



**Levelling the Playing Field or Exacerbating  
Exclusion?:  
Analysing Provision of Education for the Urban Poor  
in Kenya**

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***Joan W. Njagi***

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Members of the Examining Committee:

Dr. Auma Okwany

Dr. Mahmood Messkoub

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***Inquiries:***

**Postal address:**

Institute of Social Studies  
P.O. Box 29776  
2502 LT The Hague  
The Netherlands

**Location:**

Kortenaerkade 12  
2518 AX The Hague  
The Netherlands

Telephone: +31 70 426 0460

Fax: +31 70 426 0799

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## List of Acronyms

AIDS	Acquired Immuno-Deficiency Syndrome
APHRC	African Population and Health Research Center
CBO	Community Based Organization
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
ECD	Early Childhood Development
EFA	Education for All
EYC	Elimu Yetu Coalition
EKWC	Elimu Kwa Wanavijiji Coalition
FBO	Faith Based Organization
FPE	Free Primary Education
HIV	Human Immune Deficiency Virus
ICESR	International Covenant on Economic Social and Cultural Rights
KCPE	Kenya Certificate of Primary Education
KSHS	Kenya Shillings
MDG	Millennium Development Goal
MOE	Ministry of Education
MOEST	Ministry of Education Science and Technology
NFE	Non-Formal Education
NFS	Non-Formal Schools
NGO	Non Governmental Organization
UDHR	United Nations Declaration on Human Rights
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organization
UN-HABITAT	United Nations Human Settlements Programme
UNICEF	United Nations Children's Fund
UPE	Universal Primary Education

## **Abstract**

Free primary education policy was introduced and implemented in Kenya since the year 2003. The policy aimed to universalize education by removing tuition fee, a main barrier to children accessing education. The move saw massive increases in enrolments, as many children that were previously not attending school got the opportunity. While the policy was expected to benefit children that were previously left out of the education system, many children continue to be excluded from the education system. The public education system has homogenized children, pushing out those that do not fit within certain criteria. Children living in urban slums are among those that fail to benefit from free primary education, due to the homogenous and consequent inherently exclusive nature of the public education system. This has created a parallel, inferior and low quality private system of education, to accommodate urban poor children pushed out of the public education system. The goal to universalize education remains unachieved due to the failure of the public education system to adapt to the divergent backgrounds and needs of children in the country, as revealed in this study.

## **Keywords**

Exclusion, urban poor, education



# Chapter 1

## Universalizing Education in Kenya

### 1.1 Background

After independence, many newly independent states embarked on nation building and solidarity initiatives to counter high levels of fragmentation and exclusion that had emanated from colonial rule. As part of the nation building agenda, states widely promoted the need for educated nations. This aimed to increase the population's levels of education and consequently the productivity of the new states (Samoff 2003). Education was also seen as a tool to enhance solidarity, cohesiveness and equality (Mkandawire 2005) and a comprehensive network of schools was established country wide to achieve this (Kimalu et al. 2001, Samoff 2003). However, structural adjustment programs implemented in the 1980s forced many developing countries to cut back on their budgets, a situation that led to reduced government spending on health and education and introducing cost sharing in education (Mkandawire 2005, MOE 2009).

Structural adjustments programs greatly reversed the gains that had been made in education (Samoff 2003). For example, in a country like Kenya gross primary enrolment rate fell as low as 86.9% in 1999 after attaining a peak of 105.4% in 1989. Secondary school enrolment rate also declined from 29.4% in 1990 to 21.5% in 1999 (Kimalu et al. 2001). Similar trends by many developing countries led to the adoption of the Dakar Framework for Action reaffirming the commitment to achieve Education for All (EFA) by the year 2015, during the 2000 world Education Forum in Dakar (Samoff 2003).

To meet the EFA goals a number of African countries such as Malawi, Uganda, Kenya and Tanzania among others abolished primary school fees triggering massive increases in enrolment, as seen in the case of Kenya where there were up to 1.3 million new admissions within the first year, from 5.8 million to 7.1 million (MOEST 2005, Okwany 2010, Ruto 2004). The Kenyan government introduced free primary education (FPE) in the year 2003 as part of its plan to universalize access to primary education (Oketch and Ngware, 2010) and in line with EFA goals and attainment of Millennium Development Goals (MDG) (MOEST 2005).

While on one hand the Kenyan government has in place the goal to universalize education, what exists in practice greatly undermines this goal. This study critically examines why this initiative has failed to translate to education for all as intended. I focus on the urban poor to highlight the exclusion of certain categories of children from the education system, and examine the inclu-

siveness of initiatives by state and non-state actors to provide education for the urban poor.

## 1.2 Framing the Research Issue

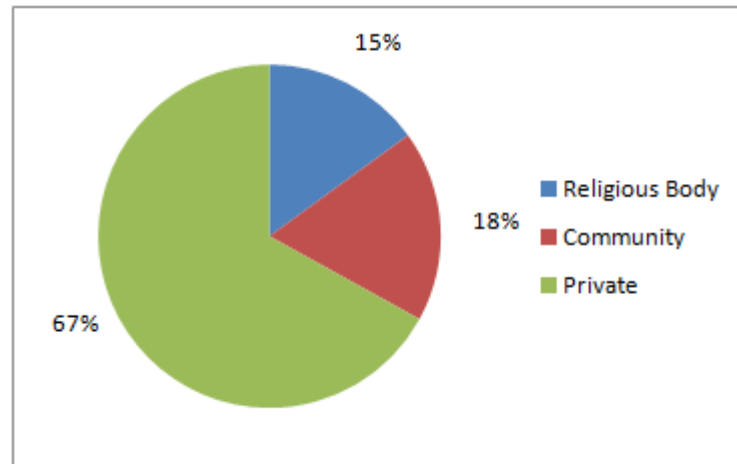
Policies by governments to abolish user fees and provide education to all children have indeed increased access to education, as demonstrated by the influx of over a million children with the introduction of FPE policy in Kenya (MOE 2009). This indicates that school fees posed a major hindrance to children accessing education. However, despite the significant quantitative gains made in the education sector, critical qualitative shortcomings continue to deny access to several categories of marginalized children (Okwany 2010). The UNESCO Global Monitoring Report for 2011 indicates that the number of out of school children in the second half of the past decade fell at half the rate achieved in the first half. If the trend continues, the goal to universalise primary education by 2015 will not be realized as 72 million children are likely to still be out of school, compared to 67 million in 2008.

In Kenya, despite government's abolition of user fees in 2003, 1.5 million children were still not enrolled in school (MOEST 2005). It is estimated that there are still over one million children out of school presently, with illiteracy rates as high as 38.5% attesting to that fact (MOE 2009). Long distances to school in addition to direct and indirect fees as well as hidden costs continue to keep children out of school. These are further exacerbated by other social, economic, cultural and political factors such as poverty, conflict, HIV/AIDS and redundant cultural practices (MOE 2009, Oketch and Ngware 2010, Okwany 2010). Children living in arid and semi arid lands and nomadic communities, girls from rural communities, those with disabilities as well as over age out of school children and children living in urban slums are among those that have been excluded from accessing the formal education system (MOE 2009).

In this study I specifically focus on the urban poor as a category of children excluded from the formal education system due to spatial location and socio-economic disadvantage. Due to the government's limited outreach in providing education for all, a developmental space has been created excluding urban poor children from the formal education system. These children are forced to utilize a low quality private education system, which operates parallel to the formal education system. There are several types of non-formal schools, including those operated by civil society organizations such as non-governmental organisations (NGOs), faith based organisations (FBOs), and community based organisations (CBOs), and those operated by individuals as commercial enterprises to provide low cost private education (EKWC 2004, Rose 2009). In analysing non-formal education, the study largely focuses on low cost private schools operated by individuals as commercial enterprises as opposed to non-formal schools operated by organizations including civil society organizations. This is because low cost private education is the most preva-

lent form of schooling for urban poor children. According to a survey conducted by EKWC (2004), 67% of non-formal schools are run by private providers, 18% by the community and 15% by religious bodies, as indicated by the diagram below:

**Figure 1**  
**Urban Slums School Ownership**



Source: EKWC (2004)

In addition, many civil society organizations (CSOs) are now taking on a partnership approach to support poor quality low cost private schools to provide education for urban poor children, as opposed to engaging in direct provisioning of education by establishing schools in urban slums, as indicated during interviews with civil society organizations personnel. In this study I criticize lack of accountability by the government in ensuring that the public education system is universal and reaches everyone. I further emphasize the need for inclusive education policies that ensure adaptation to the diverse backgrounds and needs of children.

### **1.3 Relevance and Justification of the Research Topic**

Due to a combination of demographic, economic and political realities, many African cities are facing critical challenges. Rapid urbanization poses the greatest challenge for African countries second only to the HIV/AIDS pandemic (UN-HABITAT 2008). It is estimated that by 2050 urban dwellers will constitute over 70% of the total African population (UNICEF 2012). This development is outstripping the capacity of the government and local authorities to plan for the growth of urban areas and to provide essential services to their citizens, resulting in the mushrooming of slums in African cities and towns. Currently, 60% of the African urban population lives in slums (ibid.) This rapid growth of slums is due to a combination of factors including rural-urban migration, increased urban poverty and inequality, high cost of living, land grab-

bing and corrupt land allocation as well as insufficient investment in low-income housing (UN-HABITAT 2008).

In Kenya, approximately 60-80% of the urban population lives in slums. In Nairobi, 60% of the population lives in slums that occupy only 5% of the total land area (UN-HABITAT 2008). The Pamoja Trust Nairobi inventory of slums in the city lists a total of 155 slums covering an approximate area of 500 hectares. The growth of Nairobi's slums is unprecedented with an annual growth rate of 5%, which is one of the highest in the world. The UN-HABITAT further estimates that this number is likely to double in the next 15 years if positive intervention measures are not taken. Urban slums are characterized by high population density and exclusion from basic services such as education, health, roads, security, water and sanitation, as governments consider them illegal settlements. The impact on children living in such conditions is significant, and are among the least likely to attend school (UNICEF 2012). Moreover, nutritional disparities between rich and poor children in Sub-Saharan towns and cities are greater than those between urban and rural (ibid.).

