Unlocking Big Change on Pre-Primary Education in Kenya:

a plan of action for civil society advocates

A Theirworld Briefing
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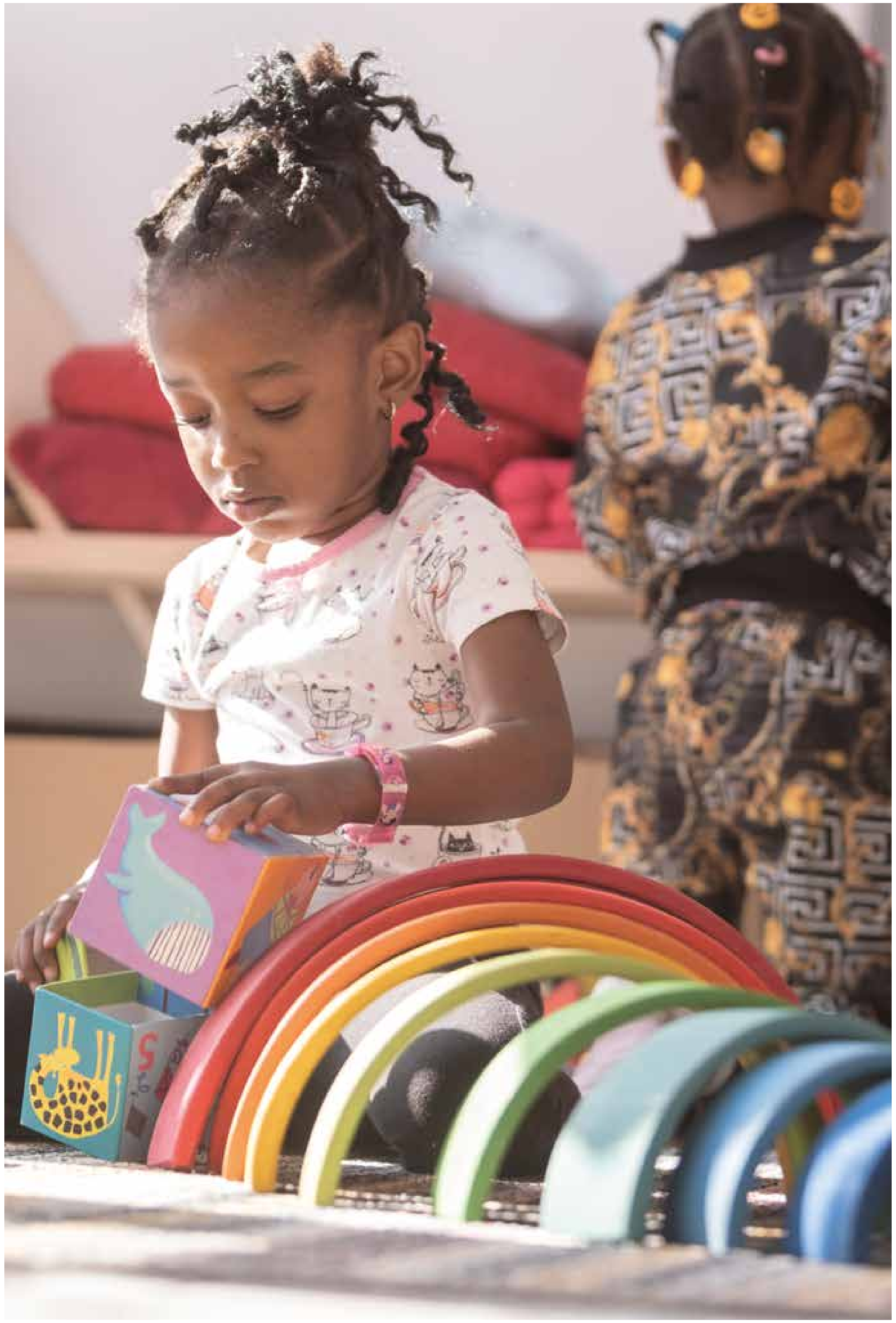

1. Contents

1. Introduction	**5**
2. Achieving Change on Pre-Primary Education	**6**
3. Benefits of Investing in Pre-Primary Education	**8**
4. Main Barriers to Effective Pre-Primary Provision	**11**
5. Understanding existing ECDE policy in Kenya	**15**
6. Key Actions for Pre-Primary Advocates	**25**
Annex A: Step-by-Step Overview of CIDP Process	**34**
Annex B: Overview of the County Budgeting Process	**38**

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Nudrin drawing a family
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1. Introduction

In 2006, the Kenyan Government laid out its vision for pre-primary education in a new, ground-breaking policy.[1]

The early years, as the policy highlighted, is a critical window of opportunity for young learners. Recent advances in neuroscience have evidenced that 90% of a child's brain development occurs before the age of five. As the Government highlighted, parents, caregivers, and teachers need to make use of this period to maximise children's holistic development. Environmental influences, especially care, nurture and stimulation, have the greatest impact on life.

Children who attend early childhood education are twice as likely to show progress in early literacy and numeracy. It promotes the development of language acquisition, motor and cognitive development, and social and emotional skills. This has a knock-on effect throughout a child's educational journey. Children are more likely to start primary school at the right age, progress through the system, learn and develop competencies needed to succeed in life. It reduces the risk of children either dropping out of primary school or repeating a grade. Children who attend are more likely to complete primary school (UNICEF 2019).

Kenya is avowedly ambitious for its people. It is therefore imperative that it secures the long-term future of its youngest children. In July 2021, the outgoing President Uhuru Kenyatta pledged at a global education summit co-hosted by Kenya and the UK to commit at least 25% of the national budget to education. Admirable though that commitment is, it is critical that the youngest learners receive the necessary share of support and investment, both in terms of the recovery from the Covid-19 pandemic and the coming decade. By committing at least 10% of the education budget to pre-primary education, Kenya can best ensure that it meets the promise to its children and delivers universal, high-quality early childhood education by 2030.

1 National Early Childhood Development Policy Framework, Republic of Kenya, 2006

2. A Guide for Achieving Change on Pre-Primary Education

Theirworld is an education charity committed to ending the global learning crisis.

Our mission is to ensure that every child has the best start in life, a safe place to learn and skills for the future. We achieve our mission by combining the power of campaigning, policy, and innovative projects, to create change from the top-down and bottom-up. We anticipate target, and solve the complex barriers keeping children and young people from education and opportunity. So that they have the best start in life, our objective is to ensure that all children receive at least two years of high-quality pre-primary education.

Since 2019, Theirworld has been running an advocacy campaign in Kenya targeting decision-makers to increase investment and provision for early childhood development and education. This guide draws from our campaigning experience alongside new analysis to explain and outline the key mechanisms for achieving sustainable change.

Kenya has one of the most sophisticated systems of devolution across east and southern Africa. Each of the country's 47 Counties has responsibility for investing in and delivering pre-primary education. This degree of decentralisation offers distinct opportunities to improve the quality of early childhood development and education (ECDE) provision. This puts local civil society in a unique position to push for change through budgetary and planning processes, engaging with elected officials and public campaigning.

Electoral concerns can heavily influence how pre-primary budget allocations are made by elected representatives (Piper, 2018). This underscores the important role that communities can play in shaping the local agenda. Greater demand from parents and caregivers, who form a significant portion of the electorate, has seen decision makers steadily emphasise the need to increase pre-primary provision across the country (Piper, 2018). This is reflected in specific studies that have assessed community attitudes. One piece focussing on the experiences of Maasai families has highlighted the growing recognition among parents of early years as a preparatory learning space that marks a vital step if children are to advance through the education system (Taeko Takayangai 2021).

This guide is designed to highlight the key areas where local advocates can focus their efforts to influence policy and achieve sustained change. It provides an overview of the investment benefits of pre-primary education and lays out the core barriers holding back effective provision. The guide also considers the main legal and policy framework of early years education provision in Kenya, briefly reviewing historical frameworks such as the 2006 National ECD Policy Framework, the 2010 Children Act, the 2013 Basic Education Act, the Vision 2030 Development Plan, and the National Plan of Action for Children 2015-2022.

