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RECORDS SECTION
COUNTY ASSEMBLY OF BUNGOMA
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COUNTY GOVERNMENT OF BUNGOMA



**COUNTY ASSEMBLY OF BUNGOMA
OFFICE OF THE CLERK**

THIRD ASSEMBLY THIRD SESSION

EDUCATION AND VOCATIONAL TRAINING COMMITTEE

**REPORT ON THE NEED FOR ESTABLISHMENT OF CHILD CARE
CENTERS IN BUNGOMA COUNTY**

JUNE, 2024

THE OFFICE OF THE CLERK
COUNTY ASSEMBLY BUILDING
BUNGOMA KENYA

COUNTY ASSEMBLY OF BUNGOMA
(LPCS)
30 JUL 2024
TABLE
By: H.O. O. S. Mutiga

COUNTY ASSEMBLY OF BUNGOMA
(LPCS)
30 JUL 2024
NOTICE ISSUED
By: H.O. O. S. Mutiga

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CHAPTER ONE

1.0 PREFACE

Hon. Speaker,

On behalf of the members of the Education and Vocational Training, it is my pleasure and duty to present to the House the Committee's report on the need to establish Child Care Centers in Bungoma County.

1.1 THE MANDATE OF THE COMMITTEE

Hon. Speaker,

The Sectorial Committee on Education and Vocational Training is constituted pursuant to the provisions of Standing Order No. 217 of the County Assembly of Bungoma and executes its mandate in accordance with Standing order 217(5) which provides as follows:

- a) Investigate, inquire and report all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments.
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d) study and review all county legislation referred to it;
- e) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) to vet and report on all appointments where the constitution or any law requires the House to approve, except those under Standing order 208 (Committee on Appointments); and
- h) make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

1.2 Committee Membership

Hon. Speaker,

The Committee on Education and Vocational Training as currently constituted comprises of the following Members:-

1. Hon. Benjamin Otsiula	Chairperson
2. Hon. Stephen Kaiser	Vice chairperson
3. Hon. Joan Kiron'g	Member
4. Hon. Ali Machani	Member
5. Hon. John Wanyama	Member
6. Hon. Jacob Psero	Member
7. Hon. Okasida Ipara	Member
8. Hon. Christine Mukhongo	Member
9. Hon. Abraham Obama	Member
10. Hon. Aggrey Mulongo	Member
11. Hon. Jack Kawa	Member
12. Hon. Timothy Chikati	Member
13. Hon. Angeline Rugut	Member
14. Hon. Mildred Barasa	Member
15. Hon. Allan Nyongesa	Member

1.3 Acknowledgement

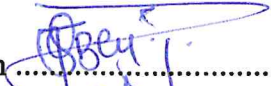
Hon. Speaker,

The Committee is thankful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to it during the report writing as it executed its mandate.

I wish to express my appreciation to the Honorable Members of the Committee for their resourceful input that informed the content of this report. My sincere gratitude also goes to the members of the Secretariat for their dedication towards compiling this report.

It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Education and Vocational Training to table this report on the need to establish Child Care Centers in Bungoma County and its recommendations to the Assembly for deliberation and adoption.

Thank you.

Sign  Date 03/07/24

Hon. Benjamin Otsiula MCA- Khasoko Ward.

CHAIRPERSON, COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING.

CHAPTER TWO

2.1 THE EVOLUTION OF CHILDCARE FACILITIES IN KENYA

Hon. Speaker,

Kenya's childcare landscape has undergone a significant transformation, shaped by both social and economic forces. During the colonial era and the years following independence in 1963, childcare remained primarily a family affair. Extended families provided the backbone of child-rearing, with formal care limited. Missionaries and charitable organizations offered support, but their services mainly reached vulnerable children like orphans and those from impoverished backgrounds. These early efforts, however, laid the groundwork for the development of more structured childcare systems in the future.