The urban poor play a critical role in the economy of a country. They provide numerous services particularly manual labour at low costs, triple D (dirty, difficult and dangerous) jobs as well as increase access, availability and affordability of retail consumer goods. Yet despite the numeric dominance and the contribution of the urban poor to the national economy, they are treated as a threat to social and economic order in society, often labelled illegal, and excluded on many fronts. The urban poor engaged in the informal sector as hawkers are often disrupted from conducting business by city council officers who conduct raids to arrest unlicensed hawkers said to be conducting business illegally. Those residing in Nairobi slums face constant evictions as these are considered illegal settlements. The case of Mitumba, the slum that I had intended to conduct my study on the government illustrates this. The government had issued several eviction notices without taking action. However, in November 2011 after a 6 month notice, the government carried out its threat and demolished the slum. The demolitions were conducted on a rainy day and many of the Mitumba slum residents had nowhere to go. A majority of them had their household items out for a number of days as they sought residence elsewhere. Together with their children, they slept outside sometimes under the rain, and neither the government nor civil society came to their aid.

After slum demolitions, school going children are adversely affected as all structures including schools in the slums are demolished. Since the majority of the children in the slums attend private schools located in the slums, once the schools are demolished, their schooling is disrupted. Although the Kenyan government has been providing FPE since 2003, approximately 70% of urban poor children still lack access (Oketch and Ngware 2010). Many slums have an average of one to two public schools serving them, such as Korogocho and Viwandani, slums in Nairobi with only one public school each (ibid.). As a result of the exclusion of the urban poor from the public system, non-state actors including individuals and civil society organizations such as FBOs, CBOs and NGOs operating outside the formal system have endeav-

oured to cater to the education needs of urban poor children unable to access free primary education, by establishing low cost private schools labelled as non-formal schools in urban slums to serve slum communities (Mugisha 2006, Ruto 2004).

A non-formal system of education for the urban poor has created a parallel system of education based on socio-economic disadvantage, and further excluded the urban poor from accessing public education. Promoting a parallel system of education specifically targeted for the poor creates a differentiated education system leading to what Sen (2000) refers to as poor benefits for the poor. While the poor are already economically and socially marginalized, exclusion of urban poor children through the education system perpetuates exclusion further, increases inequality and social injustice, since education is a main route to social and economic advancement for many (Amnesty International 2006, Okwany 2010, Samoff 2003). It is against this backdrop that I conducted my research on education for the urban poor in Kenya, in a bid to examine their exclusion of the from the public education system. The study also interrogates the extent to which initiatives by non-state actors enable the public system to be inclusive. This study will further contribute to a growing body of research that continues to provide a basis for policy intervention and practice on social exclusion in education.

## 1.4 Research Objective and Questions

This study aims to analyse exclusion of the urban poor under universal primary education policy in Kenya. To achieve this objective, the study seeks to answer the following research questions:

**Main Question:** Why are urban poor children excluded from the government's FPE?

1. What factors underlie the exclusion of the urban poor from the universal public education system Kenya?
2. How inclusive are initiatives by non-state actors to provide education for the urban poor?

## 1.5 Research Strategy and Methods of Data Collection

The study employed qualitative research techniques using in depth interviews as the main method of data collection. This was combined with observation, which was often confirmed through further qualitative inquiry. In-depth interviews and observation are used in qualitative research for better understanding of the actor's perspective (Denzin and Lincoln 2003). Several households within slums in Nairobi were selected as case studies for the qualitative inquiry.

While case studies may not necessarily be representative or offer grounds for generalization of entire populations, the approach offers insight for ‘refining theory and suggesting complexities for further investigation as well as helping to establish the limits of generalizability’ (Stake 2003: 156). Using in depth interviews, a total of 22 research participants as listed below were interviewed:

- Five children (three boys and two girls) attending non-formal schools. Two had only attended low cost private schools in the slums. Two of those children had attended both public and low cost private schools. One child had attended a public school, a low cost private school and a high cost private school.
- Five parents (all female) of children attending both formal schools and non formal schools.
- Three government officials: two in the non-formal education section of the Ministry of Education in Kenya, and one in local administration.
- Nine personnel in international and national NGOs dealing with education issues.

In-depth interviews with urban poor children and parents were used to establish how the urban poor experience exclusion, by listening to their experiences, views and perceptions of non-formal education (NFE) compared to formal education, and the future that it offers them. The interviews with parents also aimed to establish factors influencing parental decision making in the choice of school that their children attended. This was done by asking questions to establish the motivation behind the choices that they made in determining their children’s schooling. Before conducting interviews with children and parents, they were informed of the purpose and intention of the research. Informed consent was then sought to ensure their protection and voluntary participation (Fine et al. 2003). This is also consistent with ethical considerations in research which guarantee research subjects the right to be informed about the nature and consequences of the experiments they are involved in (Christians 2003: 216). Moreover, in interviewing children, parental consent was sought for children of all ages, in addition to involving children above the age of 11 years, as age is critical factor in determining the competence of children to consent (Morrow and Richards 1996). Verbal consent was preferred over written consent, as having the research participants’ sign a document as indication of their consent may have created power differences, potentially affecting participants’ responses during interviews, and potentially excluding some.

Government officials were interviewed to interrogate why the urban poor are still excluded from the government’s plans to universalize primary education. Interviews with CSO personnel were used to examine the nature of CSO participation in promoting the inclusion of children in education as well as challenging their exclusion. Snowballing was used as a research technique to sample civil society organizations with similar operations.

Secondary sources of data including academic literature, international reports on education as well as national reports by the government and CSOs

were used to strengthen and validate findings from the interviews. The use of a variety of sources of data provided a data triangulation approach (Janesick 2003), ‘adding one layer of data to another to build a confirmatory edifice’ (Fine et al. 2003: 187).

## 1.6 Research Scope and Limitations

The study aimed to sample Mitumba slum in Nairobi. However, all the houses and schools in the slum were demolished by the government in November 2011, and I could therefore not conduct my research in the slum. I contacted the head teacher of one of the schools that had been demolished, to link me with a few parents whose children attended the school before demolition. The parents had moved to different parts of Nairobi, and those I interviewed were in Kibera, Mukuru and Korogocho slums. With most parents working in the informal sector, they did not have regular hours and most of them worked 7 days a week. It was therefore not possible to coordinate a meeting where they could all be available for a focus group discussion as I had intended, necessitating change of strategy. I therefore met some of the parents at their workplaces and others in their homes. The same limitation also applied to children, as being in different slums and schools posed a challenge in bringing them together. I was however able to meet two children individually, and also managed to interview the same children in groups of two or three. Twice, I interviewed children together with their parents, and although this might have posed as a challenge, it instead created an interesting focus group discussion. Focus group discussions were used due to their importance in qualitative research, as they lessen distance between the researcher and the researched, owing to their unstructured nature which limits the researcher’s control over the interview process (Madriz 2003).

Conducting interviews with the government’s Ministry of Education also posed a challenge due to government requirements for students conducting research. In addition, most government officials were not available in their offices requiring me to spend long hours waiting for them to report back on duty, while those present claimed to be busy. Eventually, after a lengthy and futile process, one senior official at the Ministry of Education agreed to be interviewed. However, before the interview he made it clear that he was short of time, and I therefore had to rush through the interview. Before the interview, which was constantly disrupted by the official making phone calls, he stated that he was not going to provide any data and also asked not to be quoted. In addition, during the interview, he seemed defensive, shifting blame from the government and laying it on slum dwellers. The information given in that interview therefore did not seem factual and reliable for research use. I requested if I could interview other government officials and he gave me a verbal consent to interview one of the directors in the non-formal section of education. However, the director I was to interview demanded written authorization, and left for study leave before I could obtain the written authorization.

Getting written authorization proved impossible until I sought assistance from a personal contact who is a senior government official in another ministry. Only then was I able to get written consent and interview a government official in the non-formal education section of the Ministry of Education. I suspected that the first government official had given me information that was not factual as he did not trust my motives. This could be due to a lot of investigative journalism that has been going on uncovering corrupt dealings within the government and NGO sector.

Although the research aimed to ensure representation of both male and female parents, only mothers participated in the research. This is because three of them were single mothers, while the other two were the only ones available of the two parents. Moreover, having been linked by the head teacher of the demolished school, I was limited in selecting parents to interview as I relied on the few contacts given.

## **1.7 My Position as a Researcher**

Sultana (2007) discusses how the multiple identities of a researcher have the potential to influence research methods, interpretation and knowledge production. Ng (2011) further emphasizes the importance of the researcher being aware of the challenges and dilemmas as well as the opportunities for multidimensional research that multiple identities can present. My status as a middle class woman undergoing post-graduate training abroad, interviewing slum residents had the potential to create class and power differences between my respondents and me. This could potentially among other things, increase my status as an outsider (Narayan 1993) and influence my respondents' expectations, consequently affecting their responses. To deal with this, in my introduction I mentioned my work as a volunteer with the school in the slum that their children had attended, mentioning it as a source of interest in researching on the topic for my studies. This was a strategy to reduce my status as an outsider as well as my respondents' expectations.

## **1.8 Organization of the Paper**

The paper is organized into six chapters. The following chapter provides the conceptual framework for the study. The third chapter locates the urban poor within Kenyan education policy and practice, while the fourth chapter, based on my findings, elaborates on factors within the education system that continue to exacerbate exclusion. The fifth chapter analyses missing elements in making education in Kenya truly universal. Chapter six concludes by calling for



a truly universal education system that acknowledges and adapts to diversity, as opposed to a parallel system of education that perpetuates exclusion.

## **Chapter 2**

### **Conceptual Framework**

#### **2.1 Introduction**

This study draws on several theoretical frameworks to examine the exclusion of the urban poor from accessing their right to education. Using the concept of agency, the study interrogates the interaction of the urban poor with education policy in Kenya, as well as the extent to which they are considered as agents in formulation and implementation of policy. In this study, I also examine the extent to which interaction between the state and civil society is promoting inclusion or a parallel system of education and exacerbating exclusion.

#### **2.2 The Right to Education**

The study locates itself in human rights and universal approaches to social policy and public provisioning discourses, holding the view that all human beings are entitled to their rights regardless of sex, race, colour, language, national origin, age, religion, political or other opinion, national or social origin, property, birth or status (United Declaration on Human Rights) (UDHR), taking into consideration the universality, inalienability, indivisibility and interdependence of rights. Article 28 and 29 of the Convention on the Rights of the Child (CRC), further enshrine the right to education and obligates states to recognize children's right to education and commit to 'achieving this right progressive and on the basis of equal opportunity.' The right to education is further enshrined in other international treaties such as Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD). In addition to being a signatory to these Conventions, the Kenyan government has further domesticated the CRC through the Children's Act which provides education as a right for all children. Moreover, a new constitution was promulgated in 2009, providing education as right, free and compulsory for all children.