The guide also takes a specific look at County policy, legislation, and provision, with data analysis focussing on six Counties – Nairobi, Machakos, Kilifi, Wajir, Turkana, and Bungoma. The analysis throughout the guide also draws from primary data collected through interviews with national and County Government staff, County Assembly Members and Executives, ECDE civil society, and teachers and parents. The analysis also reviews the budgets of the six Counties to identify current investment trends. The guide then sets out the main pathways for change, identifying the core activities advocates can take to influence County decision-making processes.

3. The Benefits of Investing in Pre-Primary Education

A growing body of evidence continues to underscore the importance of pre-primary education for ensuring equitable and efficient education systems.

The Education Commission (2016), a global initiative that has costed what it will take for the world to deliver the education Sustainable Development Goal 2030 targets, highlights that on average, every $1 spent on early childhood education can yield a return of up to $7.1 (Education Commission, 2016). The Nobel Prize winning economist James Heckman has identified that investment in the early years has the highest rate of return and the biggest impact on children's brain development.

Theirworld has therefore called on governments to invest at least 10% of their education budgets on early childhood education (Theirworld 2021). This evidenced based calculation was devised by the Education Commission (2016) and sets out what countries across the world need to commit to if world leaders are to meet the promise set out in the Sustainable Development Goals. This commitment will ensure all children across the world receive two years of quality pre-primary education by 2030. Analysis of budget data by UNICEF has identified that Kenya currently invests just 1.8% of its education budget on pre-primary. Rwanda (7.7%), Tanzania (6%), Zimbabwe (2%), and Ethiopia (1.9%) all currently invest more on pre-primary as a proportion of their overall education budget.

Kenya has nonetheless made important strides. Over the past 15 years, access to pre-primary education has increased significantly. As of 2014, gross enrolment rates stood at just under 75%. By 2019, the total number of children enrolled in pre-primary was 2.7 million. Of this number, 1.9 million attended public schools, while just over 800,000 attended private institutions (Republic of Kenya, 2019). This still means a quarter of children are missing out – a group typically made up of the most marginalised, hardest-to-reach children like those growing up in arid and semiarid communities. For example, Mandera County has registration rates of just 18% (Republic of Kenya 2018).

Important challenges regarding quality of provision such as the supply of teachers also remain unaddressed. In 2019, the Government of Kenya recorded a total of just over 46,500 public ECDE centres and 18,100 private institutions. There are a total of 92,359 teachers, with 53% employed by County governments, and 47% working in private centres. This has led to a major imbalance with the teacher-student ratio. Government guidelines assert that every 25 children should be taught by one teacher, but in public classrooms the split is 1 teacher for every 37 children.
This contrasts with the 1.21 split in private institutions.

These numbers reflect County level research findings. A series of interviews with County officials carried out by RTI International identified the extent to which electoral concerns influenced how ECDE allocations were made. Despite parents' perception of quality often centring on teaching quality and the availability of learning resources, Counties have typically focussed resources on highly visible political markers like the construction of new ECDE centres. The research also identified significant disparities between Counties, with per learner expenditures several times higher in some Counties than others, with wealthier Counties able to supplement ECDE investments in ways poor and rural Counties could not (Piper, 2018).

Kidagaa Play lab preschool run by BRAC in Tanzania in 2017
© Mticka Almas

4. The Main Barriers to Effective Pre-Primary Provision

Our analysis has identified five core areas that are holding back pre-primary provision in Kenya: insufficient financing, an incoherent policy framework, a confusing institutional framework, geographical disparities, and the impact of Covid-19. These are not intractable problems, and there are signs of improvement – particularly around the policy and institutional frameworks – as the devolution settlement in Kenya evolves. These issues nonetheless represent the key areas civil society advocates should focus their action on as they look to identify potential pathways for change at the County level.

Insufficient financing

Underinvestment in pre-primary education threatens the gains Kenya has made in enrolment over the past 15 years. Findings from UNICEF (2020) indicate that Kenya invests about 1.8% of its education budget on early childhood education. Our own analysis indicates that Counties are investing less than 2% of their total budget on pre-primary. As highlighted above, this is well below the agreed international standard of investing at least 10% of education budgets on early years education (Theirworld 2021).

Unlike primary and secondary education, ECDE does not benefit from per-capita grants from the national government, meaning that funding streams can vary from region to region. This lack of secure funding has seen the quality of ECDE provision suffer, leading to inadequate learning materials, water and sanitation facilities, school feeding programmes, and low-quality physical infrastructure. The national government has also never developed a scheme of service for ECDE teachers, resulting in poor remuneration, low staff morale, and a high attrition rate of trained teachers.

Where investment is tight, Counties have typically spent most of their funding on infrastructure, with classroom construction their main priority. This has seen decision-makers focus on a relatively small number of 'high-spec' centres that cover a small number of children. This has left gaps in other key areas of provision, with Counties spending little on interventions that promote teaching and learning, such as classroom materials, or on school nutrition programmes for children (Piper et al, 2018).

> *Some schools do not have facilities like toilets for pre-primary learners. Young children find it difficult to use facilities meant for bigger children.*
> **ECDE teacher in Bungoma.**

> *The County needs to invest in school feeding programmes. We have situations where small children come to school hungry… and it becomes very difficult to teach hungry children."*
> **ECDE teacher in Turkana.**

Incoherent policy framework

Responsibility for the provision of ECDE was passed to Counties in 2013 as part of the new constitutional arrangements set out under devolution. However, these new arrangements were not matched with a clear quality standards and policy approaches over how these responsibilities should be carried out. This has resulted in drastically different approaches in how Counties apply their duties, with some moving forward with local legislation and others holding back. Between 2013 and 2020, at least 15 Counties have enacted local legislation to regulate ECDE provision. In some cases, Counties have legislated to take on curriculum development despite this responsibility sitting with the Kenya Institute of Curriculum Development.

Confusing institutional framework

The various national and regional bodies and institutions responsible for delivering ECDE are not working together effectively. This is partly attributable to the incoherent policy framework. For example, while ECDE is a County function, many centres are located in primary schools which are the purview of national government. This complicates infrastructure investment and the allocation of resources such as building age-appropriate classrooms and toilets. Unclear policy also led to a disagreement over who is responsible for hiring teachers, with the National Union of Teachers challenging Counties in the Courts. Judges ultimately ruled that while County governments had the authority to hire pre-primary teachers, they could only do so through the register of trained teachers held by the Teachers Services Commission.

