

# KENYA EDUCATION RIGHTS UPDATE



October 2009



An informal school in the People's settlements

## Commentary

### FREE PRIMARY EDUCATION LOSSES SH1.3 BILLION

UK Department for International Development (DFID), one of the free primary education donors, commissioned a report on the progress of the project. According to the report, Sh1.3 billion meant for FPE cannot be traced. Data collected from 18,014 schools countrywide shows that primary schools have bought 52 million books since the inception of FPE. The data also shows that many schools might have paid a much higher average price for their textbooks than is assumed. Some of the donors have now stopped funding FPE due to this twist.

When the Free Primary Education (FPE) was introduced back in 2003, many people had their own reasons as to why it would not succeed. One of the major challenges sighted was, lack of enough funds. Now that funds have been available, FPE has to deal with mismanagement of the funds. From the DFID findings, textbooks disappeared, were thrown away or were never bought in the first place. Since its start, a total of Sh45 billion is said to have been sent to schools as per the Ministry of Education. Each child is allocated Sh1,020 per year, Sh650 for learning materials and Sh370 for operational materials.

The ministry of Education is being blamed for not giving guidelines on where the books should be purchased. Lack of clear guidelines on where to buy the books, might have encouraged head teachers to collude with briefcase booksellers to defraud the Government. Some of these head teachers may have even indicated that they had bought books, which were stolen while in essence they never purchased them. Some senior officials are also said to own bookshops hence persuaded head teachers to purchase books from them in which some of these bookshops are not stocked and the said owners have to be paid first before purchasing the books. Theories have come up explaining why some of the books purchased have been missing. Some say the books got lost during post election violence but who knows.

Currently, enrollment of primary school children stands at 8.1million. One wonders, with this number of school going children without text books what quality of education are we giving to our children? Recently, there was a research on the efficacy/quality of FPE and the findings clearly

spelt out that a high number of class eight pupils could not construct a single sentence in English. The Government should act quickly to save these young and helpless children.

The Government has announced that it will not purchase any more textbooks this financial year after the ministry announced that most schools had achieved the desired pupil to book ratio of 1:1. Going by the DFID findings, this cannot be true. If textbooks are missing then the Government cannot say it has achieved the desired ratio. In its report, DFID recommends:

- That the Government reviews and enforces loss and damage policy.
- Head teachers should not buy textbooks priced higher than the stipulated prices.
- Textbook stock taking to be done annually.
- A full audit inspection to be carried out before a head teacher is transferred.
- Teachers and pupils on transfer to be accepted after clearing from old station.

## **KEPSHA CALLS FOR EMPLOYMENT OF 60,000 TEACHERS**

During their annual conference, the Kenya Primary Schools Head Teachers Association asked the government to employ 60,000 teachers to address the straining that has been caused by understaffing in the schools. When the Free Primary Education was introduced, many children especially those from poor families enrolled in various public schools. Most schools had to take up more students than their capacity hence, a bigger number of students per class. This affected the quality of education, as very few teachers had to teach very many pupils. By employing more qualified teachers, the quality of FPE would definitely be improved.

The school heads also called on the Government to review the education curriculum to involve many Kenyans and emphasise on development of life skills and building positive personalities

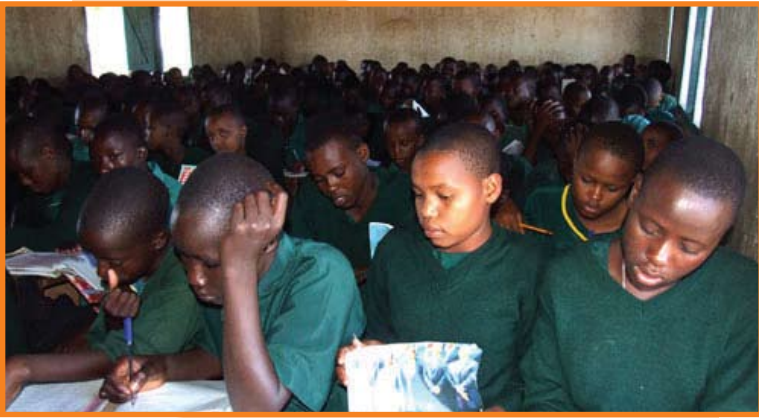
as opposed to the current focus on academic performance. KEPSHA urged the Government to build vocational centres to support development of skills.