Education as a right plays a facilitative role in the attainment of other rights and opportunities including health, employment and equality between sexes (Amnesty International 2006, Tomasevski 2003, Wilson 2004). Education as a right has three dimensions: right to education, rights in education and rights through education (Wilson 2004). Rights to education guarantee access to education and quality of education. Rights in education also guarantee qual-

ity and learner friendly schools, while rights through education secure equality of educational outcomes and opportunities (Okwany 2010, Wilson 2004).

The study interrogates the extent to which the universal primary education policy in Kenya guarantees rights to, within and through education by ensuring that education as a right is available, accessible, adaptable, acceptable, and affordable (Tomasevski, 2003). Holding the view that universal approaches should take a human rights approach by endeavouring to include all, while acknowledging diversity, I examine the extent to which this has been achieved.

## **2.3 Social Exclusion Theory**

The fact that many children are excluded from accessing their rights to, within and through education demonstrates the continuous and massive violation of education as a right (Tomasevski 2003). Social exclusion is a critical social development concern, as it prevents certain segments of the population from participating fully in development (Awortwi and Okwany 2010). Sen (2000) differentiates between active and passive exclusion, and describes active exclusion as exclusion that is experienced through open and deliberate policies, programs and laws that discriminate and exclude certain groups in a population. Passive exclusion on the other hand is subtle and could be unintentional and sometimes caused by lack of awareness of needs. Social exclusion results in diminished quality of life and life chances as well as reduced choices, socio-economic opportunities and unequal citizenships (Awortwi and Okwany 2010: 5). Extreme inequalities in opportunities and life chances have a direct bearing on human capabilities, that is, what people can be and what they can become (UNDP 2005).

The social exclusion theory is used in this study as an analytical lens to explore how and why certain categories of children are left out of accessing FPE. It further provides a framework for analysing the implications of socio-economic disadvantage (Kabeer 2000) and multiple deprivations. Specific focus is laid on how urban poor children are denied their right to universal primary education, as well as why the “universal” system excludes the same groups it targets. The concept is further used to explain how group based disadvantages such as class, gender, spatial location and generational issues interact, and in the absence of focused policy deny certain categories of children the right to education (Okwany 2010). This study reveals the existence of both active and passive forms of exclusion limiting the urban poor from accessing formal education.

## 2.4 Agency

For a public system to be inclusive, it requires strong community links and participation. Enhanced participation allows communities to engage with policies and challenge structurally determined inequalities (Kennelly 2009). Berner (1998) discusses agency as the twin concept to social structure, defining agency as the capacity for humans to determine the actions they take within a defined structure providing a set of rules and regulations. Social structure implies a relation of power, as institutions are required to enforce set rules and regulations, while agency implies freedom to comply or challenge existing structure (ibid.). Human interaction with existing social structure can be passive (Smith 1998) or participatory allowing communities to engage and influence social structures.

The concept of agency is thus used in the study to examine the extent to which the education system fosters or constrains meaningful community participation, and its implications on education for the urban poor. The concept is further used to analyse the degree to which state and non-state actors view communities as agents or patients in social provisioning. The perception of state and civil society towards communities determines the level of community participation, as well as availability of mechanisms for their participation. These mechanisms allow communities to exercise agency by engaging with policy and challenging social injustice and exclusion.

## 2.5 State- Civil Society Theories<sup>1</sup>

An inclusive public system involves collaboration between the state, civil society and communities to ensure effective public provisioning.

Governments are the primary duty bearers in provision of education, obligated by human rights instruments to make education affordable, 'available, accessible, acceptable, and adaptable' (Tomasevski 2003: 51). However, internal and external factors including increased corruption, poor priority setting, high foreign debt, globalization and the neo-liberal agenda have led to weakening of state capacity to deliver education and other public goods and services (Tomasevski 2005, Okwany 2005). To fill the void resulting from government weakening capacity, non state actors are increasingly engaging in provision of education. Civil society in particular has become more involved in education for marginalized children, often left out by government provisioning.

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<sup>1</sup> This section is largely drawn from my essay titled "*Drawing Lessons for State-Civil Society interaction in universalizing education from MV Foundation, India*" submitted for the course

Civil society organizations are commonly defined as all private sector organizations that lie in between the state and the market (Sutton and Arnove, 2004). While civil society can be credited for its flexibility and responsiveness to community needs compared to the government, the nature of CSO involvement can also undermine the government. Okwany (2005) however, argues that there are instances where the civil society can enhance the delivery capacity of the state. She illustrates this by citing Bradshaw (1993) who gives the example of post independence *Harambee*<sup>2</sup> efforts in Kenya characterized by successful promotion of government legitimacy by the civil society. This was achieved through complementary interaction between the state, mobilized communities and other non-state actors, as opposed to efforts to substitute and weaken state capacity.

Hoppers (2000) describes three types of civil society engagement in provision of education: complementary, supplementary and compensatory initiatives. While complementary and supplementary initiatives add on to existing government efforts, compensatory initiatives substitute government provision by offering services parallel to those offered by the government. Most civil society action tends to take on a compensatory approach, often targeting the poor and marginalized who have been excluded from the state system. While CSOs can be effective in mobilization and increasing demand for public services including education, they are limited in resources and consequently in their capacity to implement programmes that make a significant impact in education in terms of scale and at the same time influence policy. Moreover, although these organizations are many, the reality is that most of them accommodate very few children. CSO involvement is often fragmented, limited in capacity and outreach, thereby taking on a ‘project rather than a systems approach’ (Okwany 2004: 189), ‘struggling in isolation in the margins of the formal system’ (ibid. 178). This is what Tendler (2002) terms as a “projectized” or “microized” approach to development. Tendler attributes the involvement of donors in funding small community projects such as education and roads, among others to a “project view” solution to the problem of poverty. This is as a result of beliefs by the donor community that NGOs are the best agents to advance the development agenda, in addition to the view that decentralization and community participation will produce the best results in service provision for the poor.

State-civil society theories are used in this study to explain interaction between the state and the civil society in providing education for the urban poor in Kenya. I examine whether state-civil society interaction is enhancing inclusive education, or creating and promoting a parallel system of education.

In this chapter I have outlined the main concepts that I have used in the study to explore the exclusion of the urban poor from the formal education system. In the next chapter, I will contextualize education for the urban poor

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<sup>2</sup> Common Kenyan word for pulling together for a common good

by providing an overview of their exclusion from the formal system and its implications.

# Chapter 3

## Contextualizing Education for the Urban Poor in Kenya

### 3.1 Introduction

Similar to other kinds of social provisioning, children in urban settings are generally considered to have an educational advantage, and are better off across a range of statistical indicators compared to their rural counterparts (UNICEF 2012, Mugisha 2006). They are considered to have more educational opportunities and better educational outcomes as they are more likely to attend early childhood programmes, and enrol in and complete primary and secondary school. The statistics can however be illusive, as the reality of urban inequities is greatly undermining the right to education for many children. Mugisha (2006) terms it as the eroding urban advantage adding that although primary education is more available in urban compared to rural areas, many of the urban poor still fail to access education, particularly in slums where there is often little or no public schooling. Families are consequently forced to enrol their children in low cost private schools which are often of low quality or withdraw children from school all together (UNICEF 2012).

My experience volunteering in a non-formal school in Mitumba slum in Nairobi illustrates the eroding urban advantage. Volunteering in the school was prompted by the realization that most children in the school had difficulty communicating in English, during interaction with them as a Sunday school teacher in my local church. While volunteering in the school, I observed a trend in most schools in the slums, with infrastructural issues being the most profound. For instance in this school, the entire school of 150 children squeezed to fit in a small room of approximately 5 by 5 metres during assembly. After assembly, the same room would be partitioned into three sections using pieces of worn out cloth, with each partition serving as a classroom. The whole school, which was less than 20 by 20 metres, had a small staff room and five class rooms, with only classes 1 and 8 having a room each. The other rooms had children in two different classes sharing a class room. The size of the classrooms and the type of material used for partitioning made it difficult to concentrate as they could hear everything that was going on in other classes. The class rooms were not cemented, with leaking roofs which became muddy on rainy days, causing water to sip into the children's often worn out shoes. The school had no running water or toilets, and children had to walk for a distance of about 300 metres to use shared public toilets in the slum.

In addition to infrastructural challenges the school had an insufficient number of teachers, none of whom were qualified to teach. None of the teachers had attained tertiary level of education, as some had only completed high school, while others had not even completed high school. Additionally, the school did not follow any syllabus and teachers used textbooks for instruction. The school was also not registered under the Ministry of Education, and therefore not under government regulation. Ironically, the students were expected to sit for the national examination prepared using the Kenyan Ministry of Education Curriculum for primary education. Moreover, these students were going through such an inferior schooling system despite the existence of a universal primary education policy providing FPE since 2003. Lack of access to public schooling had forced parents to enrol children in this and similar schools within the slum. Okwany (2004:186) states that ‘there is a proliferation of such schools in low-income locales clearly signifying the emergence of a kind of shadow education that raises critical policy issues of control and equity’. Moreover, the fact that some of these schools provide education on the basis of charity indicates weak rights based approach to education.

### **3.2 Limitations of the Urban Poor in Accessing FPE**

Education is a universal right provided for in the UDHR, and legally sustained by the 1989 Convention Rights of the Child (CRC) (Stromquist, 2001). Furthermore, the Kenyan government has enacted a Children’s Act to ensure domestication and implementation of the CRC. Additionally, since the year 2003, the government has been implementing a free primary education policy to provide education for all children. However, what exists in policy is far from what exists in practice. Despite a conducive policy and legislative environment for children to access their right to education, the reality is that many children do not have access to FPE, and are thus been denied their right to education.

Despite free government education, many urban poor children cannot access formal education. MOEST (2005) estimates that while there were 1.3 million new enrolments upon introduction of FPE in 2003, 200,000 children were absorbed in low cost private schools, and 1.5 million children were still not attending any form of schooling. In Kibera slum in Nairobi, only 30% of school going-age children have access to formal education, and an estimated 120,000 remain unreached (Oxfam 2003, UN-HABITAT 2008). Further, Oketch et al. (2010) highlight a study conducted by African Population and Health Research Centre (APHRC) in Korogocho and Viwandani slums in Nairobi, in which 44% of the pupils sampled attended low quality fee-charging non-state schools despite implementation of FPE policy.