Geographical disparities

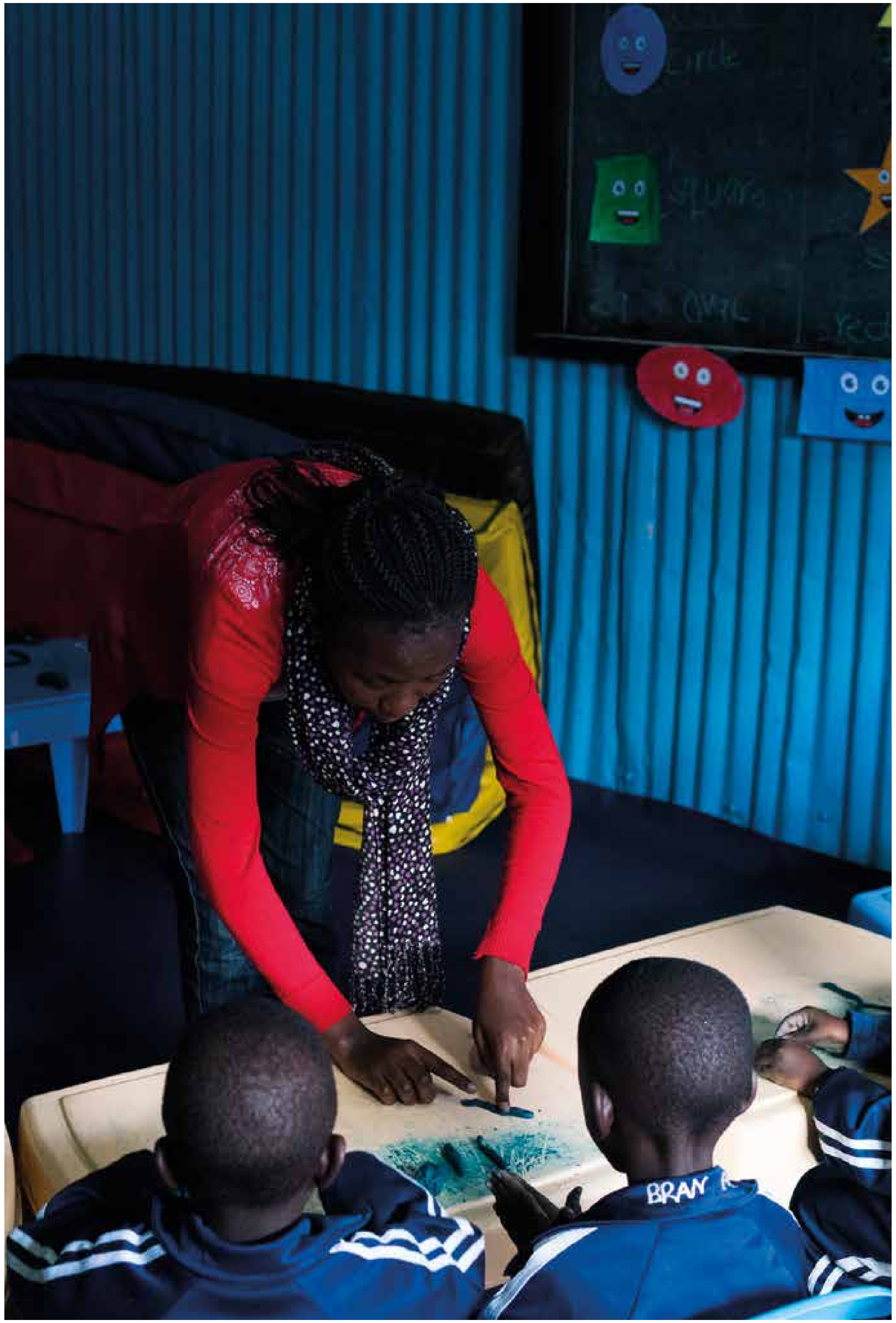
Regional disparities are a major cause of marginalisation in Kenya. Children growing up in arid and semi-arid lands or informal urban settlements are significantly less likely to receive high-quality ECDE due to underinvestment and low prioritisation. In Wajir County, most children who receive early years education do so through Duksi or Madrassa centres where the emphasis is predominantly on reciting and memorising religious texts, alongside some focus on basic numeracy. Yet devolution does have demonstratable benefits. Turkana County has seen gross enrolment increase 110% since 2013, demonstrating how regional policy-making and targeted investment can improve the lives of marginalised children.

> *Devolution has its advantages. We have seen paid enrolment in pre-primary because of good investment in the sub-sector."*
> **Turkana official.**

The impact of Covid-19

The closure of ECDE centres as part of wider school closures because of the pandemic has had a huge impact on young learners in Kenya. Most public schools across the country have no digital access, while many children from rural and urban informal settlements lack computers, tablets, and internet connectivity. This meant that the children most affected by poverty and marginalisation, who were most reliant on formal instruction in physical centres, were left with little recourse to learn. The impact of Covid-19 extends further than learning. Many children from low-income households also rely on school meals to support their daily nutrition intake. For those attending ECDE centres which provide meals, the closures meant children abruptly lost an important source of nutrition.

> *There was virtually no learning for ECDE children in Wajir as we [teachers] could not reach out to children using phones or computers. Most of our people are poor and the internet connectivity is not very good.*
> **ECDE teacher in Wajir.**



5. Understanding existing ECDE policy in Kenya

Early Childhood Development Centre in Kibera, Nairobi, Kenya in 2017. Credit© Adriane Ohanesian

Independence to the 2010 Constitution

ECDE has sat at the margins of Kenyan education policy for decades, with most of the investment historically coming via private sector and faith-based sources. The Ominde Commission sought to advance universal primary education in the immediate aftermath of independence in 1963, while later initiatives such as the Mackay Commission in 1981, the Kamunge Commission in 1986, and the Koech Commission in 1998 all made landmark contributions to education provision without ever articulating a policy framework for pre-primary education. This changed with a 2005 Sessional Paper and the subsequent publication of the 2006 Early Childhood Development policy framework in 2006. These policy statements were the first to strategically link early years investment to poverty reduction, universal school enrolment, child mortality reduction, and increasing gender equality.

The enactment of the new Constitution in 2010 and subsequent Basic Education Act (2013) transformed the delivery of education in Kenya, dividing responsibilities between national government and the newly formed 47 Counties. Provision of ECDE, alongside child-care and youth polytechnics, were devolved to local administrations, while the national government retained oversight for primary, secondary tertiary and special education alongside standards, curricula, and examinations. The Basic Education Act underpinned the Constitutional settlement by outlining the entitlements of children and young people, enshrining the right to free and compulsory basic education while outlining national oversight for the accreditation, registration, governance, and management of educational institutions.

Section 18 of the Act specifically outlined the process for administering the ECDE system. It established County Education Boards which were empowered to oversee, in consultation with County Governments, the operation and management of pre-primary centres, early childhood care and education programmes and youth polytechnics. The Boards' primary role is to coordinate and monitor education and training on behalf of the national Government. Section 26 of the Act focusses on the specific responsibilities of County Governments, mandating that Counties should ensure the provision of funds to develop the ECDE infrastructure and maintain long-term investment in the sub-sector.

Devolved responsibilities

A core advantage of decentralisation is that decision makers are brought closer to the communities they serve, offering greater opportunities to develop funding and provision arrangements through a local, contextual lens. Since 2013, at least 15 Counties have enacted bespoke legislation that, in principle, have sought to address regional challenges facing children, families, and the wider community. This legislation asserts the responsibilities set out under the new Constitution, focusing on aspects such as core rights and entitlements, overall oversight and administration, and the registration of individual centres.

Elgeyo Marakwet County has, for example, passed legislation that details the broad entitlements children are expected to receive, asserting elements such as equitable access, and the right to quality provision. Other Counties go further in clarifying these entitlements, with Meru County explicitly stating that ECDE centres cannot charge tuition fees without specific authority from the County Executive. The different pieces of legislation also assert in various ways who is responsible for overall oversight for the ECDE system. Mandera County places this responsibility with the Governor, though most Counties enshrine the Executive Committee Member for Education as the main duty bearer.

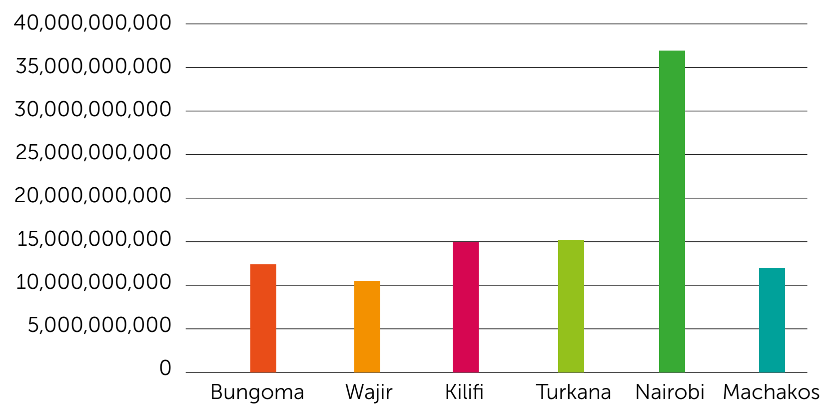
County Budget Analysis

Our analysis takes an in-depth look at Bungoma, Kilifi, Machakos, Nairobi, Wajir, and Turkana Counties to better understand how, in the years since devolution, funds have been allocated to develop and maintain the ECDE system.

