

Enhancing Accountability for Basic Education Budget in Kenya

The Government of the Republic of Kenya has been demonstrating a consistent commitment towards ensuring the realization of the Right to Free and Compulsory Basic Education for all children as provided for under article 53(1b) of the Constitution of Kenya. Enhancing Accountability for the Basic Education Budget in Kenya therefore calls for a focus on the key components and needs of the Basic Education sub-sector. Recalling that the Constitution assigns primary schools, special education, secondary schools and special education institutions to the National Government (Fourth Schedule, part One, Function No.16) and pre-primary education to County Governments (Fourth Schedule Part Two, Function No.9), it should be noted that Constitution did not define basic education. However this is addressed in Kenya's Basic Education Act No. 14 of 2013 that interprets basic education as the educational programmes offered and imparted to a person in an institution of basic education and includes adult basic education and education offered in pre-primary educational institutions and centres. With the on-going implementation of the Basic Education Act, especially through annual planning, budgeting, implementation of programmes and projects, as complemented with monitoring, quality assurance and annual reporting, there is some evidence to demonstrate very good progress made towards the realization of the right to free and compulsory basic education in Kenya. However public accountability for the utilization of the budget allocated to Basic Education programmes and sub-programmes remains a challenge at all levels of governance in Kenya.

On What Basis Does the Government Allocate Budget for the Basic Education Sector?

Towards ensuring the full implementation of Free and Compulsory Basic Education, the Basic Education Act, under Section 28, provides that the Cabinet Secretary responsible for education shall in consultation with the National Education Board and the relevant County Education Board provide for the establishment of pre-primary, primary and secondary schools, mobile schools, and adult and continuing education centers, within a reasonably accessible distance within a county. Several accountability questions therefore arise – **What does establishment of schools mean? Whose responsibility is it to fully finance the operations of the schools so established? How many pre-primary, primary and secondary schools does Kenya require? How many have been established? What is the deficit? What is the full cost of establishing and running a pre-primary, primary and a secondary school in Kenya?** In the review of various Republic of Kenya's Annual Education Sector Reports over the years, the answers to these questions cannot be found. A second question therefore follows – **On what basis does the National Government allocate public resources to the Basic Education sub-sector in Kenya? What informs budget allocation to the pre-primary schools by County Governments?** While the answers to these questions could be available with the authorities in government, such answers have not been made readily available to the public.

What Data Exists in the Basic Education Sector's Annual Report?

In its Education Sector Report for the Medium Term Expenditure Framework 2018/19 – 2020/21, the Government of Kenya reports that it achieved an enrollment target of 8.9 Million children in pre-primary schools and 2.56 Million in secondary schools. However, the report fails to disaggregate data by sex hence it is not possible to establish how many were girls and boys. Additionally, the report fails to show the number of children with disability or other forms of special needs that were enrolled in schools. **The greatest omission is the data on enrollment in pre-primary schools. Whereas it may be argued that pre-primary education is a function of the County governments, nothing whatsoever stops the State to include the data from pre-primary schools in its National Annual Education Sector Report.**

Whereas there is clarity that one of the documented Outcomes for Early Learning and Basic Education sub-sector is to ensure improved access, equity, quality and relevance in basic education, the Government's own Annual Education sector report does not demonstrate progress made on specific indicators for the envisioned outcomes. **Establishing whether the extent to which public resources allocated to the basic education sub-sector have indeed resulted into desired outcomes therefore remains a challenge.**

Children, Parents, Guardians and the general public may want to know **the specific learning outcomes** achieved through investment in basic education programmes across various parts of the country. Sadly, this information is not publicly available. Beyond the numbers of children who were enabled to enroll in schools; teachers employed & remunerated; learning materials purchased & distributed; quality assurance conducted, **it is important that learning outcomes at the pre-primary, primary and secondary education levels are documented and reports made public.**

The Sustainable Development Goal No. 4, targets 1 and 2 respectively has a focus on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective **learning outcomes**; and ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education **so that they are ready for primary education.** It follows therefore that the Government has a responsibility to regularly collect data, analyze and generate reports and show progress on **learning outcomes** and the **extent to which children of early childhood age bracket are ready for primary education.**

What is the Current Status of Basic Education in Kenya? Is There Value for Money?