The late 20th century witnessed a surge in the need for formal childcare facilities. Urbanization boomed, and more women joined the workforce. These economic changes created a demand for dual-income households, which in turn reduced the availability of traditional extended family care. Recognizing this critical need, the government and NGOs stepped in to prioritize accessible and affordable childcare. They implemented policies and programs focused on Early Childhood Development (ECD), and community-based childcare centers, often backed by local and international NGOs, that emerged as a prominent feature in Kenyan communities. These centers not only provided a safe and nurturing environment for children, but also fostered their development through structured play and learning activities. This crucial shift towards formal childcare facilities has played a significant role in supporting working families and ensuring that early childhood development receives the necessary focus, paving the way for a brighter future for Kenya's young generation.

2.2 THE SITUATIONAL ANALYSIS IN KENYA AND BUNGOMA COUNTY SETTING

Hon. Speaker,

Studies indicate that young mothers often struggle to balance work, education, and childcare, frequently having to for-go their career aspirations. Reports identify the lack of adequate childcare is a significant obstacle preventing young women from entering the workforce, which contributes to high unemployment rates among women aged 18-34.

Addressing this issue is the Tunza Bora Project by the Organization of African Youth Kenya, funded by the World University Service of Canada. This project aims to provide affordable, high-quality childcare for teenage mothers, enabling them to pursue education and careers while supporting their families.

The report conducted by OAY (Organization of African Youth Kenya) in Kisumu and Nairobi Counties in December 2022 found that 62.5% of caregivers in childcare facilities lack basic training in providing quality care for young children. This research, which focused on informal settlements in these areas, highlights a broader national issue within the unregulated childcare sector, where over 60% of providers are inadequately trained.

The devolution of power in Kenya entrusted County Governments with the critical responsibility of overseeing childcare facilities. However, a significant gap exists in Bungoma County, as well as other counties. These counties lack county-specific Acts, policies, and regulations to govern the provision of these essential services. This absence of a comprehensive legal framework presents mounting challenges as the demand for childcare continues to rise.

The unregulated environment surrounding childcare facilities raises serious concerns about the quality and consistency of care provided. Without standardized guidelines, there's no guarantee of a minimum level of quality across these facilities. Key areas of concern include the child-to-caretaker ratio, the qualifications of childcare workers, and the implementation of health and safety protocols. This lack of standardization makes it

difficult for parents to ensure their children receive appropriate care in a safe and stimulating environment.

To address this critical gap and safeguard the well-being of young children, Bungoma County requires a robust regulatory framework for childcare facilities. The development of such a framework shall involve collaboration between County Government officials, childcare providers, and the community. By working together, they create a set of regulations that meets the specific needs of the county while adhering to national childcare standards. This will ultimately ensure a more secure and nurturing childcare environment for all children in Bungoma County.

In addition to protecting children, a robust regulatory framework for childcare facilities shall also bring in revenue for our county through licensing fees, inspection fees, and potential fines for non-compliance. These funds can then be reinvested to enhance childcare services, such as professional development for caregivers or subsidies for low-income families.

2.3 LEGAL PERSPECTIVE

Hon. Speaker,

The operations of any childcare facilities in a given county should be guided by various legal frameworks, including:

The Kenyan Constitution which distributes responsibilities to county governments, specifically regarding devolved functions enumerated in Schedule 4. This schedule includes educational mandates, as outlined in Paragraph 9, which tasks county governments with overseeing pre-primary education, village polytechnics, home-craft centers and childcare facilities.

Further, The Children Act, 2022 assigns clear responsibilities to County Governments in ensuring access to early childhood education and childcare facilities. This strengthens the existing provisions outlined in Part II of the Fourth Schedule of the Constitution.

These legal frameworks collectively ensure a comprehensive approach to protecting and promoting the rights and welfare of children in Kenya, aligning with both national priorities and international standards.