2019/20 Budget

Nairobi leads with the highest overall budget of about Ksh. 36,981,390,892.00 and Wajir with the least at Ksh. 10,330,138,801.00. Turkana, Kilifi, Bungoma and Machakos follow Nairobi closely from the second highest to the least with Ksh. 15,032,757,284.00, Ksh. 14,723,636,036.00, Ksh. 12,198,149,224.00, Ksh. 12,013,535,792.00 and Ksh. 10,330,138,801.00, respectively.

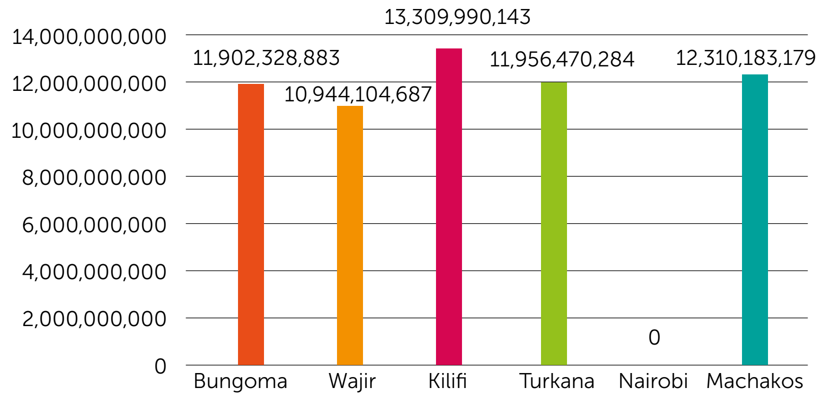
Overal Country Budget 2019/20



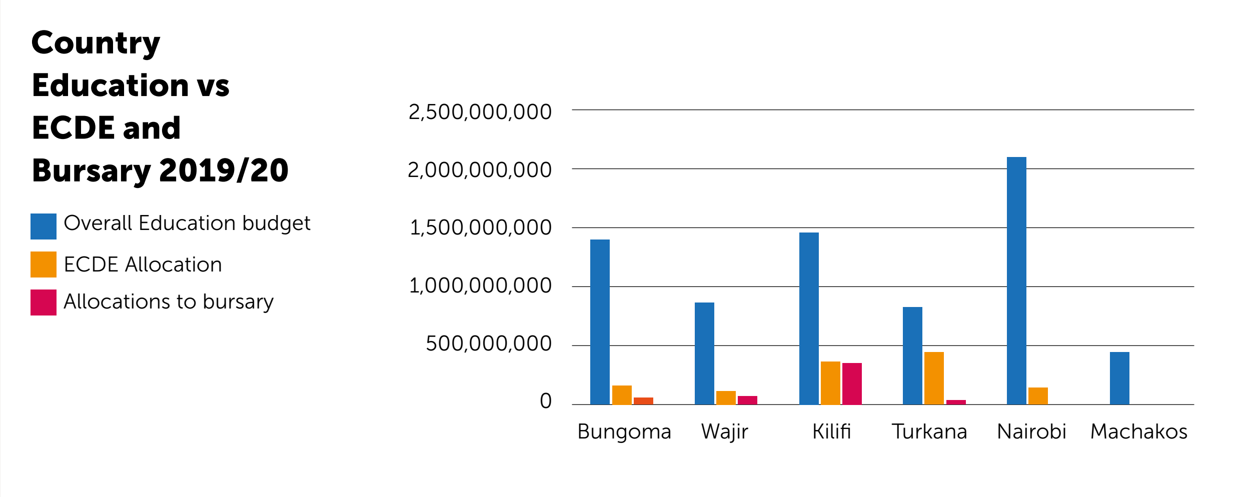
2020/21 Budget

For 2020/21, Kilifi lead followed by Machakos, Turkana, Bungoma, with Wajir trailing. The budgets are Ksh.13,309,990,143.00, 12,310,183,179.00 11,956,470,284.00, 11,902,328,883.00, and 10,944,104,687.00, respectively.

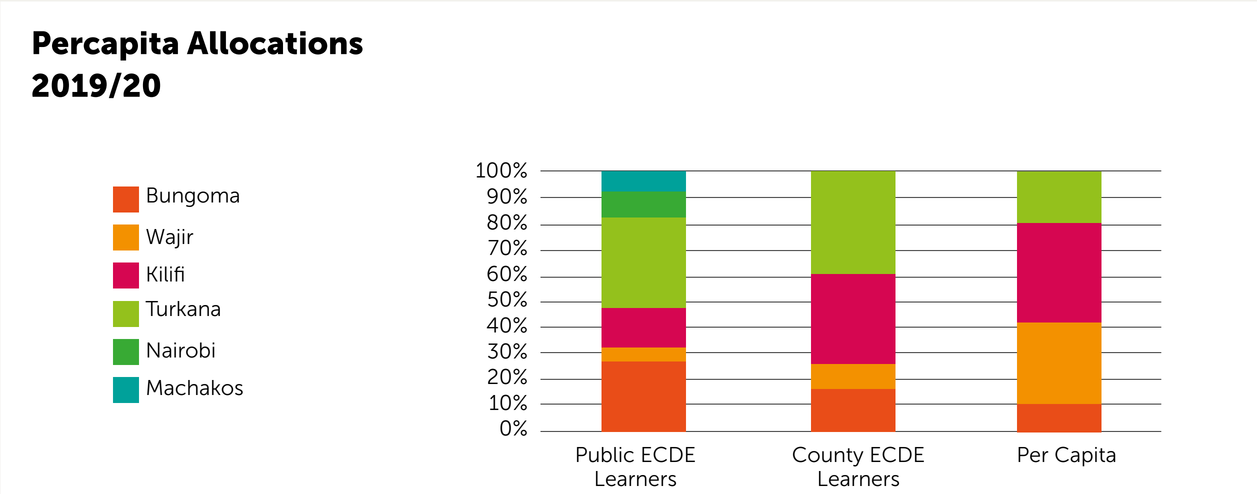
Overal Country Budget 2020/21



County Education Vs ECDE and Bursary Budgets 2019/20

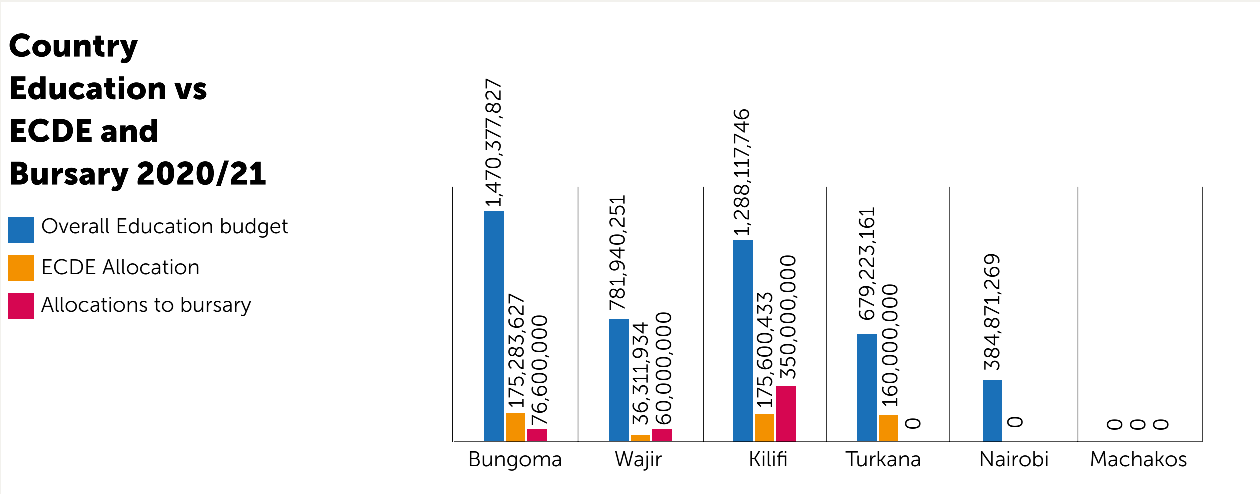


Per Capita Allocation for Financial Year 2019/20



County Education Vs ECDE and Bursary Budgets 2020/21

Every County but Machakos failed to avail its allocations towards early childhood education as well as that of bursary while Nairobi County failed to represent its bursary data.