A key factor keeping children living in urban slums from the formal education system is the fact that only tuition fees were abolished in provision of FPE, and therefore pupils still have to bear a number of direct and indirect



costs which include the cost of uniforms, lunch, transport, textbooks, and school supplies among other costs (Burke and Beegle 2004, Kadzamira and Rose 2003, Oketch and Ngware 2010, Okwany 2010, Ruto 2004). Research indicates that indirect school costs make up more than 25% of household income in households within the lowest income quintile (UNICEF 2012), proving that abolition of tuition fees alone is not enough to increase access to education for poor children.

Another factor keeping urban poor children out of school is limited access to education due to low supply of schools compared to the demand for schooling due to limited public spending on education (Oketch and Ngware 2010). FPE in most developing contexts was implemented as an election pledge and as a result, implementation was done with minimal planning (Kadzamira and Rose 2003, Okwany 2010). After FPE was declared in 2003, there was an influx of children in public schools, which was not met by an increase and expansion of public school facilities. This situation thereby rendered the capacity of the education system insufficient to adequately meet the increased demand for education. As a result, many children could not be absorbed in the system, thereby excluding the disadvantaged who were expected to benefit from FPE policy (Oketch and Ngware 2010). In urban slums, this led to the mushrooming of poor quality low cost private schools to fill the educational void.

### 3.3 Emergence of Poor Quality Private Schools

While the responsibility to provide education lies with the state (Tomasevski 2003), the fact that the Kenyan government has failed to reach certain groups of children has created an educational void that a number of non-state actors are attempting to fill by providing education for unreached groups of children (Ruto 2004). In the case of the urban poor, non-state actors operate NFE schools to cater for the educational needs of this excluded group of children (Okwany 2010). Although these schools are labelled as non-formal, most of them use the formal education curriculum, compensating for government inadequacy to provide education for those that have been left out of the system as opposed to complementary efforts which use a separate curriculum from that of the formal system as illustrated in the table below:

**Table 1**  
**NFE Educational Approaches**

		<b>Examples</b>	<b>Target Groups</b>
<b>Complementary Provisions</b>	Complements or completes education offered by formal school. Influenced by <i>de schooling society</i> that sought to remove the school from the ivory tower and involve it more in community activities	<input type="checkbox"/> Young farmers <input type="checkbox"/> Science congress <input type="checkbox"/> 4K club	Those concurrently enrolled in school system <b>(Targets Advantaged)</b>
<b>Supplementary Provisions</b>	Follow up activities that come later in life and “add on” to formal education. Generally aim at skill provision/improvement or enrichment, apprenticeship. This provision can be situated within broader context of continuing/lifelong education	<input type="checkbox"/> Skill training <input type="checkbox"/> Apprenticeship <input type="checkbox"/> Continuing education	School leavers, employees <b>(Targets Advantaged)</b>

<b>Compensatory Education</b>	Seeks to compensate lack of/little access to formal schooling. Provides formal school curriculum aimed at rerouting back to formal school. Often has little or no support from the state prompting it to be viewed as "second rate" due to the difficult conditions it is provided in.	<input type="checkbox"/> Non-formal schools (NFS)	Marginalized groups e.g. rural-remote, urban poor, girls <b>(Targets Disadvantaged)</b>
<b>Alternative Provisions</b>	Intentionally aims at creating an alternative provision that is more relevant and suited to basic education needs of targeted populations.	<input type="checkbox"/> NFS <input type="checkbox"/> Adult education	Marginalized children and adults <b>(Targets Disadvantaged)</b>

Source: Ruto (2004)

Most poor quality low cost schools operate as commercial enterprises operated by individuals capitalizing on government failure to ensure access of the urban poor in the education system. Oketch et al. (2010) add that these schools aim to at least break even, if not make profit and serve as a source of employment and / or income to the proprietors. Most of these schools are financially constrained, lack government regulation, and are often not driven by a rights agenda. As a result, the quality of education in many non-formal schools remains wanting due to shortage of teachers, lack of professional and trained teachers, lack of scholastic materials and supplies, poor infrastructure and congested classrooms (Mugisha 2006, Ruto 2004). Despite the challenges faced by non-formal schools and the low quality of education in these schools, the government still recognizes and supports NFE in policy, thereby promoting a parallel and unequal system of education. According to the Ministry of Education (2009:12), 'The existing policy framework encourages all learners to enrol in the formal education system. However, it is acknowledged that some learners may continue to be excluded. It is these learners who are targeted by these non-formal institutions operating outside the formal school system'. The excluded learners are 'children between the ages of 6 and 17 years unable to enrol in formal schools due to challenges such as overcrowded informal urban settlements, effects of HIV/AIDS pandemic, child labour, and nomadic livelihoods' (MOEST 2005b:27). However, having children as young as 6 year old in a non-formal program demonstrates intent to create a differentiated system that excludes the most disadvantaged children (Okwany 2010).

Having the FPE and NFE systems running parallel to each other creates a differentiated system of education, which makes schooling as a selective process that screens and sorts children (Farrell 2007) starting from the policy level. Farrell further describes equality of access, survival, output and outcome as the four types of equality that facilitate the selective process determining which children benefit from schooling and which ones experience exclusion as a result of the schooling system. These inequalities stem from inbuilt and intersecting forms of exclusion that create a difference between the rhetoric and reality of education for all in policy and practice.

While Tooley and Dixon (2006) argue that private education is effective in increasing supply and therefore enabling the achievement of universal enrol-

ment while shifting the costs away from the government, Oketch and Ngware (2010) differentiate between private education in informal settlements and private education in formal settlements, adding that the poor quality of free primary education leads those in formal settlements to seek high cost private education, while the poor are led to low-cost private schools due to limited supply of government schooling compared to the demand. Therefore while the non-slum dwelling section of the population seeks private education because of differentiated demand and to expand choice, the poor seek private education due to excess demand denying them access to public schools (*ibid.*). Children who are excluded from the public system are forced to utilize low cost private education or forgo education all together, particularly for the poorest of the urban poor (UNICEF 2012).

Excluding the urban poor from the formal education system not only denies urban poor children their citizenship rights, but also limits their socio-economic participation, affects their life chances, and consequently development prospects at a national level (Ruto 2004). Low quality education limits the educational ability of children as they tend not to have acquired the required academic skills for their educational level, impacting on the general effectiveness of the school system and long term returns to schooling for children and society (Burke and Beegle 2004). Stromquist (2001) adds that children of the poor attend low quality and incomplete schools, and as a result tend to withdraw from school without having reached a solid literacy threshold. Moreover, low quality education limits the life chances of poor children as they are required to compete for life chances with their counterparts in government operated schools and regulated private schools without consideration of the circumstances surrounding their elementary schooling. Additionally, provision of education by non-state actors cannot ensure education for all children, as non-state efforts only represent a fraction of educational efforts made by the state (Sutton and Arnove 2004), thereby leaving many children excluded. Therefore, non-formal education promotes an inferior, parallel and inequitable system of education that continues to marginalize the marginalized.

### **3.4 Limitations of Poor Quality Low Cost Private Schools**

Despite the engagement of non-state actors in providing education for the excluded urban poor, they are financially limited (Wazir 2002), thereby unable to guarantee education for all excluded children. The state on the other hand is the only body with the institutional capacity to provide education for all children (Adala and Okwany 2009, Wazir 2002). For example, while the government could accommodate 1.3 million new enrolments upon the introduction of FPE, NFE could only absorb 200,000 children, leaving 1.5 million others without any form of schooling (MOEST, 2005).

Moreover, sustainability of low cost private schools cannot be guaranteed as they are largely dependent on fees charged on pupils or donor funding for their survival. Charging fees also means that only those who can afford can access the non-formal schools, leaving out the most marginalized of the urban poor. On the other hand, sustainability of government funded education is guaranteed as the government is assured of income from tax and other state resources and incomes. In addition to lack of financial sustainability, non-formal education centres are also not guaranteed of spatial sustainability due to constant demolition of slums by the government. When non-formal schools cease to operate due to lack of financial resources or because of demolition, learning gets disrupted and children attending these schools have to be transferred to other schools or withdrawn from learning all together.

To illustrate this, I will describe my experience in the non-formal school that I was engaged in as a volunteer. While teaching in the school, I became empathetic of the situation of the children and sought ways to make learning more conducive for the children. My first goal was to deal with the direst needs, and at that time being a rainy season, the leaking roofs seemed to be the most urgent need. I managed to mobilize some resources to buy new iron sheets and replace the leaking ones. My next goal was to have each class in its own room as opposed to children in two different classes sharing a room. This was not an easy challenge to deal with as it meant increasing the number of classrooms yet the school was operating on a very small space that was unoccupied right next to the proprietor's home. A few months later, space was available in a children's home that had been shut down. The children's home had a fairly big compound, and several rooms which had been used as dormitories and classrooms. The rooms in the compound were enough to have each class occupying its own room. Given that the owner did not possess a title deed, the best option was to rent the facility. I approached my local church, and the church agreed to pay rent for the school to move to the new facility.

The facility was dilapidated and I continued to raise funds to renovate the facility. This included replacing worn out iron sheets, painting the entire facility and cementing the classes that were not cemented. The facility that was previously used as the school building was rented out to some CBOs and the school was therefore able to generate income to ensure that the teachers had regular salaries and what remained could buy food for the children to take for lunch. In addition, I identified a trained P1<sup>3</sup> teacher who was waiting for posting by the government. The school agreed to hire the teacher for a minimal salary, and the school therefore had its first qualified teacher. The money raised was also enough to buy textbooks and storybooks for the children as well as buy 8-4-4 syllabuses. The newly recruited trained teacher then taught the untrained teachers how to use the curriculum and plan for lessons.

With all the changes, the quality of teaching and learning improved tremendously and the school was now regarded as one of the best schools in the

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<sup>3</sup> Kenyan teacher qualification to teach primary school

slum. This was also due to the fact that through the partnership with the church, children got sponsors to pay for their secondary schooling after finishing primary school. However, a year and a half later, the government demolished the entire slum including all the five schools that were in it. This rendered Mitumba slum inhabitants homeless and most children without a school to attend. The demolition of the slum demonstrates how unsustainable civil society action can be in filling the void created by government inadequacy in providing education for the urban poor. My efforts also demonstrate the unsustainability of individual charity efforts, as well as the unfairness of the education system in failing to take on a rights based approach by allowing certain segments of the population to depend on charity and non-state actors for their education.