Mr. Joseph Karuga, Chairman of KEPSHA, said there has been massive wastage of learners due to the selective nature of examinations in both primary and secondary schools. He said the skewed nature of the education system encouraged sprouting of criminal gangs, which should be



**A low teacher-student ratio ensures adequate attention**

## SIMPLER MATHEMATICS AND SCIENCE CURRICULUM TO START NEXT YEAR



**Too many pupils in a class puts a big strain on teachers**

addressed. Mr. Karuga said most of the criminals are children who did not perform well in the national examinations and had nowhere to go. He called it a failed education system and said “It is necessary that we critically examine how education can be used to develop skills, talent and proper attitudes besides developing greater confidence among the products of our schooling,”

The heads also addressed the issue of boys in schools. The Ministry of Education issued a directive that has been given to head teachers to come up with strategies to ensure boys are not overlooked in education. The ministry feels that greater efforts to educate the girl child have been successful however; the boy child has been left out. The teachers were asked to come up with specific programmes to address the education needs of male children. The Ministry further said the Free Primary Education programme has special provisions for special needs and extra funds to make institutions friendly to children with special needs and a number of projects addressing issues and constraints in the slums and in arid and semi-arid regions are in place.

The head teachers have now asked for Sh600million pay reward for what they call successful implementation of free primary education. Are they really worth it? They have asked the president to honour the pledge which they say he made in 2003 when FPE was launched. There have been claims that FPE has failed in various ways. The quality of education has left a lot to be desired and many pupils have dropped out of school. Following this can we really say FPE has successfully been implemented?

The government has announced that a simpler mathematics and science curriculum will come into effect next year. The curriculum is formulated for secondary school students who will not wish to pursue the subjects at a higher level, college or university. In the new curriculum, secondary school students will instead be taught functional skills that would give them basic mathematics and science knowledge. It will not require laboratories since there will be no practicals to be done by the students. Does this mean that those who will choose the new curriculum will not get experience in the laboratories?

Mrs Lydia Nzomo, director of the Kenya Institute of Education says, “We want to have flexibility in the curriculum because we have been accused of being too rigid,” She said that preparations to roll out the new programme are ready including the teacher’s handbook, publishers and the Kenya National Examination Council. The exam council is said to have already prepared to administer the examinations, which will affect current form three students and class seven pupils. Nzomo said the new curriculum was formed on the basis that not all students have the interest and aptitude to pursue careers and courses requiring high competence in mathematics and sciences however, the curriculum is not meant to divide students.

The government has a mandate to ensure quality education to all. Students should not only go to school so that they can pass examinations but to gain knowledge which they can use in future to better their lives. With the new changes, will the quality of education be compromised or improved? Sometime back, the Government did away with the physical sciences in secondary schools. Will this be another trial and error programme?



## REALIZATION OF PRIMARY EDUCATION: SERIOUS ISSUES TO BE ADDRESSED

At its inception, free primary education was seen as a step forward in the realization of primary education. Many Kenyans felt that the system would see many children especially those from poor families, most of who are living in the informal settlements, attend school. We must admit that it was a good move by the Government in its efforts to the realization of primary education however; modalities on the sustainability of this move were not clearly worked out.

Primary education determines the ability of a pupil to eventually make it to the university or to a good college. It is now almost certain that the Government may have overlooked some serious issues, which if addressed may have contributed to a successful system.

When children enrolled into the available public schools, classes became congested and the teachers were overwhelmed. Pupils had to share the available facilities and resources which were not

enough. There were many students and very few teachers making the teacher-student ratio wide. This has with time affected the performance of the pupils. The quality of education has also been compromised by the fact that the few teachers in these schools are poorly paid and therefore do not have the morale to do their work effectively. The teachers do not also bother checking on the performance of the students but are just there to put food to their tables. The informal schools lack trained teachers and in some areas the founders are only interested in the donor funds but do not bother to check on the quality of education given to the students. The Government should recruit more trained teachers, pay them well and revise the salaries of the existing ones and provide good working conditions so that the teachers can have the morale to check on the performance of the students and give them quality education. Trained teachers should also be sent to the schools in the informal settlements.

Public schools have as well suffered from lack of accountability for the resources from the relevant authorities. Parents are not able to do anything in case of mismanagement of facilities and resources because the Government has not come up with proper systems of accountability, especially in relation to devolved funds such

as LATE, constituency bursary and constituency development funds. The Government should therefore institutionalize accountability systems so that people can access information regarding public resources. Community based organizations should be strengthened and supported to enable them hold officers accountable.