Gaps between national and local responsibilities

A complicating factor for any decentralised system is where responsibilities between national and regional actors overlap or, in some case, come into conflict. For example, the Kenya Institute of Curriculum Development was constituted in 2013 to develop, review and approve curricula and relevant supporting materials for all levels of education, including pre-primary. While Counties were expected to develop pre-primary provision in tandem with the institute, several Counties passed local legislation that handed them exclusive responsibility over curriculum development. Nakuru County enshrined this responsibility with the Executive Committee Member for Education. Attempts have since been made to overcome this discrepancy after a new national pre-primary curriculum was introduced in 2018 which all Counties are required to follow.

Teacher recruitment has also emerged as a significant pressure point under the devolved arrangements. The Teachers Service Commission predates the 2010 Constitution as the main body responsible for teacher training and professional development. Counties, in exercising their new responsibilities, began recruiting pre-primary teachers under their own schemes of service. This led to the National Union of Teaching bringing a case to the Attorney General arguing that this overstepped Counties' constitutional authority. The case served to spotlight the severe teaching shortages facing the ECDE sector, with the Counties arguing that the Commission had failed to implement a national scheme of service for pre-primary teachers, leaving classrooms understaffed. The Courts issued a compromise, judging that while Counties have the power to recruit ECDE teachers, they could only do so from the register of trained teachers held by the Teachers Service Commission.

Post-2019 Developments

It was anticipated that the Basic Education Act would be followed by a detailed policy framework that would clarify the specific responsibilities of Counties for delivering ECDE provision. This was delayed for several years, opening a critical gap between Counties and the national government that has affected investment, administration, delivery, and oversight. Published in 2019, Sessional Paper No. 1 was the first attempt to correct course, outlining the

Government's commitment to expanding provision and enrolment, strengthening pre-primary retention and completion, while also promising a greater commitment to parental engagement. The paper also outlined the Government's commitment to honing synergies between national and local bodies, while also asserting a new policy to mainstream ECDE provision within the primary school system.

The paper was followed by the enactment of the Early Childhood Act in March 2021. Marking an important milestone for early childhood education in Kenya, the Act is the first legislative attempt to harmonise the aims and entitlements of pre-primary education within a single framework. Its key provisions can be broadly set out under out under five key pillars. These include the broad principles for pre-primary, the duties Counties are required to meet to ensure these principles, the mechanisms for delivering pre-primary, quality assurance to ensure compliance and requirements to engage with communities.

1. **Principles:** Section Five of the Act restates children's right to ECDE, that every child has the right to free and compulsory early childhood education in any public education centre within the republic. This entitlement should be enjoyed without discrimination, exclusion, or restriction based on sex, race, colour, ethnic origin, tribe, birth creed or religion, social or economic standing, political or other opinion, property, disability or other status.
2. **Duties:** Section Three of the Act clarifies the duties of Counties to act on these principles. These include the obligation to provide free and compulsory ECDE, to establish ECDE centres, and to formulate programmes, plans, and policies for realising universal provision. This includes an explicit requirement to put in place provision that supports children with special needs. The Act specifies that every Kenyan child should be guaranteed free admission to public ECDE centres.
3. **Delivery:** The Act establishes a responsibility, in conjunction with County Education Boards, for County Executive Committee Members to determine and allocate resources and infrastructure to meet local ECDE needs. Counties are also responsible for the recruitment, professional development and renumeration of ECDE teachers. The Act also requires every ECDE centre to submit an annual report and for County Education Boards to ensure these reports are available on request.
4. **Quality assurance:** The Act asserts the powers of Counties to discharge these duties, including the power to deregister ECDE underperforming centres. Part Four of the Act specifies a requirement for Counties to set up a Board of Management responsible for the financial management of ECDE provision. Part Seven of the Act establishes quality assurance measurement by requiring Counties to establish a local committee that liaises with the national Education Standards and Quality Assurance Council.
5. **Community engagement:** Section 33 of the Act includes a requirement for Counties to engage with parents and communities through the creation of parent teacher associations. These are tasked with promoting quality care and the nutrition and health of learners alongside maintaining a positive working relationship with teachers and parents.

Central ECDE Stakeholders

Various national, County, and local institutions are responsible for overseeing ECDE policy and provision. At the national level, this includes executive and parliamentary functions like the Ministry of Education, Parliamentary committees, administration bodies like the Kenya Institute of Curriculum and Development. Many of these bodies are mirrored within the County system, including County Governments, County Executive Committees, and the County Education Boards. At the local level, Boards of Management provide specific oversight of ECDE centres.

National Institutions

Ministry of Education
The Directorate of Basic Education is responsible for the coordination and management of ECDE, primary education and teacher training college programme and activities. Officials are responsible for aspects such as policy formulation and implementation, oversight of teacher training, the registration of schools and colleges, finance and resourcing, and the implementation of Nomadic Education and Alternative Provision.

National Early Childhood Education Committee (NECEC)
The NECEC is responsible for enhancing child rights in Kenya. Several directors sitting on the Committee have specific roles. This includes Directors responsible for ECDE, Special Needs, Quality Assurance and Standards, Medical Services, Curriculum Development, and Examinations. Civil society and development partners appointed by the Cabinet Secretary for Education also sit on the Committee as ex-officio members. Specific responsibilities around pre-primary education include providing national policy direction mobilising resources and investment, and monitoring and evaluating pre-primary policy and standards.

Kenya Institute of Curriculum and Development (KICD)
The KICD advises the national Government on curriculum development. Its specific responsibilities for ECDE include developing, reviewing, and approving curricula and supporting materials, carrying out research to inform curriculum policies, promoting equity and access, and running a databank of curriculum materials and innovation.

Parliamentary Education and Research Committees (The National Assembly and Senate)
Parliamentary Committees are responsible for reviewing legislation, policies and sessional papers that incorporate education objectives, reviewing budgets, scrutinising governance activities, and vetting and approving Executive appointments. The Committees also have the power to initiate special investigations. They can enable public participation through hearings and meetings inviting evidence from special interest groups, academics, experts, and individual citizens.

County Institutions

County Governments
County Governments are the core delivery mechanism for ECDE. They are responsible for providing pre-primary infrastructure, learning and play materials, school feeding programmes, alongside quality assurance and assessment, ensuring auditing by certified authorities, and carrying out regular monitoring and evaluation. In terms of financing, County Governments provide capitation grants, including for play and learning materials, meals and nutrition, and co-curricular activities. They are responsible for remunerating pre-primary teachers. At the local level, County Governments oversee the formation of ECDE centre Boards of Management (see below).

County Early Childhood Education Committee (CECEC)
The CECEC mirrors the functions of the NECEC (see above) at the County level. They are responsible for establishing County-based governance structures to manage the pre-primary education system that ensures equity and inclusivity. They ensure implementation of National Pre-Primary Education Policy and Standard Guidelines, and establish, equip and maintain County Pre-Primary Education Resource Centres (CPERCs). They are also responsible for ensuring that ECDE centres meet accessibility standards for learners with special needs and disabilities, and that schools establish and maintain feeding programmes. In terms of oversight, CECEC's ensure that only approved pre-primary curricula are implemented and are responsible for the establishment of Boards of Management in every pre-primary school.