Demolition of slums is not the only sustainability challenge that non-state schools in the slums face. Pulling out of donors also poses a major sustainability challenge. An example is GOAL Kenya's non-formal education program that had operated in Mukuru slum for more than 10 years until its donors suddenly pulled out from funding the program necessitating its closure. Although this is a challenge more commonly faced by NGO operated schools, low cost private schools also face the same challenge following increased collaboration between NGOs and low cost private schools. Even when NGOs fund low cost private school, the bulk of funding is provided by international NGOs who have their own mandates and strategies (Wazir 2002), which raises concerns about uniformity, quality, substance and curricula (Wazir 2000: 257). This also raises the issue of accountability as NGOs are mandated to adhere to donor requirements and standards, as opposed to the state which has an electoral mandate to its citizens (ibid.).

Wazir (2002: 627) provides three elements that make up an effective NGO strategy. These are the ability of individual components of a programme to be integrated holistically, potential to go to scale and be sustainable beyond the life cycle of the project. Wazir (2002) adds that very few NGOs have all these elements. Given the limitations of civil society organizations, there is need to engage in what is realistically within their scope to undertake effectively. Wazir (2000) mentions creating demand for education, creating good practice, agenda setting, networking and assisting social movements as some of the key activities that the civil society can realistically engage in to reform education and contribute to the realization of universal education. Otherwise, most civil society compensatory efforts end up creating parallel systems of education that marginalize the already marginalized (Okwany 2005) and increasingly moving away from the goal to universalize education. This calls for increased collaboration between the government and civil society to provide universal education for all.

This chapter highlighted the challenges faced by the urban poor in accessing public education, as well as the challenges they face in the poor quality private system. The next chapter demonstrates further why the Kenyan education system continues to exclude the urban poor from the public education system.

# Chapter 4

## Exacerbating Exclusion

### 4.1 Introduction

Various reasons have been used by different stakeholders to explain exclusion of the urban poor from the formal educational system and promote low cost private education. These continue to exacerbate exclusion of the urban poor from the formal education system, leading to the creation of a parallel system of education.

### 4.2 Existence of a developmental space in the education system

Due to its stance that slums are illegal settlements, the government does not consider itself obligated to ensure public provisioning in these settlements, nor consider them in government planning. Similar to other social services, the education system caters for 40% of the non-slum urban population leaving out 60% of the population residing in slums. Lack of social service provisioning for slum residents is indicative of government failure to adapt to urban poverty; a situation that forms the genesis for the operation of poor quality low cost private schools capitalizing on inadequate public education provisioning.

Moreover, homogenization of the urban poor is used to make blanket policy decisions and interventions (Okwany 2010), without considering different dynamics within urban poor households that influence decision making. Policy decisions are based on assumed needs, coloured by policymakers' skewed views and implemented without involving communities or taking their agency into consideration. As one government official interviewed argued, *“even though public schools would be expanded to accommodate more children, they would still be out of reach for many children living in the slums”*. The official used this argument to justify the operation of poor quality low cost private schools in the slums, as walking long distances could expose children to dangers such as rape, kidnapping and mugging. While distance to school poses as a danger to children and a barrier to education, it cannot be used to make blanket policy decisions justifying the exclusion of the urban poor from public education. Moreover, the case of one child who had received sponsorship to attend a high cost private non-slum school contradicts this argument. Following the demolition of her school in the slum, she travelled more than 5 kilometres to her new school on a daily basis. As she said, *“When my mother has money, I use public transport. When she does not have [money], I walk to school, and this is not a problem”*. Amnesty International

(2006) emphasizes the need for collaboration with marginalized communities to enhance the ability of children to access and benefit from schooling.

The educational void is increased by lack of government regulation (Ruto 2004) to ensure that low cost private schools meet the minimum standards for establishment and operation of schools. This is largely due to the fact that most low cost private schools are not registered under the Ministry of Education due to prohibitive and stringent regulations for establishing schools, which only well resourced schools in well planned areas can meet.

‘.....most of the non formal schools operated outside the regulatory frameworks. A good number of schools were unregistered, and of those registered, few were registered within the regulatory control of the ministry of education. Owing to low economic potential, and the absence of capital, most non-formal providers circumvented requirements for registering private schools by choosing to register as legal entities within other departments of government.’ (Daraja Civic Initiatives Forum 2007)

Lack of government regulation in these schools is a major contributor to their haphazard operation, as well as sub-standard quality of education in most low cost private schools (Ruto 2004).

An inadequate and exclusionary public education system and a weak regulatory framework further creates room for fraud by subversive and sometimes unscrupulous entrepreneurs (ibid.), to aggressively marketing their schools to attract urban poor parents to take their children to these schools. One parent narrated how her child was taken out of a public school to join a low cost private school by one such entrepreneur. To market his school he listed to her all that was wrong with the government school. He informed her of the dangers of a girl walking long distances to school in an area where security was lacking and rape rampant, asking her why she would expose her daughter to such danger yet there was a school nearby which would increase safety for her daughter. He then pointed out that his school had only 10 to 15 children in a class and students were therefore guaranteed of specialized attention unlike in government schools where a teacher had up to 50 children to attend to. This proprietor also demonstrated that his school was doing better than the public school by giving her a few examples of children that had excelled, compared to others that had attended public school and performed poorly in the final exam. The factor that caught her attention the most was the fact that she was guaranteed of her daughter attending secondary school as the school was linked to sponsors who would support children to continue schooling upon completing the primary school exam. By the end of the conversation, she was convinced that it was better for her child to attend the low cost private school instead of the public school. Since she did not have the courage to take her child out of the public school, the proprietor sent one of the teachers in his school to the public school, and she was allowed to go home with the girl. The parent does not know what the teacher was told to allow her to get out of the public school. The fact that the child could be withdrawn from school without parental consent points to an educational system that has weak accountability to parents as well as low regard for parental involvement in making decisions regarding their children’s education. The situation also demonstrates that there is high demand

for quality education, and education beyond primary schooling. These demands are however not met by equal supply of accessible and quality education, or structures to support children to continue with schooling. Additionally, the situation also indicates a gap in access to accurate and reliable information, a situation that exposes urban poor parents to manipulative and unscrupulous dealings by proprietors of poor quality low cost private schools.

Lack of oversight and regulation has further intensified competition between low cost private schools to conduct unscrupulous dealings to the extent of causing harm to urban poor children. One parent explained how competition between low cost private schools had driven the entrepreneur of one school to print counterfeit result certificates with high scores for children who had taken the final exam in his school. Using these scores, he intensely marketed his school attracting many new enrolments in his school, and only when it was too late did the parents realize that they had been conned. The fact that the education inspectorate has not put in place mechanisms to provide regulation, ensure educational standards are met and upheld and promote accountability in the operation of low cost private schools, leads to a situation where the urban poor are not protected from manipulation, exploitation and deception in pursuing education for their children.

Even though the government has demonstrated willingness to take up low cost private schools, upon meeting certain requirements, most of them, particularly those operating as commercial ventures are not willing as this means that the proprietors cannot run the schools to maximize on profits. Moreover, those that may be willing to have the government take them up are unable to meet the set requirements due to financial constraints. This again demonstrates how problematic low cost private education is, as well as how lack of state oversight and mechanisms to ensure that low cost private schools meet minimum standards, marginalizes urban poor children. The partnership between the government and schools operating in the slums is also haphazard, with the decision to partner with the government resting on the schools, without obligation by the government to do so.

### **4.3 Exclusionary elements within the public education system**

Another factor creating room for proprietors of low cost private schools to manipulate parents to enrol children in these schools is exclusionary elements pushing urban poor children out of the public education system.

Since FPE comes with hidden costs children are sent away when they cannot meet some requirements, presenting a challenge for the urban poor who often cannot afford these hidden costs. As one parent stated during her interview, children from the slums are often sent away from public schools when they do not have the required uniforms or when their uniforms are worn



out. One government official also confirmed that due to poor access to clean water, their uniforms are sometimes unclean, a situation that subjects them to ridicule and embarrassment by teachers. Although the government recognizes the challenges faced by the urban poor, it still fails to be flexible to adapt to urban poverty by uncompromisingly placing requirements that the majority of the urban poor cannot meet, thereby continuously excluding them.

Moreover, even though tuition fee has been abolished, individualized attention is only guaranteed for children who can pay tuition fees for extra classes. Despite the abolition of tuition fees with the introduction of FPE, public schools take advantage of the weak capacity of the state to enforce laws. As one parent indicated, when she took her child to a public school, the teachers would provide homework, but would not mark it. When she complained, she was asked to pay tuition fees for her child to get extra classes and individualized attention. Moreover, due to the weak capacity of the state to enforce laws and provide accountability mechanisms, even keeping the school system accountable comes at a cost, as demonstrated by the requirement to pay extra money as a mechanism to guarantee quality.

Low cost private schools on the other hand capitalize on these exclusionary elements. They charge slightly less than public schools, provide more flexible payment methods and allow children to attend school without necessarily meeting requirements such as school uniforms and textbooks. According to the parents interviewed, teachers in low cost private schools are perceived as more understanding of the children's backgrounds since majority of them also reside in slums. Parents also consider teachers in low cost private schools to provide more individualized attention since they have fewer students in their classrooms. Moreover, when they complain, their demands are taken into consideration and action is taken, hence accountability is higher compared to public schools. Although these are often marketing strategies to make low cost private schools more attractive, it has led to the perception among urban poor parents that low cost private education is more responsive to the needs of the urban poor and of better quality than public education. However, considering that majority of the teachers in low cost private schools are untrained to teach, and the learning conditions are often sub-standard, the perception that low cost private education is of better quality than public education is indeed flawed.

The public education system is hence best suited to accommodate those that can afford to pay according to schedule, provide their children with all the necessary schooling materials or pay extra to guarantee quality and individualized attention. Those that do not meet these requirements are consequently pushed out of the system. Moreover, even though low cost private education is presented as a less costly and more flexible option, it still does not reach the poorest of the poor, as only those that can afford to pay a certain amount can access these schools. The result is a differentiated system that places urban poor children from more resourced families in public schools, those from less resourced families in low cost private schools, while the poorest, most vulnerable and disadvantaged are left without schooling. As Farrell (2007) describes

it, schooling becomes a selective process screening and sorting children, determining which ones experience opportunities social and economic upward mobility, and which ones remain poor as a result of the poor backgrounds they are born into. Samoff (2003) adds that in many places, educational access and success continues to be sharply differentiated along socio-economic lines.