2.4 COMPARATIVE ANALYSIS OF CHILDCARE FACILITY LAWS: MOMBASA AND EMBU COUNTIES

Hon. Speaker,

Since devolution began, only five out of the forty-seven counties, accounting for 10.6%, have enacted laws regarding childcare facilities. The comparison methodology was based on the environments of cities and urban centers, such as the Mombasa County Child Care Facility Act, 2016 and the Embu County Childcare Facility Act, 2016. Both Acts aim to regulate childcare facilities within their respective counties but adopt different approaches.

Common Elements for Policy Framework

Objective and Scope

The policy aims to regulate childcare facilities to ensure the safety, welfare, and development of children. It provides a comprehensive and effective service delivery system for childcare.

Administrative Framework

The policies have established a governing body to oversee childcare services, such as the Safer Cities Board in Mombasa and the Childcare Facilities Committee in Embu. This body has roles and responsibilities including registration, regulation, and monitoring of childcare facilities.

Registration and Licensing

The policy mandates the registration and licensing of all childcare facilities. It includes detailed processes for application, assessment, and issuance of registration certificates, along with regular inspections and assessments to ensure compliance with standards.

Standards and Compliance

The policy sets comprehensive standards focusing on safety, education, health, and welfare. It emphasizes continuous monitoring and evaluation of facilities and includes strict penalties for non-compliance.

Public Involvement

The policy includes mechanisms for public complaints and addressing them promptly, involving community members and stakeholders in policy development and implementation.

Differences between the two Acts of Mombasa and Embu County Governments.

Focus Areas

The Mombasa County Childcare Act, 2016 specifically mentions the establishment of Safer Cities zones to ensure dignified care and safety of children.

The Embu County Childcare Facilities Act, 2016 does not have a similar provision but emphasizes the infrastructure and staff qualifications for childcare facilities.

Training and Capacity Building

The Mombasa County Childcare Act, 2016 includes provisions for training and capacity building of childcare facility operators and assessors to maintain high standards.

The Embu County Childcare Facilities Act, 2016 does not explicitly mention training and capacity building however, it emphasizes infrastructure and staff qualifications.

Public Awareness and Complaints

The Mombasa County Childcare Act, 2016 provides mechanisms for the public to make complaints regarding childcare facilities and mandates the Board to refer these complaints to relevant authorities.

The Embu County Childcare Facilities Act, 2016 does not clearly outline complaints mechanism however, it mandates the administration to receive and investigate complaints on childcare facilities;

Summary highlights of the key policy elements across the two counties.

Policy Element	Embu County	Mombasa County
Objective and Scope	Regulate childcare facilities for safety, welfare, and development of children.	Regulate childcare facilities to ensure safety, welfare, and development of children.
Administrative Structure	Childcare Facilities Committee under the Department of Children Services.	Safer Cities Board under the Department of Education and Children.
Registration and Licensing	Mandatory registration and licensing. Detailed processes for application, assessment, and issuance of licenses. Regular inspections.	Mandatory registration and licensing. Detailed processes for application, assessment, and issuance of licenses. Regular inspections.
Standards and Compliance	Comprehensive standards for safety, health, education, and welfare. Continuous monitoring and evaluation. Strict penalties for non-compliance.	Comprehensive standards for safety, health, education, and welfare. Continuous monitoring and evaluation. Strict penalties for non-compliance.
Training and Capacity Building	Not explicitly mentioned.	Provisions for training and capacity building of childcare providers and assessors.
Public Involvement	Mechanisms for public complaints.	Mechanisms for public complaints and community involvement in monitoring.
Special Focus Areas	Emphasis on infrastructure and staff qualifications.	Establishment of Safer Cities zones for dignified care and safety of children.
Penalties for Non-compliance	Fines and imprisonment for operating without a license or breaching standards.	Fines and imprisonment for operating without a license or breaching standards.