Decision making process has been left to the rich who have their own political interests while the poor are left without say. The poor are excluded from the policy agenda. Decisions



An overcrowded classroom in an informal school

pertaining to allocation and utilization of resources are reached at by the politically elite yet they are not the beneficiaries of those resources. These poor people have no voice to air their grievances because they have no access to the media. This has affected the quality of education in public schools as resources are not enough and most of the times; funds meant for these resources are channeled elsewhere by greedy politicians.

Children from poor families have to go through many hardships. Child labour has become rampant in the poor households. Some children have to assist their parents

before going to school and this affects their performance. Some even end up dropping out of school because resources are few and they have to work to get them.

Lack of access to basic medical care and food has also affected the realization of the right to education. Currently, Kenya has been hit by a major water crisis which has contributed to many other problems. In the informal settlements for example, there is poor sanitation and people have to struggle to get clean water. Most of the water in these settlements gets contaminated hence, many diseases arise. The children fail to attend school as a result, the performance greatly declines. Lack of food as well has contributed heavily to the same. The Government had started a feeding programme which has been rejected in most public/informal schools due to mis-management. The Government should provide good sanitation especially in the informal settlements to avoid the spread of these diseases. It should also set up health clinics which are fully equipped so that ailments are easily treated.

The Government did not really give attention to children with disabilities. The distances to some of these schools are quite long and these children



**Child labour denies children their right to education**

do not have the facilities to get them there. Putting in mind that they come from poor families, they can not afford most of these facilities hence will in most cases fail to go to school. The design/layout of most of these school facilities is not favourable to these children, a problem that should be addressed by the Government.

The current constitution does not make any provision for the right to education. The Children Act (2001) substantially domesticates the convention on the rights of the child and provides for the right to free and compulsory education. It does not set out any specific measures that the Government is obliged to undertake to ensure that the right to primary education is realized. The Government has only done away with the tuition fees but there are many other hidden charges. Parents still have to buy uniforms, cater for the transport of their children to and from school e.t.c. The Government should therefore ensure that economic, social and cultural rights are specifically entrenched. In the new constitution, there should be a guarantee to the right to education and where possible indicate the measures that the state should take to address the needs of the most disadvantaged.

## MEMBERS OF NAIROBI PEOPLE'S SETTLEMENT NETWORK (NPSN) HOLD STRATEGIC PLANNING MEETINGS

In August 2009, NPSN held strategic meetings with thematic groups from all the eight constituencies, Lang'ata, Starehe, Makadara, Kasarani, Dagoretti, Westlands, Kamukunji and Embakasi. The objective of the meetings was to bring together communities especially education institutions, to find the best strategy for dealing with challenges facing the informal schools in Nairobi. Participants were to come up with a network to build solidarity within all informal schools in Nairobi and to use holistic approach to the ministry of education to present community demands in regard to right to education. They also intended to create a platform to access devolved funds and hold devolved funds committee accountable to the community. The major issues that emerged from the meetings were:

- Lack of quality education.
- Poor performance.
- Extreme poverty.
- Lack of play grounds for the children.
- Insecurity.
- Overcrowded pupils in class.
- Lack of sanitary towels.
- Drugs and alcohol abuse.
- Lack of enough learning materials.
- Lack of enough food.
- Lack of physically challenged schools in people's settlement.
- Rape/sodomy.
- Early pregnancies and school dropouts.
- Negligence from parents.
- Lack of discipline in schools.
- Teachers stealing school properties.
- Overwhelming domestic work/ domestic violence at home that denies children time to study at home and miss use of bursary funds.

All these issues were said to come up because of:

- Unqualified teachers and enough classes.
- Poor governance.

- Lack of funds to expand school compounds.
- Extreme poverty.
- Lack of respect of right to education for all and political will.
- Illiteracy amongst parents.
- Lack of cooperation between parents.
- Teachers and pupils lack of space/funds, lack of proper monitoring and evaluation.
- Lack of community's ability to access bursary fund policy, community lacking enough information about devolved funds, lack of cooperation and transparency within devolved funds officers.

The members agreed to nominate two taskforce committees. The first committee is supposed to do physical mapping to identify how many informal schools are in each constituency, the achievements and challenges of the informal schools. The committee will liaise with the school committee to identify the best way of dealing with the challenges facing them in regards to right to education.

