



REPUBLIC OF KENYA



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# NATIONAL GUIDELINES AND STANDARDS FOR CHILD WELFARE PROGRAMMES

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# **NATIONAL GUIDELINES AND STANDARDS FOR CHILD WELFARE PROGRAMMES**

**2023**

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# FOREWORD

Article 9 of the United Nations Convention on the Rights of the Child (UNCRC) provides that; States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. This provision lays emphasis on the need to have children cared for in their families and communities to avoid unnecessary separation.

The African Charter on the Rights and Welfare of the Child (ACRWC) lays emphasis on the need to uphold the rights and welfare of all children, with a strong emphasis on the strengthening of family as a natural unit and securing every child's entitlement to enjoyment of parental care and protection.

Article 45(1) of the Constitution of Kenya, 2010 recognizes the family as the natural and fundamental unit of society and the necessary basis of social order. Further, article 53 of the Constitution stipulates that every child has the right to a name and nationality from birth; to free and compulsory basic education; to basic nutrition, shelter and health care; to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour; to parental care and protection.

The Children Act 2022 provides that all Public Benefit Organizations and Charitable Children Institutions that intends to provide Child Welfare Programmes shall notify and seek approval from the National Council for Children Services (NCCS).The Children Act 2022 and the National Care Reform Strategy 2022-2032 advocates and provides for transition from a residential care for children to provision of care welfare services at family and communities.

These guidelines provide minimum standards to be adhered to in the provision of Child Welfare Programmes; The guidelines will also provide a framework within which state and non-state actors shall develop, design, and implement childcare and welfare programmes to enhance child rights, strengthen family and community-based care. They further provide for the coordination of the implementation of child welfare programmes, eventually enhancing monitoring and evaluation, reporting and effective service delivery.

It is envisaged that these guidelines will streamline the provisions of care and child welfare programmes for children within family and community-based care in Kenya and contribute to the realization of the Social Pillar of the Kenya Vision 2030 "to improve the quality of life for all Kenyans by targeting a cross-section of human and social welfare projects and programmes".

The Council is calling upon all partners and stakeholders to forge together in complementing the Government's efforts in providing family and community-based care for children in Kenya.



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**Bishop Bernard P. Njoroge Kariuki**  
Board Director  
National Council for Children's Services

# ACKNOWLEDGEMENT

The National Council for Children Services (NCCS) acknowledges and attributes the development of the Child Welfare Programmes Guidelines and Standards to a number of organizations as well as individuals drawn from state and non-state actors who under its Coordination and leadership contributed immensely into the development of these guidelines.

The Council is indebted to everyone who contributed towards the successful completion of the Guidelines. We acknowledge the commitment and hard work of the technical working group led by the Council, who sacrificed and invested their time and resources into the development of the guidelines.

We greatly acknowledge and appreciate UNICEF, who provided the financial and technical support towards the completion of these guidelines. Sincere thanks goes to Catholic Relief Services (CRS)-Changing the Way We Care project, SoS Kenya and Legatum Foundation –L4C programme, for their support in making this guidelines a reality.

Special thanks to the departments and agencies in the Ministry of Labour and Social Protection for the support and involvement in the development of these guidelines. We also acknowledge with a lot of appreciation the participation and contribution of the Ministry of Education and the Ministry of Health towards the realization of these guidelines.

Finally, we acknowledge the contribution of Charitable Children Institutions, Care leavers, Public Benefit Organizations and all those who participated in the development of these Guidelines but have not been mentioned here by name. It is our hope that the same dedication and commitment be maintained in the implementation of the guidelines.