#### 4.4 Justification of a Parallel Education System

The Ministry of Education defines non-formal education as education offered to children, who due to difficult circumstances are not able to attain formal schooling (MOEST 2005b). In the case of the urban poor, poverty is considered a special circumstance that denies children the opportunity to formal schooling (ibid.). One government official interviewed justified non-formal education for the urban poor as the most suitable system of education due to its flexibility in adapting to poverty. Adding that due to high levels of poverty in urban slums, the income of poor parents is not enough to sustain families and child labour therefore becomes necessary to supplement the income of the parents. In his view, non-formal education unlike the formal education system therefore provides children the opportunity to engage in child labour due to its flexibility, unlike formal schools which have fixed schooling hours. This is a highly problematic perspective from a policy maker that speaks to flawed underlying assumptions. Moreover, this cannot be applied to all children, as all the children I interviewed were not working to supplement family income, and further confirmed that even their peers were fully attending school without engaging in child labour. In addition, non-formal schools in a bid to outperform public schools and compete with high cost private schools are keeping children in school for longer hours, contrary to what the government official reported. This claim is therefore assumptive, homogenizing the urban poor, as a group of people, who due to financial difficulty engage their children in child labour to supplement family income. This points to difficulties to identify and formulate policies that effectively respond to different household characteristics and dynamics influencing schooling decisions among the urban poor.

Poverty is further used to justify the poor learning conditions that low cost private schools offer urban poor children. As one government official stated, children from urban slums do not fit into the formal school system. *“These children are more comfortable in schools that resemble their homes. They do not mind, and cannot complain because they do not know any better. It is true that these schools do not have the best structures, but neither do their homes”* This statement was used to justify the often dilapidated state of low cost private schools in the slums. The officer further added that the flexibility of low cost private schools enhances the comfort experienced by urban poor children, as these schools allow children to attend classes without meeting requirements such as school uniforms, unlike in public schools where they have to comply with requirements that make them not fit in. The official in this case was justifying low cost private schools as best suited for the urban poor since their high level of poverty is often reflected in their

lack of uniforms or worn out uniforms, making them uncomfortable to learn with their non-slum peers wearing newer and well maintained uniforms. The government officials also admitted that free primary education has many hidden costs that eventually amount to a lot of money, making it unaffordable for the urban poor. One government official added that even though low cost private education is also not free, it allows flexibility in payment. Children are not sent away when they fail to pay school fees as there is room for parents to negotiate, adding that this allows them to complete school, which would not be the case if they were in formal schools.

Moreover, according to the official, these schools unlike the formal schools do not have fixed time schedules, a factor that allows children to stay in school till late when their parents are out working. This statement contrasts the views of the government official interviewed previously, claiming that non-formal schools have flexible time schedules that allow children to stay fewer hours in school, allowing them to engage in child labour to supplement family income. The inconsistency and complete opposite view of two officials working in the same department is not only indicative of assumptive thinking by both of them, but also lack of seriousness to unearth the exclusive elements of the public education system and address them to ensure inclusion of the urban poor in the public education system. In addition, their views reflect policy interventions [and lack of] based on assumptions and lack of commitment by the government to take up its duty bearing responsibility in providing education for the urban poor, shifting responsibility to an unregulated market and civil society. Their sentiments also express outright discrimination and marginalization of the urban poor. Tomasevski (2003) argues that interventions including additional funding are not likely to promote inclusion for minority groups unless their discrimination is eliminated.

The government and civil society continue to justify low cost private education as a school system that is best suited for the urban poor due to its adaptation to poverty, as well as the notion that the government lacks resources to expand public education. As a result, low cost private education has been accepted by state and non-state actors as a tool to universalize education. Even though the both actors are aware that the quality of education in most low cost private schools is wanting, it is still considered to supplement government efforts to universalize primary education. As one government official in the Ministry of Education stated, “*non-formal education is better than nothing*”.

The education system continues to exclude the marginalized, contrary to the UDHR which provides education as a right for all children regardless of social, economic, political, and cultural background. However, the right to education for all Kenyan children has not been fulfilled since the education system has failed to ensure full inclusion and continues to exclude certain categories of children including the urban poor. While education was seen as a vehicle to redress discrimination and inequality (Amnesty International 2006, Samoff 2003), by increasing access, the schooling system has over time changed to consolidate economic and social differences, by denying access to the marginalized, thereby marginalizing them further.

## 4.5 Problematic Inclusion

The notion that low cost private schools supplement government's universalization efforts, has led to some level of incorporation and support to low cost private schools by the government. NFE schools that meet set criteria are eligible to receive capitation grants. The government supports them by providing books and 650 Kenya Shillings<sup>4</sup> (Kshs.) (Approximately 6 Euros) as capitation grant per child each year. However, those in formal schools receive 1020 kshs (Approximately 9.30 Euros) per child each year, as non-formal schools do not benefit from the general purpose account which provides the remaining 370 kshs. (Approximately 3.30 Euros) for utilities and operation costs (Daraja Civic Initiatives Forum 2007). This is because most low cost private schools do not have infrastructure in place to qualify for the general purpose account grant, as they lack electricity, water and other amenities necessary to qualify. Inclusion in this sense is therefore still exclusive as it is accompanied by conditions that many low cost private schools cannot meet. The concept of a universal education policy that accommodates all children while adapting to the divergent needs, backgrounds and situations of its users has not been well articulated by the government. The government has failed to fully take up its role as the duty bearer and has instead encouraged and supported other actors to promote a parallel system of education for the urban poor.

Civil society on the other hand is actively engaged in lobbying for educational reforms to actualize free and compulsory primary education as provided in the constitution, and to abolish non-formal education in urban slums, as indicated in interviews with CSO personnel. However, the actions taken are not consistent with the policy agenda, as CSOs continue to support low cost private schools in the slums. This is despite interviewed CSO personnel acknowledging the existence of low cost private schools as indicative of a failing education system. Rather than influence policy to ensure the inclusion of children within the government's universal primary education initiative, many CSOs engage in direct implementation or fund low cost private schools often operated by individuals or FBOs, taking on a compensatory approach. Interviewed CSO personnel justified this indicating the need to acknowledge the enrolment of children in low cost private schools, and guarantee them the right to quality education. Civil society has thus taken a compensatory approach where government action is inadequate, justifying it as necessary to secure education for children in slums, rather than complement government action to ensure an inclusive universal system.

CSOs also take compensatory approaches due to donor regulations which prohibit CSOs to channel their support directly to the government due to perceived corruption and lack of accountability by the government. Donor perceptions and agendas limit the ability of CSOs to complement government's

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<sup>4</sup> 1 Euro is equivalent to 110 Kshs.

action owing to vested interests by civil society organizations to ensure their survival by meeting donor requirements. Thus, the mandate to ensure inclusion and universality in education cannot be entrusted to the civil society, and the primary mandate rests with the government.

Even though most CSOs that participated in the study indicated that their partnership with Elimu Yetu Coalition (EYC) was the main avenue for engaging and influencing policy, many do not set the agenda or use their experience to inform the policy issues addressed through EYC. For instance, while interviewing CSO personnel, it was clear that most of them had an understanding of how the urban poor were excluded and the challenges they faced in accessing the public education system, and sometimes any form of schooling. However, when I asked how they used this experience to lobby for change and influence policy directly or through EYC, most of them indicated direct engagement as the mechanism they used to alleviate the educational challenges faced by the urban poor. CSOs further fail to take into consideration the implication of newly formulated policies and legislation on marginalized children. For instance, the civil society has lobbied for the change of the education system from 16 years of schooling to a lengthier education system. However, it is not clear how issues affecting marginalized communities including the urban poor have been considered in deciding on the newly proposed education system. The agenda by CSOs to promote inclusion for the urban poor within a universal system is lacking and does not seem to be well conceived or articulated. Similar to the government, the concept of universal social policy is not well understood or advanced, hence an increase in initiatives to compensate for lack of government action where it is missing or inadequate. Most civil society action is geared towards lobbying for blanket and ad hoc policies that are well intended but are not purposive or well thought out.

Participation of state and non-state actors in supporting low cost private schools has resulted in increased collaboration between state and non state actors to facilitate elements of inclusion within non formal schools. These include recognition of non-formal schools in the newly formulated Education Bill, being allowed to register candidates for the national exam, as well as provision of state and non-state grants to non-formal education. Both actors are therefore promoting elements of inclusion within a parallel system by supporting low cost private schools as a tool to guarantee children the right to education. However the public education system is not inclusive as it is still unresponsive to the educational needs of the urban poor. On the other hand, low cost private education is also not capable of ensuring inclusion as its reach is still limited. Many children, particularly the poorest of the poor still do not have access to education. The goal to have a universal education system that acknowledges diversity is not evident; instead, both sets of actors are actively promoting a parallel system of education for the urban poor based on socio-economic disadvantage. The concept of inclusion within a universal education system has not been clearly conceived, articulated, and advanced. Consequently many children remain excluded as both the public school and low cost private education systems fail to reach the poorest of the poor.

## 4.6 Flawed Conceptualization of Rights

The fact that UPE as a right is not available, accessible, adaptable, acceptable and affordable for all children demonstrates flawed conceptualization of rights. The justification of a parallel education system based on socio-economic disadvantage further demonstrates flawed conceptualization of universal social provisioning. The idea of the government as the duty bearer in securing education as a right for all children is missing, hence the acceptance and promotion of compensatory provisioning by other actors. As one government official stated, in response to the role of the government as the duty bearer, “*the government is any institution for the people, by the people and with the people*”.

Due to the government’s stance on illegality of slums, the attitude of the government towards slum dwellers portrays lack of political will to promote and protect the welfare and well being of slum dwellers. This is particularly evident in the constant threats by the government to demolish slums. Moreover, when the threats materialize and slums are demolished, the manner in which they are conducted is ruthless, without consideration for the welfare of slum residents. In addition, neither the government nor the civil society follows up to ensure that schooling is not disrupted for children, or to ensure that they are settled in other schools. Parents therefore have to find their own means, as was the case following the demolition of Mitumba slums. The main challenge was that there are only two government schools in the area, which are already filled to capacity. For parents that had children in the final year of primary school, this posed a great challenge as the public schools declined to admit students in the final year. Moreover, the demolitions increased poverty levels in most households, denying children who were set to finish their primary schooling the opportunity to go to secondary school. As one parent elaborated during an interview, she had saved money to take her child to secondary school since she was in the final year of primary school. However, after the demolitions she used up her savings to relocate. Yet, neither the government nor the civil society followed up on her and her daughter to ensure that her daughter continued with schooling despite the demolitions. Her daughter has now missed one year of secondary school and although she continues to look for means to take her daughter to school, she is not certain that will happen. Without social protection mechanisms in place, demolitions increase vulnerability to poverty, and further increase the duration of time taken to recover from shocks (Cichon and Hagemeyer 2007, Townsend 2007, Walker 2005).