Investment in Kenya's basic education sector remains acceptably high due to the priority needs and the number of children that should be reached. Such investments call for a regular status report that demonstrates value for money. A framework within which the Government of Kenya can enhance accountability for basic education service delivery and report to the public already exists. However, the challenge remains the functionality of the accountability systems within the specific departments responsible for data collection, analysis and reporting. For instance in the Basic Education Act, Section 5(3), as read together with Section 15(1), it is clear that every year an Annual Report on the State of Education and Service Delivery should be generated and published. On the contrary, formal attempts seeking to get copies of the said reports for the previous years, so as to establish compliance with this legal provision, have failed. **In the absence of a duly approved and publicized Annual Report on the Status of Basic Education in Kenya, it may suffice to conclude that there exists an accountability gap in Kenya's Basic Education sector that needs to be addressed.**

Why should Civil Society Organizations monitor Kenya's Basic Education budget?

It is noted that in 2015 the Government of Kenya committed to the Implementation of the Incheon Declaration and Framework for Action for the Implementation of SDG No. 4 (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all). In the Incheon Declaration it was reaffirmed that the fundamental responsibility for successfully implementing SDG No.4 lies with governments, with a commitment to ensure enactment and implementation of legal and policy frameworks that promote accountability and transparency, participatory governance and coordinated partnerships at all levels and across sectors and to uphold the right to participation of all stakeholders. The governments further affirmed that Civil Society Organizations (CSOs) should be engaged and involved at all stages, from planning through to monitoring and evaluation of education programmes, with their participation institutionalized and guaranteed. CSOs were urged to document and share evidence from practice, from citizens' assessments and from research to inform structured policy dialogue, holding governments accountable for delivery, tracking progress, undertaking evidence-based advocacy, scrutinizing spending and ensuring transparency in education governance and budgeting. Strengthening accountability for the implementation of Kenya's education budget is therefore critical so as to enable the country to stay on the right path towards the full realization of the right to free and compulsory basic education in alignment to SDG No.4 and other International Human Rights frameworks.

What is the Budget for Kenya's Basic Education Sector?

At the National level, the total Expenditure for the State Department for Early Learning & Basic Education has been estimated at Kshs. 99,097,286,284 for FY 2018/2019 and projected at Kshs. 102,661,364,807 and Kshs. 103,415,360,507 for FY 2019/2020 and FY 2020/2021 respectively. **The table in page below provides a summary of the budget allocation to some of the sub-programmes.**

From the above table, it is clear that all the key sub-programmes under the basic education sector have got some resource allocation. However, from a review of the detailed Programme Based Budget, there is lack of clarity on some of the key outputs and related annual targets to be achieved as a result of the financial investments made in the sector.

At the County level, all the counties have budget allocations for pre-primary schools, with the main focus being on infrastructure, school feeding programmes and teachers. However, there are gaps on how the counties have stated their sub-programmes, key outputs and targets, a situation that creates a challenge during budget execution. A notable concern among county governments is that their budgets for pre-primary schools do not demonstrate an inclusion of the needs of children with disability (special needs).

	Baseline	Estimates	Projections	
	2017/2018 ¹	2018/2019 ²	2019/2020	2020/2021
Free Primary Education	18,879,000,000	18,110,013,974	17,031,416,651	17,364,635,885
Special Needs Education – Primary	946,000,000	1,001,293,790	1,026,657,440	974,561,205
Early Child Development and Education	26,000,000	24,548,547	28,078,900	28,245,004
Primary Teachers Training and In-servicing	467,000,000	657,384,101	727,443,730	809,610,706
Alternative Basic Adult & Continuing Education	92,000,000	84,997,783	114,845,942	126,164,191
School Health, Nutrition and Meals	1,031,000,000	841,671,777	990,188,703	1,056,450,147
Secondary Bursary Management Services	126,000,000	81,225,051	86,877,012	88,658,386
Free Day Secondary Education	59,538,000,000	68,134,906,152	71,673,106,288	71,781,221,786
Secondary Teachers Education Services	348,000,000	695,620,000	708,102,800	897,096,319
Secondary Teachers In-Service	238,000,000	222,433,300	229,426,603	234,775,914
Special Needs education - Secondary	200,000,000	200,000,000	206,288,000	211,097,811