County Education Board
County Education Boards were established by the Basic Education Act (2013) to serve as the primary link between the Ministry of Education and County Governments. Their role includes oversight, in consultation with County Governments, the operation and management of pre-primary education centres within the County. This includes advising Counties on the Board of Management and Parent Association appointments, maintain a database of all ECDE centres, monitoring curriculum implementation, and preparing and submitting County Pre-Primary Education Annual Report to the County Cabinet Secretary for Education.

Local Institutions

Boards of Management (BoM)
Section 55 of the Basic Education Act (2013) set out the requirement for every pre-primary centre to establish a Board of Management. BoMs comprise of seven members which includes two parent representatives, a County Government nominee, a teacher representative, a special needs representative, a special interests' representative, two co-opted members, and the head of the institution. BoM's provide day to day oversight including aspects such as developing Strategic and Development plans, ensuring the holistic development of the student body, mobilising parents and communities, accounting for funds allocated to the school, and ensuring school facilities adhere to basic standards.

Parent Associations
Parent associations are crucial community pillars for carrying out advocacy to advance pre-primary education provision and quality, promoting the rights and welfare of students, and monitoring and guiding school management processes and objectives.

6. Key Actions for Pre-Primary Advocates

The introduction of the Early Childhood Act (2021) and an increasingly settled policy picture for pre-primary education in Kenya marks a positive step forward for the country.

Yet as our analysis highlights, much more can be done to improve the quality and reach of pre-primary provision. Kenya's Constitutional settlement offers plenty of scope for civil society organisations working at either the national or local level to influence change. CSOs have the scope to take on several distinct roles. These include supporting community initiatives and mobilising local resources to advance high-quality provision and supporting capacity development and raising awareness.

This section of the guide offers key entry points and other considerations for advocates to press the case for increased focus on and investment in pre-primary education at the County level. The section covers four main areas – County planning, budgeting, law making, and rallying duty bearers. It by no means offers a complete picture. Local contexts will vary, with some regions likely having a more robust civil society to draw on than others. It nonetheless offers a template for advocates to draw from as they seek to influence change for the betterment of their local communities.

A. County Integrated Development Plans

The opportunity: civil society advocates should engage with the County Planning process to put pre-primary on the long-term local agenda.

The interplay of national and local government is the key feature of Kenya's constitution. Counties are expected to operate as distinct entities while at the same time coordinating with national Government. The relationship between the two should therefore be one of consultation and cooperation. The clearest examples of this are the planning and budgeting processes. Article 220(2) of the Constitution states that national legislation shall prescribe the structure of the development plans and budgets of Counties. The

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County Government Act (2012), the Public Finance Management Act (2012), and the Urban Areas and Cities Act (2011) fixed these Constitutional expectations into legislation.

The duties and requirements of the County planning process are set out in The County Government Act. Alongside annual budget plans, the law requires County planners to prepare five-year County Integrated Development Plans. The legislation specifies that the County Planning process should provide a platform for unifying planning, budgeting, financing programmes, implementation, and performance reviews. The law requires Counties to establish a specific planning unit to coordinate integrated development planning. The legislation requires County Executives to develop a planning framework which County Assemblies are required to approve before any funds can be appropriated.

The integration of planning with the budgeting process are further outlined in the Public Finance Management Act (PFMA). This sets out a specific schedule for the budget process. Counties are required to set out both short- and medium-term plans within the integrated development planning process. Budgets need to be mapped to the programmes, projects and expenditure that are set out within the development plan. The Urban and Cities Act establishes a mechanism for long-term planning by setting out a five-year integrated development planning requirement that should synchronise with County Integrated Development Plans.

Scope for engaging with the planning process

Planning can be broken down into two phases. Short-term annual processes, and the medium-term County Integrated Development plan process. The political opportunity with the greatest chance of shaping the agenda is located within the latter. Newly elected County Governments are effectively able to take campaign promises and manifestos and apply them to the planning process as they assume office. County governments are still implementing the second round of County Integrated Development Plans, with the first initiated in 2013 at the outset of the new Constitutional settlement when County Governments officially commenced operations.

Our analysis of the current phase of County Integrated Development Plans demonstrates the relative lack of focus on pre-primary despite the sub-sector being a core County function. In the first five-year phase, Bungoma County had identified the need to address inadequate ECDE classrooms and a lack of appropriately trained teachers. The County Integrated Development Plan did propose a Public Private Partnership to invest in the education and training sector. These objectives were not taken through to the second five-year phase, however, with the focus shifting to providing and maintaining teacher training service for public ECDE and vocational institutions.

There is therefore considerable scope for advocates to use the planning process to push ECDE up the local agenda. The County sector working group plays a key role in supporting the development of the County Integrated Development Plan and subsequent annual plans and budgets. Advocates should therefore prioritise securing membership on the development plan board. Advocacy is also dependent on developing and presenting memoranda and position papers that articulate the need for pre-primary and position this need within the context of the five-year plan and annual planning process.

The Ministry of Devolution and Planning has set out a detailed process to advise Counties on the development of County Integrated Development Plans **(see Annex A).**

B. Participation in the annual budgeting process

The opportunity: civil society organisations can align planning advocacy with a focus on the budget process to ensure high-quality pre-primary education is appropriately financed.

The planning and budgeting processes are closely intertwined. With a good foothold on the County Integrated Development Plan development process, civil society advocates have a significant opportunity to shape the allocation of resources that can deliver high-quality pre-primary for children. As part of the planning arrangements, Counties are expected to ensure transparency in the budget-making process, and to demonstrate that funding flows are reflecting the stated aims and objectives.

Effective budget advocacy should focus on three areas:

- **a.** The resources generated at local level;
- **b.** The equitable allocation of resources; and
- **c.** Guaranteeing efficient and effective utilisation of the allocated resources.

For resources generated at the local level, advocates should tailor their approach to support County Governments enhance their resource mobilisation. The main source of revenue for County Governments are exchequer transfers from the national Government. Beyond this, the Constitution offers a revenue fund for each County by which any money raised or received by or on behalf of the County Government is paid. Counties have five broad revenues streams. These include:

- An equitable share of at least 15% of national revenue;
- Conditional and unconditional grants from the national Government;
- Local revenues generated through tax collection, user fees and licenses;
- Borrowed loans and grants; and
- A specialised equalisation fund that marginalised counties can utilise which totals half of 1% of the revenue from the national Government's share of revenue.

Resource mobilisation can potentially be achieved through objectives such as diversifying revenue streams or proposing new legal frameworks, adopting mechanisms to minimise leakages (i.e., digitisation), and promoting taxpayer education to increase compliance.

Budget advocacy should also focus on ensuring the equitable allocation of resources to the pre-primary/ECDE sector. As our analysis highlights above, allocations to the sub-sector are comparatively low in relation to other sectors of local governance. A broader case, focusing on the rate of return pre-primary education offers, and the investment benefits pre-primary brings to the wider community, are key to making the case to decision makers.

Advocacy should also work towards guaranteeing efficient and effective utilisation of allocated resources. Funds allocated to the sub-sector are often channelled to other programmes through supplementary budgets. The role of advocates therefore focuses on ongoing scrutiny to ensure that funds that have been earmarked for pre-primary flow to the children, teacher salaries and training, learning resources and education centres they are supposed to benefit.

Scope for influencing the budgeting process

To execute a successful advocacy strategy focussing on the budgeting process, civil society organisations should undertake the following steps:

- Problem analysis and identification;
- Partnership and team capacity building;
- Budget monitoring and analysis; and
- Budget advocacy and influencing change.

Problem analysis: Kenya's devolved constitution empowers advocates to focus on local, contextual factors. By carrying out a problem analysis, advocates should look to understand what core factors are inhibiting effective provision within a County. This could include factors such as a teacher shortage, inadequate infrastructure, or lack of a comprehensive school feeding programme. The issue might also be at the policy level such the lack of a clear legal framework, or the absence of a costed plan of action on pre-primary. The problem analysis should, if possible, identify the level of funding required to achieve effective change.