Following such treatment, slum dwellers therefore perceive the government to be least concerned with their welfare and wellbeing or other guarantees of citizenship rights. Even the free primary education offered by the government is not considered a citizenship right, but rather as something offered freely requiring one to be cautious about. As one parent said “*Kitu ya bure ni mbaya. Afadhali ile ume struggle kupata*” (“Free things are bad. What one has struggled to acquire is much better”). This parent felt that she could not de-

pend on the government to provide free education and at the same time uphold quality.

Moreover, parents interviewed did not perceive free primary education as a right, but rather as a privilege which they did not have authority to challenge. One of the ways this manifests itself is in the manner in which parents in the study dealt with what they described as poor quality of public education. While interviewing one parent living in Mukuru slum together with her daughter, her daughter explained that she was not a top student in class and because of this she was made to sit at the back of the class while in a public school. She explained that students were sat according to their performance and therefore top students sat in the front section while weak students sat in the back. She felt that her sitting position denied her the attention she needed from the teacher. Although she reported this to her mother, the mother failed to confront the teacher fearing that the child might be victimized. She did not explore other options to voice her complaints as she did not consider it right to demand so much from a free service. Another parent raised similar concerns and when she complained to the teacher she was told to pay tuition fees if she wanted her child to receive more attention. She then opted to transfer her child to a low cost private school in the slum. This is indicative of how flawed conceptualization of rights also leads to lack of accountability mechanisms and structures for people to demand their rights. Moreover, the fact that teachers get away with such violations of the rights of children within the education system, is not only reflective of weakness in the education systems' accountability structure but also of the overall justice system in Kenya where such breaches of the law go unprosecuted, serving as a hindrance to parents to exercise their rights. Poor quality low cost private schools capitalize on this, and market themselves to parents by claiming to be more accountable.

## **4.7 Constrained Choice**

Due the inherently exclusive nature of the public education system, urban poor parents are forced to take their children to low cost private schools as the better of two inadequate options. Lack of access to the public school system presents a main factor constraining the choice of the urban poor in deciding on schooling for their children. Working parents and those with younger children are forced to take their children to the nearest lowest costing private schools even when quality is not guaranteed.

By failing to address the void in the public education system, that denies access to public schooling for the urban poor, the system has failed to adapt and respond to diversity. As a result, exclusionary elements exist within the public education system, leading to the justification of low cost private education as best suited to meet the needs of the urban poor. Moreover, NFE has been approved by the Ministry of Education (MOE 2009, MOEST 2005), resulting in segmentation of rights. Low cost private education has further

been justified as a tool to universalize education due to the notion that the government is financially constrained, leading to a parallel education system, rather than an inclusive universal system. All these factors have led to a situation where education as a universal right is not available, acceptable, affordable, adaptable, and accessible for all, pushing parents to poor quality low cost private education.

Moreover, by proprietors skilfully presenting low cost private schools as outperforming public schools, many parents hold the notion that children in these schools perform better than those in public schools. This view is widely held to the extent that majority of other stakeholders interviewed including government and civil society officials interviewed also agreed that these schools are indeed outperforming public schools. Although scholars like Tooley and Dixon (2006) have advanced this argument, their research is limited in scope, methodology and indicators to measure quality and performance, and can therefore not be used to provide a generalized picture of private schools in the slums.

In addition to marketing these schools to parents, the proprietors also aggressively market their schools to individuals and organizations to support these schools. Many of these schools therefore are constantly receiving donations, another factor that attracts parents to these schools. Through these donations, the schools are able to provide stationery and food, and even sponsor children to continue with secondary education. One parent acknowledged the flaws of low cost private education, indicting willingness to incur the extra cost to make up for the flaws. As she stated, *“I prefer to take my children to a private school in the slum because of the long-term benefits. I pay more than I would pay in a public school since I have to pay a tutor and buy exam papers for them to revise, since the teachers in this school are not trained. I also have to go the extra mile and compare the books they use with those used in the government school to ensure that they are learning the right things. I don’t mind doing all this, because the long term benefits outweigh the costs”*. This was because the school had guaranteed her that her children would be sponsored to secondary school. However, although these schools may provide incentives that may not available in public schools, these schools are still not able to reach all the urban poor, particularly the poorest who cannot afford to pay the minimal fee required to benefits from the incentives. Moreover, education ought to be guaranteed as a right for all and not on the basis of charity for some. Although there are government bursaries and funds such as the community development fund (CDF) to support the educational needs of children from disadvantaged backgrounds, there is a gap in availability of information on these funds as well as how to access them.

One of the children in the study had schooled in a non-formal low cost private school for most of her primary school but later transferred to a high cost non-slum private school after her school in Mitumba slum was demolished. This was after her teacher in the school that was demolished approached the high cost non slum private school requesting to allow her to study in the school at no cost. It had been extremely challenging for her to get a school since she was in her final year of primary school, and the school accepted her



on charity basis. On comparing the two schools, she said that she was now in a 'real' school. When asked to elaborate what she meant by a 'real' school, she explained that in her former school, it was like a joke. She continued, "*How can you take a teacher without any training seriously? In my new school we have qualified teachers who know what they are doing, this is a private school, you know.*" She continued to explain how the school is equipped with learning and teaching materials, textbooks and an equipped library which she enjoys using. This demonstrates that children can distinguish between low quality and high quality education and enjoy learning environments that are nurturing and well organized when provided with the opportunity. Moreover, the fact that her former teacher helped secure for her a school after demolition of the slum school demonstrates how lack of social security by the government could be a factor constraining the choice of urban poor parents, as the government does not provide assistance when the urban poor face incidences that increase the vulnerability of their children to drop out of school.

This chapter highlighted factors that continue to exclude urban children out of the public education system, forcing them to utilize a parallel low quality private education system. The next chapter provides recommendations to ensure that the education system is universal and inclusive.

# Chapter 5

## Levelling the Playing Field

### 5.1 Introduction

The goal to universalize education in Kenya remains elusive due to the existence of factors exacerbating exclusion within the public education system. These factors hinder the public education from diversifying and adapting to accommodate children from various socio-economic backgrounds. Several elements must be incorporated into the education system to enhance its ability to level the playing field for excluded children to access the system, and ensure universality of the education system. This requires the involvement of different stakeholders to complement the efforts of the government and demand accountability. This chapter outlines several elements that are missing in the education system, which are required to universalize education in Kenya.

### 5.2 The role of the Government as the Duty Bearer

The role of the Government as the duty bearer in providing education must be a non-negotiable agreed by all stakeholders, as only the government has the institutional capacity to provide education for all (Amnesty International 2006, Tomasevski 2003, Okwany 2010); a responsibility it shares with other actors including the civil society, as well as rights holders including parents and children (Okwany 2010). The government must demonstrate political will to provide education for all, and eliminate corruption. Civil society on the other hand should ensure that the government guarantees children the rights to, within and through education by ensuring that education is available, affordable, accessible, adaptable and acceptable. Even when institutions of the state are dysfunctional, NGOs should not set up parallel structures. Instead, they should create conditions that make it possible for the state to deliver these services in a satisfactory manner', operating as 'progressive entities pursuing a universalistic agenda benefiting the neediest' (Sutton and Arnove 2004: x). This requires focus to ensure that all children access education within a universal system.

Although the Kenyan government attributes its failure to universalize to lack of financial capacity, Wazir (2002) demonstrates that even with limited resources, governments can universalize education. Using the example of India, she quotes Sudarshan (2000) stating that approximately less than 1% of GDP is required to universalize elementary education. While this is a substan-

tial amount requiring resource allocation, it is well within the realm of possible, if there is political will. The Kenyan government allocated 6.7% of GDP and 17.2% of total government spending on the education sector in 2010 (UNESCO-UIS 2011). However, due to weak institutional capacity some of the money is unutilized and returned to treasury at the end of the financial year, while some is lost to corruption, as stated in an interview with a government official. Moreover, innovation is necessary to ensure that even with limited resources, the education system adapts to include all children and meet the diverse needs of its users.

### **5.3 Complementary rather than Compensatory CSO approaches**

Civil society initiatives operating non formal education schools often aim to target overage out of school children. These often begin as complementary initiatives offering accelerated learning for overage out of school children and youth to acquire basic literacy skills so as to join vocational training or to be integrated into the formal schooling system. However, some of these initiatives end up running compensatory initiatives to cater for school going age children unable to access public school. An example of a non-formal initiative that has taken up such an approach is GOAL Kenya in Mukuru. The program began exclusively as an accelerated learning program for overage out of school children and youth. The children would be tested and placed in different levels depending on their reading and writing ability. Upon completing the program, they would be placed in a vocational skills training or be integrated into the formal education system. However, it was realized that there were many school going age children that were not in school. Rather than seek ways to influence policy so that children in urban slums could access public schooling, the program opted to change strategy and accommodate school going children that had been left out of the formal education system alongside the overage out of school children and youth. However, the program failed to provide a sustainable solution to education for the urban poor as it was forced to shut down due to discontinued donor funding. This points to the fact that only the government has the financial and institutional capacity to provide education for all, and that NGOs cannot deliver all rights.

<sup>5</sup>Similarly, the Sisters of Mercy began the Mukuru Promotion Center in 1985 to cater for the thousands of children that had left school after the introduction of school fees and the addition of an extra class in primary school. At the same time, slums were beginning to mushroom after the 1982 coup which left many people jobless and many businesses looted, driving some of the middle class population to the slums. There were also people from North Eastern

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<sup>5</sup> Narrated by Sister Mary Killeen, founder of the Mukuru Promotion Centre

region who had migrated to the slums due to pre-election violence, Ugandans who had left their country during the Idi Amin dictatorship regime, as well as Sudanese and Ethiopians who had left their countries due to political violence. Other Kenyans from Machakos, Kitui and parts of Western Lamu had migrated to the slums due to famine, while some middle class were poverty stricken after being hit by HIV/AIDS. All these factors led to the rapid growth of Mukuru slum and many children who had no access to education. Mukuru Promotion Center therefore targeted out of school children and youth above 10 years of age and aimed to increase their literacy and numeracy skills after which they would be enrolled for vocational skills training. Those who had dropped out after the change of education system that saw the addition of an extra class in primary school were prepared for Kenya certificate of Primary Education (KCPE)<sup>6</sup>. This move came about after parents proposed the idea of having children sit for KCPE since their skills were not being recognized without a certificate of primary education at least.