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**Abdinoor S. Mohammed**  
Chief Executive Officer  
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# ACRONYMS AND ABBREVIATIONS

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>CAC</b>	Children Advisory Committees.
<b>CBO</b>	Community Based Organizations
<b>CG</b>	County Government
<b>CHV</b>	Community Health Volunteers
<b>CSO</b>	Civil Society Organization
<b>CT-OVC</b>	Cash Transfer for Orphaned and Vulnerable Children
<b>CPIMS</b>	Child Protection Information Management System
<b>CWP</b>	Child Welfare Programmes.
<b>FBO</b>	Faith Based Organization
<b>NCCS</b>	National Council for Children’s Services
<b>NG</b>	National Government
<b>NICD</b>	National Integrated Children Database
<b>OVC</b>	Orphaned and Vulnerable Children
<b>PBO</b>	Public Benefit Organization
<b>PMTCT</b>	Prevention of Mother to Child Transmission
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Conventions on the Rights of the Child.
<b>UNCRPD</b>	United Nations Conventions on the Rights of Persons with Disability.
<b>VAC</b>	Violence Against Children
<b>WASH</b>	Water Sanitation and Hygiene



# DEFINITION OF TERMS

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**Child means** an individual who has not attained the age of eighteen years.

**Child Welfare Programmes** includes accessible holistic services and interventions designed and implemented to protect the rights and welfare of children in within families and communities.

**Charitable Children’s Institution** means a children home or institution established by any person, either alone or in association with others or by a civil society organization and which has been duly registered by the Council for the care protection, rehabilitation and reintegration or control of children.

**Continuum of Services/interventions** refers to programmes or projects that promote and strengthen the ability of families and communities to holistically promote the rights of the child and mitigate the effect of family separation.

**Disability** includes any physical, sensory, mental, and other impairments conditions or illness that has, or is perceived by significant sectors of the community are substantial or long-term effect on individual’s ability to carry out ordinary day-to-day activities.

# BACKGROUND

The family is the fundamental unit of society and the natural environment for growth and well-being for all its members particularly children. Every child deserves to live and be raised within a family and community environment, which is a right recognized under international, regional and national laws. Children should be accorded the necessary support and assistance within the family and community for holistic development in an atmosphere of love and understanding. The Constitution of Kenya accords every child a right to parental care and protection (Article 53). In addition, State parties are encouraged to take all appropriate measures to ensure the child is protected against all forms of discrimination, violence and abuse (UNCRC Article 2) among others.

Children form the majority of the Kenya's population. According to the 2019 Kenya Population and Housing Census, Kenya's total population is approximately 47.5 million. 39% of the population consists of persons aged 0 to 14 years while those between 10-19 years constitute 24.5% of the total population.

Existing data demonstrates the extent of the challenges facing children in Kenya including institutionalization and Violence Against children (VAC). According to UNICEF Data Analytics Report (2022), 2.9 million children are estimated to be living in residential care worldwide. Further, global research has shown that institutionalization can cause significant damage to children's cognitive, physical development, social and psychological well-being.

In Kenya, approximately 3.6 million children are orphans or otherwise classified as vulnerable. In addition, there are 845 registered Charitable Children's Institutions housing at least 45,000 children while a number of unregistered institutions exist. There are an estimated 1,500 children in the 30 government statutory children institutions (SCIs) in Kenya. A 2018 National census of street families in Kenya established that there are 46,639 (72% Male and 27% Female) persons on the streets. Out of these 15, 752 are under 19 years old.

In Kenya, the 2019 Violence against Children (VAC) survey, launched in July 2020, revealed that nearly half of females (45.9%) and more than half of males (56.1%) experienced childhood violence.

Over the years, the Government of Kenya has committed to reforming the childcare system by embracing family and community-based care system. Currently, the Government of Kenya (GOK) is supporting 352,000 households through Cash Transfer programme for OVC (CT-OVC). Other government programmes supporting family strengthening and preservation include school feeding programmes, educational bursaries, psychosocial support, health and nutritional programmes, development of social protection structures and systems. In addition, the government has established mechanisms and structures to promote Alternative Family Based Care including adoption, foster care, kinship care, and Kafaala.

Additionally, non-state actors have established various childcare and support programmes to complement government efforts towards strengthening family and community-based care.

## Rationale

For decades, Kenya has heavily relied on institutionalization of children as a model of care and protection. Research has shown that institutionalization is harmful to children’s growth and development. These guidelines are intended to provide a framework within which stakeholders (state and non-state actors) can develop, design, and implement childcare and welfare programmes to enhance child rights, strengthen family and community-based care. These guidelines will provide a standardized approach to the design, development and implementation of child welfare programmes, eventually enhancing monitoring and evaluation, coordination, reporting and effective service delivery.