Partnership and team capacity building: Effective advocacy is a team effort that is always strengthened through the inclusion of experts, influencers, and beneficiaries. Core team members should seek to undertake a stakeholder mapping exercise to identify experts with a good understanding of pre-primary education policy alongside figures with solid experience of public financing processes. The team should seek to build technical knowledge of overall public financing processes, including the budget cycle and the decision-making process. The team should also look to acquire key documents, including annual development plans, fiscal strategy papers, budgets, and audit reports to support evidence gathering and reasoning.

Budget monitoring and analysis: With the core team assembled, advocates should look at evaluating key budget documents. The objective is to assess whether the County budget addresses the issues identified in the problem analysis. The questions advocates should be asking as they carry out the analysis include:

- Does the budget statement reflect the main challenges affecting the sector, e.g., are resources for classroom construction, the purchase of learning materials, allocation to school feeding programmes etc. clearly stated within the budget lines?

- Is there a policy or framework that addresses the main areas identified in the problem analysis?
- What are the assumptions informing the budget and do they tally with the problem analysis?
- What is the overall education budget and what level of investment has been allocated to pre-primary?
- Does the identified budget allocation meet the level of need identified in the problem analysis?

Budget advocacy and influencing change: The steps outlined above form the foundations of the advocacy strategy. With the problem statement and budget analysis forming the foundations, advocates should consider developing materials such as memoranda, briefings and position papers that can be presented at public forms like town hall forums, or shared with technical officials, assembly members, and executive members to inform and influence the decision-making process. These resources should also be shared with Standing Committee members of the County Assembly and/or a caucus of Assembly Members who share an interest in early years issues. Stakeholders to target within the County Executive include the planning department, the education department or any relevant department dealing with children's issues.

The advocacy strategy should also map opportunities for engagement, including aligning with critical 'moments' within the budget cycle. The process can be broadly broken down into yearly quarters. In the first quarter, engagements should revolve around influencing the County Fiscal Strategy Paper. In the second quarter, advocates should prioritise interrogating proposed budgetary allocation estimates, using budget lines such as per capita allocations as an analysis tool. In the third quarter, the team should focus on revenue generation in the Finance Bill. For the fourth quarter, the team should focus on the Budget Review and Outlook Paper that sets out how finances were allocated and the budget ceilings for the next calendar year.

Further information on how to map this process can be found in the Overview of County Budgeting Process in Annex B.

C. Participating in the law-making process

The opportunity: Counties will need to take a fresh look at their existing County Legislation to align policies with the 2019 national guidance and the 2021 Early Childhood Education Act. This opens the door for civil society groups to work together to propose new legislation that can bolster provision.

The publication of the 2019 Secessional Paper and the enactment of the 2021 Early Childhood Education Act offer two major pathways for civil society organisations (CSOs) to engage with County duty bearers. In effect, the guiding policy framework that was first introduced when responsibilities for ECDE were passed to Counties in 2013 has now been superseded. All County governments will therefore need to take a fresh look at the legislation that was passed following devolution. This is especially important given the fragmentation of the ECDE policy landscape.

CSOs can take an active role in starting discussions with County Governments about reviewing existing legislation or developing new legislation where none is currently in place. By forming local coalitions, CSOs therefore can work together to shape local provision through the legislative process. CSOs can propose new legislation through the following channels:

a. Groups can target the County Executive to draft and introduce a new Bill through a partnership with the leader of the Majority Party or the Chairperson of the Education Committee.

b. Groups can work with members of the County Assembly to draft and introduce new legislation as a Private Members Bill.

c. Groups can utilise expertise within the community to draft a Bill and petition the Speaker of the County Assembly to have the legislation considered.

D. Rallying duty bearers and the wider community

The opportunity: Winning the trust of duty bearers can take time. CSOs can leverage advocacy moments to both raise awareness and build relations with public figures while advancing ECDE objectives.

Advocacy and influencing needn't be restricted to specific legislative, policy, or budgeting processes. To build relationships with duty bearers and to raise broader awareness in the community, CSOs should look to global calendar moments that connect to education and use them to amplify ECDE. Calendar dates such as International Literacy Day (8th September), World Teachers Day (5th October), and International Day of the Girl (11th October) are great moments to connect ECDE with other public interests.

The benefits of this approach are two-fold. Firstly, they raise awareness, potentially widening the circle of support for an issue. For example, World Teachers Day is a great opportunity to discuss ECDE teacher salaries while celebrating the important job educators do. By inviting the County Assembly members and the press to an ECDE centre alongside arranging visibility items like t-shirts and banners, these feel-good moments can also illustrate complex budgeting challenges through a human lens.

Secondly, by seeking out and involving duty bearers in calendar moments, CSOs can build lasting relationships that are critical for advancing legislative and budgeting actions. These events serve to educate figures like County Assembly Members about the challenges facing local communities. They are also an effective way of locking in commitments. By securing 'on the record' statements via the press, communities can hold duty bearers to account, smoothing the way for future engagement on ECDE matters.

Calendar moments for advocates

24th January:
International Day of Education

An internationally recognised day to promote education as a human right and public good. Engagement can highlight the importance of pre-primary for children's education.

2nd April:
World Autism Day

An internationally recognised day to raise awareness about people with autism spectrum disorder. Media engagement can highlight the challenges faced by young children living with autism.

Last week of April:
World Immunisation Week

An internationally recognised day to promote the use of vaccines. Mainstream and social media engagements can focus on how ECDE can support immunisation programmes.

12th June:
World Day Against Child Labour

An internationally recognised day raising awareness to prevent child labour. Media engagement can centre on young children's right to education.

16th June:
International Day of the African Child

A day commemorating the children killed in the Soweto Uprising. Media engagement can focus on the courage of students marching for children's right to education.

8th September:
International Literacy Day

A day to highlight the importance of literacy to individuals, communities, and societies. Engagement can focus on the important role of pre-primary plays in laying down literacy foundations.

5th October:
World Teachers Day

A day celebrating the contributions of teachers. Engagement can focus on the critical role of early year teachers play in equipping young children with the knowledge and skills to thrive in education.

11th October:
International Day of the Girl

A day raising awareness of the issues facing girls such as education, nutrition, and legal rights. Engagement can focus on the predominantly female ECDE workforce or the role of pre-primary in ensuring equality throughout education.

20th November:
Universal Children's Day

A day marking the anniversary of Declaration of the Rights of the Child. Engagement can drive the importance of the right to education and play as cornerstones of early learning.

3rd December:
International Day of People with Disability

A day that promotes understanding of disability issues and mobilises support for the dignity, rights, and wellbeing of people with disabilities. Engagement can focus on promoting inclusive education in the early years.

Annex A: Step-by-Step Overview of CIDP Process

Step	Action	General Actors	Specific Actor(s)	Indicative Timing
	Preliminary Phase: Establish Committees and Working Groups			
1.	Circulate County Integrated Development Plan (CIDP) guidance to sectors and departments	County Executive	County Finance and Economic Planning	September/ October 2022: CIPD formulation nominally begins when the new administration is in place and County Executive Committee and County Officials are appointed and confirmed. Preparatory technical work could begin even earlier.
2.	Establish Technical Secretariat (Finance and Economic planning and sector technical officers).			
3.	Establish Sector Working Groups (including non-state actors)			
4.	Establish sub-County Ward Sector Committees			
5.	Sensitise incoming County Executive and County Assembly in joint sessions			
6.	Orientation and work planning with sector technical teams at County, sub-County, and ward levels.			
	Phase One: Data Collection, Review and Analysis			
7.	**Phase One Focus:** 1. Update general County information. 2. Review National Plans. 3. Review long-term County Plans and Frameworks (spatial, sector, city and municipal). 4. Review previous performance, successes, lessons, and challenges.	County Executive and non-state actors	Sector working groups with guidance from County Finance and Economic Planning.	Quarter four of 2022.
8.	Invite public participation on long-term development challenges and expectations.		County Executive	County Finance and Economic Planning
9.	Public consultation window		Citizens	Civil Society Organisations.
10.	Prepare Situation Analysis		County Executive and non-state actors	Sector Working Groups
11.	Brief County Executive Committee on Situation Analysis			
12.	Issue comments on Situation Analysis		County Executive	County Executive Committee
13.	Incorporate County Executive Committee Comments			Sector Working Groups
14.	Review and sign-off Phase One			County Finance and Economic Planning
	Phase Two: Strategies, Programmes, and Projects			
15.	**Phase Two Focus:** 1. Strategies 2. Programmes and Projects (including National Flagships and County Core Programmes. 3. Cross-Sectoral and Cross-Cutting Linkages and Considerations	County Executive and non-state actors	County Executive Committee (to identify key cross-sectoral strategies) and sector working groups (to develop programmes and projects).	October/November
16.	Consolidate CIPD Strategic Draft	County Executive	County Finance and Economic Planning	
17.	Brief County Executive Committee and Committee and County Budget and Economic Forum on Strategic Draft, progress, and next steps.			
18.	Provide comments on Strategic Draft		County Executive Committee and Committee and County Budget and Economic Forum	