Whereas the State Department for Basic Education and respective County Governments Departments responsible for pre-primary schools have their budget prepared in a Programme Based, just like all other government departments, it is critical that the following recommendations are considered for effective tracking of implementation of programmes, sub-programmes and related budgets;

1. Outcome level indicators should be included, with clear baseline values and targets
2. All the key outputs that are not clear should be revised; including related indicators and targets so that they are more realistic and aligned to the respective sub-programme objectives
3. The targets on numbers of children should be disaggregated by sex and levels as may be appropriate. This includes disaggregating data on children with disability (special needs) by sex, age group and the type of disability

¹ Government of Kenya, Education Sector Report for the Medium Term Expenditure Framework 2018/19 – 2020/21 (in the referenced report, all the figures have been rounded off to the nearest million)

² Government of Kenya, Programme Based Budget for the Fiscal Year 2018/2019 accessed from <http://treasury.go.ke/component/jdownloads/send/198-2018-2019/1221-programme-based-budget.html> (accessed in July 2018)

Was the Budget for FY 2017/2018 Spent as Planned?

In the National Governments Budget Implementation and Review Report for the first Nine Months of FY 2017/2018, as published by the Office of the Controller of Budget, it is shown that the State Department for Basic Education had its revised net budget estimates for recurrent expenditure at Kshs. 81.8 Billion and Development expenditure at Kshs. 7.1 Billion. As at the end of April 2018, out of its total budget the department had received Kshs. 63.6 Billion (77.8%) for recurrent and Kshs. 4.5 Billion (63%) for development. The report further shows that within the broader Education Sector, it is the State Department for Basic Education that had received the highest proportion of exchequer issues to revised development net estimates. In comparison to other sectors of the National government, the State Department of Basic Education is ranked at the fourth position in regards to spending. The Report however does not provide additional details to demonstrate what the money was spent on. It therefore remains a challenge for the public to know exactly what the budget for basic education was spent on, in as much as what the budget was planned for is known.

Recognizing that the FY 2017/2018 already ended and the end of year report is already being prepared, the following recommendations are presented herein for consideration.

1. The end of year budget implementation and review report for National and County Governments should provide additional details to show the amount of money received by each of the sub-programmes and the targets achieved and make comparison to FY 2016/2017. The comparison should include both financial and programme output achievements.
2. At the County level, all the offices of County Directors of Education (under the National Government) should make their Annual Reports public as contemplated under Section 18 (1k)³ of the Basic Education Act. The respective County Government departments should equally make their annual reports public and readily accessible.
3. All pre-primary, primary and secondary schools across the country should be assessed to ensure compliance with Section 60⁴ of the Basic Education Act
4. All Boards of Management of schools to ensure that school audit reports are disseminated to parents and guardians; and their feedback considered during decision making

What More Should be done to ensure Improved Accountability for Basic Education Budget in Kenya?

The National Treasury has made all the budgets for the current and previous Fiscal Years publicly available through its official website and therefore it is possible to know how much money was allocated for what sub-programmes. Some County governments have also made their budgets publicly available. Moving forward, and noting that FY 2018/2019 already began, the following recommendations should be considered by both National and County government entities so as to demonstrate improved accountability for public resources.

1. At the National and County levels, all departments should make their Annual Work Plans and Budgets publicly available. Copies of such plans & budgets should be made available at the County, Sub-County and Ward levels
2. Annual Procurement Plans for all departments should be made publicly available; with details of services /items to be procured, by whom, during which periods and the estimated costs
3. All Boards of Management of schools to make their annual plans and budgets public; in compliance with the Basic Education Act, Fourth Schedule, Part 1 (Conduct of business and affairs of the board of management), Section 16(1)⁵.
4. Regular dialogue and accountability sessions, guided by quarterly budget implementation reports, should be held between government departments and the public; and feedback utilized for making decisions around performance improvement.

³ An annual report that includes educational Management Information System data to the Cabinet Secretary on all areas of its mandate including education and training services, curriculum, policy implementation and school based audit report within the County

⁴ Every public school or institution of basic education shall, submit on an annual basis a report to the Director of Basic Education

⁵ Preparation of annual estimates of revenue and expenditure by the Board of Management of institutions of basic education



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