percent of the target facilities in the implementation plan meeting the established standards and certified by Ministry of Public Works.	
	DLI 2: Percentage of learners retained in JS in target Counties, including refugee learners ²¹ .	DLR 2.1: Percentage JS learners in target counties completing grade 8 (% girls)	Scalable. US\$4 million for at least 70% of JS learners in target counties completing grade 8 (% girls) up to a maximum of US\$ 12 million. Baseline: 0 ²² Target: 70	24
		DLR 2.2: Percentage JS learners in target counties completing grade 9 (% girls)	US\$ 4 million for at least 70% of JS learners in target counties completing grade 9 (% female), up to a maximum of 12 million. Baseline: 0 Target: 70	
	DLI 3: Share of JS reporting learner-textbook ratio of 1:1 in Science, Mathematics, and English at grades 7, 8 and 9 in targeted Counties, including refugee learners.	DLR 3.1: Framework contracts signed by MoE with publishers for delivery of target new CBC textbooks and Teachers Guides.	US\$2 million for each signed contract, up to US\$ 10 million. Baseline: 0 Target: 5	10
		DLR 3.2: Share of JS reporting learner- textbook ratio of 1:1 in Integrated Science, Mathematics, and English at grades 7, 8 and 9.	US\$5 million. 80% of JS with 1:1 student-textbook ratio. Baseline: 1:3 Target: 1:1	5

²¹ Reimbursement for achieved results under this DLI could also be reprogrammed to support the Elimu Scholarship Program for Senior School, including for refugee learners.

²² The 2024 cohort is the first cohort of grade 8 under the CBC.

	DLI 4: Number of Target Camp based JS receiving school grants and School meals	DLR4.1: Target JS in camp-based schools with an approved SIP.	DLR 4.1: US\$250,000 with an approved SIP, disbursed in two tranches: US\$ 150,000 for an approved SIP. Second tranche, US\$ 100,000 is triggered by recruitment, and in duty station, of target new contract/intern teachers per the targets in the SIP, and signing of a contract for classroom/WASH/lab construction as per the target in the SIP.	12.5
		DLR 4.2: Number of Vulnerable in Camp- based refugee schools including JS Learners, learners in refugee host communities and LCBS schools, who are provided with school meals during each school calendar year.	Scalable. US\$2.5 per targeted vulnerable learner up to US\$10,000,000 per school calendar year. Baseline: 0 Program target: 2,000,000 learners	15
	DLI 5: Reduce percentage of Out-of-School Children (OOSC) in top 5 Counties with the highest OOSC.	DLR: 5.1: Percentage point reduction in OOSC in 5 target Counties.	Scalable. US\$2 million for at least 5 percentage point reduction in OOSC in target Counties annually, up to US\$ 8 million. Baseline: 0 Program target: 20 percentage points reduction	8
	DLI 6: Milestones achieved in strengthening 10 EARCs by: (a) costed operational plan based on a needs assessment ²³ ; (b) contracts signed for procurement and installation of target sets of equipment for each EARC; and (c) at least 60 % replacement by TSC of retired staff at the EARCs not yet replaced.		US\$2.0 million for the costed operational plan for strengthening 10 EARCs. Scalable. US\$1.0 million for each contract signed up to US\$ 5 million. Scalable: US\$ 30,000 for each retired staff replaced, up to \$3 million	10
Improve teaching quality in Junior School.	DLI 7: Improvement in quality of teaching in Junior School.	DLR 7.1: SBTSS design and operational plan reviewed in line with the baseline results ^[1] for teachers' performance gaps in SME JS. DLR 7.2: Increase in the share of target JS teachers achieving proficiency in subject matter content and pedagogical teaching in SME.	US\$6.0 million for the revised SBTSS design and costed operational plan.	11

²³ Reimbursement for achievement of this result could be reprogramed to support critical rehabilitations at the 10 EARCs.

^[1] Teacher assessment in SME in JS is ongoing under the SEQIP operation.

			Scalable. US\$2million for at least 20% of teachers achieving 80% proficiency in Science or Mathematics or English, up to US\$6 million (\$2 million allotted to each subject).	
		DLR 7.3: Establish teacher deployment strategies to leverage teacher surplus in some schools, to address teacher shortages in targeted Counties with the highest teacher shortage.	US\$ 3 million for approved, by TSC Board and CEO, a comprehensive strategy and implementation plan for deployed of surplus teachers to Counties with the highest shortage shortages.	3
		DLR 7.4 : Upgraded teaching learning environment in Pre-service Teacher Training Colleges (TTCs). -	US\$ 19.7 million for Contracts signed by MoE for expansion/ rehabilitation of critical facilities based on an approved needs assessment report and implementation plan.	19.7
Strengthen Systems for Equitable Service Delivery in Secondary Education (Junior and Senior Schools).	DLI 8: Strengthened systems through institutionalization of key initiated reforms in Basic Education.	DLR 8.1: Draft Basic Education Bill submitted to Parliament.	US\$4 million for the Final Draft Basic Education Bill (2024) submitted to Parliament.	4
		DLR 8.2: Operationalise an e-assessment resource centre at KNEC facilities in line with the CBA reforms through: a) costed design and implementation plan of the e-assessment centre; b) milestones achieved in core areas to support the implementation plan for the e-assessment centre.	US\$ 2 million for costed design and implementation plan. Scalable. US\$ 1 million for each core milestone achieved in the implementation plan , up to \$4 million. Baseline: No Program Target: Yes	6
		DLR 8.3: Revised National Education Quality Assurance and Standards Framework, and the associated guidelines and tools approved in line with CBC and CBA reforms.	US\$ 2 million for approved framework and tools. Baseline: No Program Target: Yes	2
		DLR 8.4: KICD and KNEC aligns the Accelerated Education Programmes (AEPs) with the CBC and CBA.	US\$ 1 million for approved CBA for AEP pathways. Baseline: No Program Target: Yes	1
	DLI 9: Initiate transition to clean cooking energy/technologies for a sustainable national School Meals Program (SMP).	-	Scalable. US\$ 3 million for each operational Centralised Kitchen up to US\$ 9 million. US\$ 1 million for operational school-based kitchens in selected rural ASALs ^[2] .	10
	TOTAL AMOUNT			220

^[2] The large Centralized Kitchen will not work in the rural ASAL because of the distances between schools, and other logistics constraints. The proposed pilot school-based kitchens will build on the PPP model to serve between 500 to 3,000 learners depending on the enrollment in the target school.