19.	Incorporate comments from County Executive Committee and County Budget and Economic Forum		County Finance and Economic Planning	
20.	Consult with County Assembly		Sector workings groups	
21.	County Assembly provides input and comments on Strategic Draft.	County Assembly	County Assembly	
22.	Review and sign-off Phase Two	County Executive	County Finance and Economic Planning	
	Phase Three: Implementation Framework			
23.	**Phase Three Focus:** 1. Institutional Arrangements 2. Resourcing and Financing 3. Monitoring and Evaluation	County Executive and non-state actors	Sector working groups	November/December 2022
24.	Consolidate completed CIPD draft Circulate CIPD to County Executive Committee and County Budget and Economic Forum	County Executive	County Finance and Economic Planning	
25.	County Executive Committee and County Budget and Economic Forum provide inputs and comments on CIPD draft			
26.	Incorporate comments from County Executive Committee and County Budget and Economic Forum		County Executive Committee and Committee and County Budget and Economic Forum	
27.	Incorporate comments from County Executive Committee and County Budget and Economic Forum		Sector working groups and County Finance and Economic Planning	
28.	Consult with County Assembly Committee			
29.	County Assembly Committee provide inputs and comments		County Assembly	
30.	Prepare CIPD draft for stakeholder validation		Sector working groups and County Finance and Economic Planning	
31.	Circulate CIPD draft for stakeholder validation			
32.	Stakeholders provide input and comments	Citizens	Civil Society Organisations	
33.	Prepare final CIPD draft	County Executive	County Finance and Economic Planning	
34.	Submit final CIPD draft to the County Assembly			
35.	County Assembly invites public participation.	County Assembly	County Assembly	
36.	Incorporate public inputs and comments	Citizens County Assembly County Executive	Civil Society Organisations. Teams will have developed final memoranda and position papers for consideration.	
37.	Final approval of CIPD		County Assembly	
38.	Formalise and approve CIPD completion		County Finance and Economic Planning	January/February 2023

Annex B: Overview of the County Budgeting Process

Budget Cycle Stage	Key Milestone	Deadline	Key Outputs	Role of citizens and Civil society Organizations
County Planning	Consultations on the development of the County Integrated Development Plan (CIDP) led by County Staff.	June – August	Draft County Integrated Development Plan	Consult with communities to identify priority issues. Develop memoranda and/or policy papers for dissemination to key stakeholders. Make the case for investment through County Budget and Economic Forums (CBEF).
	County Executive Committee (CEC) shares circular with guidelines on budget process	30 Aug	Budget Circular	Request a copy of budget circular from the CEC.
	Approval of CIDP by the County Assembly (CA)	1 Sep	CIDP	Assess if inputs are reflected in the CIDP
Fiscal priority setting, policy planning and forecasting	Approval of Budget Policy Paper	30 Sep		Ahead of deadline, review previous policy papers to identify successes, challenges and overall direction of travel. Engage County Treasury and Members of the CA to highlight connects between CIDP and the Budget Policy Paper
	Presentation of the Budget Review and Outlook Paper to the CEC.	30 Sep	Draft Budget Review and Outlook Paper	Conduct economic context analysis to inform budget assumptions and policy offer to take to the CEC and CA. Share analysis with County Treasury and relevant stakeholders.
	Approval of the Budget Review and Outlook Paper by CA	21 Oct.	Budget Outlook Paper	Engage Members of the County Assembly (MCA) individually and collectively before approval date based on your analysis.
	Approval of the revenue sharing formula by Parliament from the CRA)	1 Jan.		Ahead of deadline, engage civil society and other stakeholders at national level to feed into the review process if there are any identified challenges.
	County Debt Management Strategy approved by CA	28 Feb.	Debt Management Strategy	Ahead of deadline, review the debt situation of the County and engage with County Treasury, MCA, CBEF and any other relevant stakeholders.
	Approval of County Fiscal Strategy Paper (FSP) by the CA	15 March	County Fiscal Strategy Paper	Ahead of deadline, conduct an impact assessment of fiscal policies to identify successes and challenges. Share assessment with County Treasury and MCAs. After approval, check the extent to which your issues are reflected in the FSP.

Budget Cycle Stage	Key Milestone	Deadline	Key Outputs	Role of citizens and Civil society Organizations
Budget Formulation	Consultations with CBEF and Sector specific Budget Sector Working Groups	January – 14 February		Analyse adequacy, allocative efficiency and equity of previous budgets. Consider costing interventions focusing on the sub sector in the CIDP. Make a written submission in the education sector working group
	County Ministries compile their budget estimates	January – March	Draft Budget Estimates	Ongoing engagement of stakeholders.
	County Treasury compiles budget estimates for the County	March-April	Draft Budget Estimates	Ongoing engagement of stakeholders.
Budget Approval or Enactment	Approval of Revenue Bill	15 March		Analyse implications of the Revenue Bill for young children and the pre-primary sub-sector.
	Counties re-adjust their expenditures	10 April		Ongoing engagement of stakeholders.
	Draft Estimates presented to County Executive Members	20 April		Engage County Treasuries.
	County Budget Estimates presented to County Assembly	30 April		Engage MCAs individually and collectively - including the Education Assembly Committee - on strategies to defend and/or advance pre-primary budgets.
	Projected County Cash flow statements presented to the Controller of Budgets and IBEC	15 June		Assess implications for children and pre-primary in the Projected County Cash Flow.
	County Budget, Appropriation Bill and other documents approved by CA	30 June		Assess implications for children and pre-primary in the Budget and Appropriation Bill.
	Finance Bill (FB) approved by CA	30 September (Within 90 Days from 30 June)		Ahead of the deadline, assess revenue raising measures to identify successes, challenges, and overall direction of travel. Share policy proposals with County Treasury and MCA. Assess advocacy impact upon publication of Finance Bill.

Budget Cycle Stage	Key Milestone	Deadline	Key Outputs	Role of citizens and Civil society Organizations
Budget Implementation	Spending Agencies utilize their allocations	1 July to 30 June	Tender doc. Expenditure doc.	Identify specific pre-primary budget lines to monitor and track. Focus on efficiency, timeliness, equity of spending, and targeting.
Accounting and Reporting	Quarterly Reports produced and shared with Controller of Budgets	Every Quarter.	Financial Reports	Assess quarterly reports to ensure policy positions and appropriated budgeting are properly reflected. Advocate to ensure financial reports are shared with the public.
	Annual Expenditure Reports	30 Oct.	Financial Reports	Conduct annual budget analyses to compare allocations and expenditures, establish reach and impact.
Auditing and Evaluation	Annual Audit conducted		Audit Reports	Assess audit reports and share relevant findings with your constituencies. Conduct own social audits of specific programmes and budgets

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Front
Refugee toddler at the Pyli refugee reception center.
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