By 1989 the number of children attending school was rapidly decreasing in every region of the country. In the slums of Nairobi, 48% of children were not attending school, and the figures were worse in other regions such as the North Eastern region which has the lowest educational attainment to date. To respond to this Sisters of Mercy set up non-formal schools within Mukuru slum to provide formal education to children that were unable to access formal education. After establishing and operating the schools for several years, the schools are eventually run in 70:30<sup>7</sup> partnerships between the government and Sisters of Mercy Mission. This approach has been more successful and complementary of government action than compensatory approaches which set up parallel education systems for the urban poor. As Wazir (2002: 627) posits, an effective NGO strategy has to have the ability to holistically integrate individual components of a programme, have the potential to go to scale, and be sustainable beyond the life cycle of the project. The Sisters of Mercy non-formal education initiatives have been successful in creating good practice and agenda setting, which Wazir (2000) also mentions as some of the elements that the civil society can realistically engage in, in addition to networking and assisting social movements. This is necessary if civil society action intends to move beyond creating compensatory parallel education systems that marginalize the marginalized, while moving towards universal education.

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<sup>6</sup> KCPE is the exam that students sit for after the completion of primary school.

<sup>7</sup> A partnership arrangement where the government has 70% stake and Sisters of Mercy Mission has 30% stake. This includes financing and recruitment of teachers among other operations.

## 5.4 Lifelong and Holistic Approach to Education

There are six dimensions of the EFA targets, focusing on different aspects of education including early childhood care and development, primary education, improving learning achievement, adult illiteracy, basic education and training and achieving gender parity in education. The EFA goal to universalize education however narrowly focuses on primary education (McCowan 2012). Consequently, in Kenya FPE has been given more consideration compared to early childhood development (ECD), secondary, tertiary, and education for out of school overage children and youth as well as adult learning. However, utilization of primary schooling is affected by lack of access to secondary schooling as parents recognize that post-primary schooling is necessary for the acquisition of knowledge and skills to enhance income generating opportunities (Watkins 2000). As demonstrated by the case of parents interviewed, this realization forces parents to utilize low quality private schools when they are guaranteed secondary school sponsorship for their children, as opposed to public primary education which does not guarantee secondary schooling. In addition to poverty, adult illiteracy is also a contributing factor to manipulation of parents by proprietors of low cost private schools, signifying the need for increased adult literacy initiatives. Moreover, with the flawed conceptualization of non-formal education (Okwany 2004), there are limited opportunities for overage out of school children and youth to access non-formal initiatives that provide accelerated learning to integrate them to formal schooling or vocational schooling. In addition, the quality of both public and low cost private education and the way they are organized demonstrates lack of adequate focus on the right to education, rights in education and rights through education, by ensuring accessibility, affordability, availability, acceptability and adaptability. 'There is too much focus on parity and efficiency – getting more children into school – and no corresponding attention is paid to equality and equity and making the educational system more responsive' (Okwany 2010: 145). Saith (2006) further criticizes the narrow focus of the MDG educational goals, emphasizing the need to go beyond focussing on educational enrolment rates to pay attention to high dropout rates in primary and secondary schooling, quality of outcomes and educational resources committed per child. Kadzamira and Rose (2003) add that, quality, relevance and fit are necessary elements to contribute to a pro-poor strategy for education.

The fact that both the public education system and low cost private education can only be accessed by those that can afford continues to exclude the urban poor, particularly the poorest of the poor. These include among others, children rendered vulnerable when they lose their parents or when their parents can no longer work due to HIV/AIDS or job loss. Household resources play a critical role in determining children's access to and participation in education. A holistic approach to education ensures that children do not fail to access and participate in education due to lack of household resources or situations that increase household vulnerability to loss of income. Basset and Adatto (2009) advocate cash transfers as a social protection scheme capable of

protecting children's education despite their vulnerabilities, by covering school related expenses and compensating for lost income when children previously engaged in child labour go to school. Cash transfers guarantee better nutritional status and school attendance when cash is conditional, as demonstrated by up to 85% attendance rate where they have been provided (ibid.). While affordability may pose a challenge in providing social protection, Gough (2008) states that even the poorest countries can afford social benefits for their populations if there is political will, prioritization of social provisioning as well as reallocation of both domestic resources and aid.

## **5.5 Community Participation**

Community participation in government initiatives often involves using and paying for services on offer (Smith 1998). Participation of the urban poor in ensuring accountability of the public education system is weak and mechanisms to demand for accountability are lacking. As a result, there are limited opportunities for parents to voice their concerns, as well as guarantees that this will translate into action and positive change. Consequently, parents are forced to stay silent or transfer their children when the system is inadequate, rather than demand accountability. Moreover, the situation worsens with the exit of the middle class from the public education system as the middle class plays a critical role in ensuring accountability and change (Okwany 2010). Although some of the CSOs interviewed had dialogue sessions with communities, these did not necessarily translate into action and change as there were no mechanisms to ensure that. CSOs should play a role in empowering communities to go beyond passive participation (utilizing and paying for education), to facilitating formation of local pressure groups to demand for state action where state provisioning is lacking or wanting. CSOs should also strengthen school community links to enhance government accountability and allow communities to claim their right to learning (ibid.). Moreover, they should participate in ensuring that mechanisms are in place to ensure that action is taken following community demands for state action.

## **5.6 Flexibility, Divergence and Innovation in the Education System**

The public education system continues to treat children as a homogenous group, failing to acknowledge the diverse background and needs of children. The school system is best suited for children that can afford school uniforms and other scholastic materials, as well as those that can learn within a fixed time schedule. Those that cannot, such as the urban poor, children from nomadic communities or children whose labour is needed at home during farm-

ing seasons are thus excluded. Moreover, the fact that many urban poor children as well as other categories of marginalized children cannot access public education demonstrates failure to be inclusive by effectively and efficiently responding to the increased demand for education. Different strategies that have worked previously and in other contexts such as children attending school in shifts where the demand exceeds supply can be explored and adapted to suit the Kenyan educational context.

There is need for policy interventions to ensure that the public school system becomes more flexible and innovative to adapt and respond to poverty as well as an increased demand for education. Increased community participation forms one way of enhancing innovation, as communities are often able to generate practical solutions to the challenges they face. Communities should thus not be viewed as passive recipients of social services, but as active participants in supporting effective implementation of policies. Moreover, policy makers ought to understand childhood as a socio-cultural construction hence be aware of socio-cultural differences that create a multiplicity of childhoods which are diverse within and across different groups of children (Okwany 2010: 151). Otherwise, by failing to effectively acknowledge and address heterogeneity, the Universal Primary Education (UPE) policy continues to exclude certain categories of children including urban poor children (ibid.)

## **5.7 The Role of Research in Informing Interventions**

Research plays a critical role in informing interventions. Accurate information is needed on enrolment, retention and transition rates, as well as factors promoting or hindering children from enrolling, staying in school and moving onto other levels of the schooling process (UNICEF 2012). Moreover, there is need to conduct research on curriculum adherence and academic performance of children in different types of schools. There is also need for researchers to be critical of existing research particularly that in favour of parallel systems of education, such as arguments advanced by Tooley and Dixon (2006) in favour of private education in the slums. Data and statistics from research is important in ensuring that policy interventions are evidence based, and dealing with factual educational issues and challenges. Research also ensures that policy interventions avoid homogenizing entire populations by making blanket policies that do not acknowledge diversity and the need for innovations to accommodate divergent needs and backgrounds. There is need to ensure that data is systematically collected, disaggregated by gender and age (Amnesty International 2006), on the inclusion of the urban poor in the universal primary education program. One of the ways in which the government can collect data and information on educational issues in Kenya is to provide a conducive environment for students to conduct research, while removing the existing barriers to conducting research. The government should further encourage researchers and other students to share their research findings and use them to analyse and reform education policy and practice.

## Chapter 6

### Summary and Conclusions

This study reveals the inherently exclusionary nature of public education forcing the urban poor to utilize low cost private education despite the existence of FPE policy to universalize education. The study further highlights how the public school system has failed to take on a universal approach while recognizing the divergent needs of children within the school system. Lack of flexibility, diversity and innovation are emerging, in addition to costs and capacity among the key factors why urban poor children are not attending public schools.

By having a universal education policy that fails to recognize the heterogeneity of children, the policy fails to adapt to different social, cultural and economic backgrounds of children including the urban poor. This has led to an exclusive system that has also created a void in the education system, allowing for the operation of a parallel system of education. This parallel system of education has further been justified as best suited for the urban poor due to lack of financial capacity by the government. Moreover, a lot of justifications made for the parallel system are based on assumption and not on research-based evidence.

The role of the government as the duty bearer to ensure the provision of education for the urban poor is missing and instead, the role has been relegated to the market and the civil society. Moreover, without adequate regulation and enforcement of education standards by the government, urban poor children continue to suffer exploitation, manipulation and deception by unscrupulous entrepreneurs taking advantage of the void created by government inadequacy in providing education for the urban poor. Civil society action on the other hand continues to promote this parallel system rather than question the exclusion from the universal system.

The concept of a universal education system that is divergent to include all is not clearly articulated or advanced by the government or the civil society. As a result, compensatory initiatives have been accepted, and promoted as contributing to help the government universalize education. However, the potential of this parallel system to promote universal education is questionable. Not only its quality and organization below the required standards of education, but the system is still only available to those that can afford it. Thus, the poorest of the urban poor continue to be excluded from any form of schooling.

The education system continues to violate the right of urban poor children to education by denying them access to the public education system, driving them to low quality sub-standard low cost private education, whose quality and organization denies them the rights within education. Consequently, low quality education denies the urban poor their rights through education as it limits



their life chances and opportunities. For education to guarantee children these rights, it must be accessible, adaptable, affordable, available and acceptable. This is only possible if the education system becomes flexible, divergent and innovative to adapt to the needs, backgrounds and situations of all children. A stepping stone towards this kind of system is the elimination of discrimination against minority groups, recognizing and eliminating barriers to their inclusion.

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