2.5 FINDINGS BASED ON THE COMPARATIVE ANALYSIS

Hon. Speaker,

Based on the comparative analysis of both Acts the following are the findings evaluated:

That, both Acts recognize the importance of a governing body to oversee the registration and regulation of childcare facilities. However, the Mombasa Act, 2016 provides a more detailed administrative structure and operational guidelines for the governing body.

That, both Acts set high standards for the operation of childcare facilities, ensuring the safety, health, and welfare of children.

That, Inclusion of strict penalties in both Acts underscores the commitment to maintaining high standards and ensuring compliance.

That, Mombasa Act's gives provision for public complaints, highlights the importance of community involvement in monitoring and ensuring quality of childcare services.

2.6 RECOMMENDATIONS FOR PROPOSED BUNGOMA COUNTY CHILDCARE FACILITIES ACT BASED ON THE COMPARATIVE ANALYSIS

Policy Elements for Bungoma County

Hon. Speaker,

This section provides policy framework elements for the development of childcare facilities in Bungoma County. Drawing from the comparative analysis of childcare facility laws from Embu and Mombasa counties, this framework aims to regulate and enhance childcare services to ensure the safety, welfare, and development of children. The policy addresses administrative structures, registration and licensing, standards and compliance, training, and public engagement.

Purpose and Scope

The policy aims to ensure the safety, welfare, and development of children in childcare facilities within Bungoma County. It shall provide a regulatory framework for the establishment, management, and operation of childcare facilities.

Administrative Structure

The policy will establish a Childcare Services Board under the Department of Education and Children Services. It will define roles and responsibilities for the board, including oversight, registration, monitoring, and enforcement.

Registration and Licensing

The policy requires all childcare facilities to register with the Childcare Services Board. It shall implement a thorough application and assessment process, issues licenses upon meeting required standards, and conducts regular inspections.

Standards for Childcare Facilities

The policy framework shall develop standards covering infrastructure, staff qualifications, safety measures, health protocols, and educational programs. This shall ensure facilities provide a safe and nurturing environment that promotes the overall development of children.

Compliance and Enforcement

The policy to establish a system for regular monitoring and evaluation of childcare facilities, enforcing penalties for non-compliance, including fines, suspension, or revocation of licenses.

Training and Development

The policy shall offer regular training programs for childcare providers to enhance their skills and knowledge, including capacity-building initiatives to ensure providers are well-equipped to meet evolving childcare needs.

Engage Community and Stakeholders

That it shall involve community members and stakeholders in the development and implementation of childcare policies to ensure they meet local needs and conditions.

Introduce Public Complaint Mechanisms

That Bungoma County shall Implement mechanisms for public complaints and ensure these are addressed promptly by the regulatory body.

Public Engagement

The policy framework to establish a public complaint mechanism and ensures timely resolution. It involves community members and stakeholders in the policy development process to address local needs and conditions.

Focus Areas

The policy shall consider establishing Safer Zones for enhanced child safety and care and ensure dignified care and safety of children in the facilities.

CHAPTER THREE

3.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE OBSERVATIONS

Hon. Speaker,

1. Despite it being a devolved function under the constitution, the County Government of Bungoma has made minimal mention of plans to establish childcare centers, with no actual implementation.
2. There is a significant demand in the county for affordable, standardized, and high-quality childcare centers.
3. There has been no budget allocations made for childcare programs in the county in subsequent budgets.

3.2 GENERAL RECOMMENDATIONS

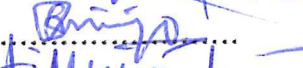
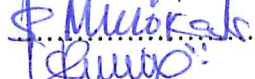
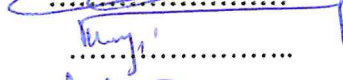
Hon. Speaker,

The Committee recommends;

1. **That**, the department shall submit a Bungoma Childcare Facilities Policy to the House for consideration within 60 days.
2. **That**, following the approval of the Bungoma Childcare facilities Policy as outlined in Recommendation 1, the County Assembly will promptly begin the enactment of the Bungoma Childcare facilities Bill. If the policy shall not be submitted as proposed, the County Assembly will initiate the drafting of the bill.