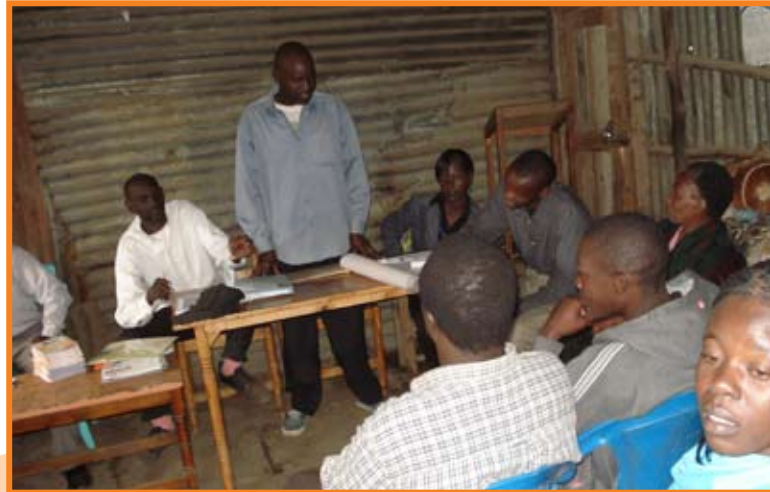
The second committee will visit various devolved funds offices, bursary, LATIF and CDF to gather the right information and build a network between devolved funds committee members and community. This platform will help community members to hold devolved funds committee accountable. The community will also be in a position to monitor the funds and how they are being used.





Subsequently a number of the Constituency groups have visited various offices to seek relevant information especially regarding the realization of the right to primary education in informal settlements. The offices visited included the District Education offices, Feeding program offices and Constituency Development offices. From the reports, it emerged that a number of officers were willing to give a hearing to the community representatives. For example the Secretary to the Constituency Development Committee in Embakasi freely discussed issues relating to the disbursement of the bursary fund, the gender ratio of beneficiaries (they had no record) and how the CDF assists informal schools (they were told CDF only caters for public formal schools).

The same applied to Kamukunji where again the community representatives met with the CDF manager Mr. Mugo Kanyi and a committee Mr. Rashid Waiganjo who proceeded to discuss issues relating to the school feeding program, the bursary allocation and related matters. Problems were encountered in Dagoretti but overall it was a significant starting point for community members in directly engaging with policy implementers at the local level. It is hoped that with sustained support this process can become a model in ensuring enhanced accountability, transparency and better working relationship between the devolved funds and the communities.



## VOICES FROM THE GRASSROOT

### INTERVIEW WITH MILLIE JAGERO FROM KAMUKUNJI CONSTITUENCY

**Q:** *In your opinion has the free primary education been real.*

**A:** To some extent, I would say it has been real however, most public schools are not accessible within the informal settlements. Parents have difficulties in accessing school uniforms and reading materials. In some schools, parents have to bribe teachers for their children to be enrolled in public schools. In the informal schools that are present, there is lack of qualified teachers and the school infrastructures are not in good condition. In addition, the learning environment is not conducive to the pupils.

**Q:** *Would you like to see any changes in the informal settlement schools, if so what measures would you recommend that the Government put in place to improve education in these settlements?*

**A:** There are various changes I would like to see in the informal settlements. First, the schools' infrastructures should be improved to make them conducive for the students and also for the schools to be easily accessible to the settlements. Some of these schools are located in areas with poor sanitation. The Government should improve the sewerage systems in these areas. Most of these schools do not have toilets therefore, the founders of these schools should work hand in hand with the communities and the Government in providing pit latrines for the students.

**Q:** *What is your take on the bursary funds allocations. Has the process been transparent?*

**A:** In some constituencies, it is alleged that one has to be affiliated to a CDF member in order for them to have their bursary allocation forms approved but in others, it has been a smooth exercise. For example, in Kamukunji Constituency, which has seven wards, the process of issuing



bursary funds has been well conducted without political interference.

**Q:** *Do you think many children are able to access the funds?*

**A:** Not many needy children are able to access the funds because of lack of information on when the application forms are available and where/how to access them.

**Q:** *What would you say about the quality of education in the informal settlements and what would you have changed?*

**A:** The quality of education in the informal settlements is poor because in most of these schools, the founders use them to get donor funds and do not bother to check on the children's performance or even employ qualified teachers. They also do not have proper learning materials. There should be a system by the government to periodically check on the performance of these schools to improve the quality. The Government should also send qualified teachers to these schools.

#### **Hakijamii Economic and Social Rights Centre**

Golfcourse Commercial Centre  
Kenyatta Market, Nairobi  
P O Box 11356, 00100 Nairobi  
Tel: +254 (0) 20 2731667  
Fax: +254 (0)20 2726023  
Email: [esrc@hakijamii.com](mailto:esrc@hakijamii.com)  
Web: [www.hakijamii.org/kenya](http://www.hakijamii.org/kenya)