ADOPTION SCHEDULE

We the undersigned Members of Education and Vocational Training append our signatures adopting this report with the contents therein.

NAME	DESIGNATION	SIGNATURE
1. Hon. Benjamin Otsiula	Chairperson	
2. Hon. Steve Kaiser	Vice Chairperson	
3. Hon. Ali Machani	Member	
4. Hon. Johnston Ipara	Member	
5. Hon. Joan Kirong	Member	
6. Hon. Abraham Obama	Member	
7. Hon. Timothy Chikati	Member	
8. Hon. Jacob Psero	Member	
9. Hon. Christine Mukhongo	Member	
10. Hon. Jack kawa	Member	
11. Hon. Aggrey Mulongo	Member	
12. Hon. Mildred Barasa	Member	
13. Hon. John Wanyama	Member	
14. Hon. Angeline Rugut	Member	
15. Hon. Allan Nyongesa	Member	

REFERENCE

The Children Act, 2022

Mombasa county child care Act, 2016

Embu County Childcare Facilities Act, 2016

The 2010 Constitution of Kenya

The report conducted in Kisumu and Nairobi Counties by Organisation of African Youth Kenya Chapter (OAY) December 2022 .

**MINUTES OF EDUCATION AND VOCATIONAL TRAINING
COMMITTEE HELD ON 25TH JUNE 2024 ATURKAN HOTEL
KITALE.**

MEMBERS PRESENT

1. Hon. Benjamin Otsiula	Chairperson
2. Hon. Stephen Kaiser	Vice- Chairperson
3. Hon. Angeline Rugut	Member
4. Hon. Mildred Barasa	Member
5. Hon. Christine Mukhongo	Member
6. Hon. Allan W. Nyongesa	Member
7. Hon. Jacob Psero	Member
8. Hon. Joan Kirong	Member
9. Hon. Timothy Chikati	Member
10. Hon. Abraham Obama	Member
11. Hon. Johnstone Ipara	Member
12. Hon. John K Wanyama	Member
13. Hon. Aggrey Mulongo	Member
14. Hon Jack Kawa	Member
15. Hon Ali Machani	Member

SECRETARIAT

1. Peter Wafula Makokha	- Committee Clerk
2. Protus Simiyu	- Hansard officer
3. Lindah Tubaka	- Research
4. Job Toili	- SAA
5. Levis Wakhungu	- Legal

AGENDA

1. Preliminaries
 - i. Prayer
 - ii. Adoption of the Agenda
2. Communication from the Chair
3. Adoption of Report on Need to Establish Child Care Centers in Bungoma County

MIN/1/25/06/2024:PRELIMINARIES

- a) Prayer

The meeting was called to order at 11:30 pm with a word of prayer by the chair.

b) Adoption of Agenda

The Agenda for deliberation was adopted on proposal by Hon Allan Wanyama and Seconded by Hon. Jacob Psero

MIN/2/25/06/2024:COMMUNICATION FROM THE CHAIR

No communication from the chairperson

MIN/3/25/06/2024:ADOPTION OF REPORT ON THE NEED TO ESTABLISH CHILD CARE CENTERS IN BUNGOMA COUNTY

The report was projected and Members went through the body of the report with keen interest to the Observations to confirm whether they correlate.

The Committee agreed with the observations and recommendations there in adopting the report.

ADJOURNMENT.

There being no other business, the meeting ended at 12:50pm. The Committee will reconvene on notice.

CONFIRMATION

Chairperson.....BENJAMIN OTSIULA.....Sign.....

Date.....3RD JULY 24.....

Secretary

NAME.....PETER MAMUKHA.....Signature.....

DATE.....3RD JULY 24.....