### Vision

A society where childcare and welfare actors uphold children’s rights within families and communities.



### Mission

To enhance, design, and implement programmes and services that provide holistic support to children in families and communities to ensure children achieve their full potential in society.



### Goal

Having a responsive family and community-oriented programmes that promote and strengthen the ability of families and communities to care for their children.



## Objectives of Child Welfare Programmes Guidelines

These guidelines are informed by the following objectives:

- a. To provide minimum standards to be adhered to in the provision of childcare and welfare programmes.
- b. To provide criteria for the establishment, application, assessment, and approval of childcare and welfare programmes.
- c. To provide leadership, coordination, and reporting mechanisms for childcare and welfare programmes.
- d. To provide a monitoring, evaluation, accountability, and learning mechanism.

# APPLICABLE LEGAL FRAMEWORK

The provisions of the Constitution of Kenya 2010, Children Act 2022, and all other applicable laws and policies in Kenya; and relevant regional and international legal frameworks will guide the implementation of these guidelines.

The UN Convention on the Rights of the Child, UNCRC (1989) makes it clear that the State should support families to effectively look after their children and ensure their best interest is promoted at all times. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) makes it clear that States must “recognize the equal right of all persons with disabilities to live in the community, with choices equal to others.” For children with disabilities, this means being in a family environment and receiving good quality care, protection from harm and inclusion in education alongside their peers. Further, the UN Guidelines on Alternative Care state that placing children in institutions due to the effects of poverty is unacceptable, and instead families should be given appropriate support. The Guidelines reiterate that children should only be removed from the family when necessary, as a measure of last resort. In such cases, children should always be given a solution that is in their best interest and tailored to their individual needs.

The African Charter on the Rights and Welfare of the Child (ACRWC) lays emphasis on the need to uphold the rights and welfare of all children, with a strong emphasis on the strengthening of family as a natural unit and securing every child’s entitlement to enjoyment of parental care and protection. Article 25 (2) (a) of the Charter further states that a child who is permanently deprived of his/her family environment shall be provided with appropriate alternative family care.

Article 7 of the UNCRPD obligates State Parties to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

At the national level, article 45(1) of the Constitution of Kenya, 2010 recognizes the family as the natural and fundamental unit of society and the necessary basis of social order. Further, article 53 of the Constitution stipulates that every child has the right to a name and nationality from birth; to free and compulsory basic education; to basic nutrition, shelter and health care; to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour; to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not; and not to be detained, except as a measure of last resort, and when detained, to be held for the shortest appropriate period of time; separate from adults and in conditions that take account of the child’s sex and age.

Section 70 of the Children Act 2022 mandates the National Council for Children’s Services to provide the criteria for approval of childcare and welfare programmes in Kenya. The Act further provides for the establishment, coordination and implementation of child welfare programmes that are aimed at improving the promotion and protection of the rights of the child and promote childcare reform as stipulated below.

<b>Children Act, 2022</b>	<b>Provision</b>
<b>Section 8: Best Interest of the child</b>	<p>In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies the best interests of the child shall be the primary consideration.</p> <p>In any matters affecting a child, the child shall be accorded an opportunity to express their opinion, and that opinion shall be taken into account in appropriate cases, having regard to the child's age and degree of maturity.</p>
<b>Section 12: Right to social security</b>	<p>Every child whose parent or guardian is unable to maintain the child has the right to social security as guaranteed by Article 43(3) of the Constitution.</p> <p>Without prejudice to the generality of subsection (1), "social security" includes alternative care services provided under the Act, and in particular kinship care; guardianship; foster care; adoption; kafaalah; care in emergency situations; temporary shelter; supported independent living; supported child-headed households; institutional care; and aftercare.</p>
<b>Section 36: Regulations and guidelines.</b>	<p>The Cabinet Secretary shall prescribe regulations to give effect to this Part and, in particular, to guide the formulation and implementation of programmes and actions to promote the preservation and strengthening of families</p>
<b>Section 55: Sub-County Advisory Committees</b>	<p>The Council shall establish, in relation to every sub-county, sub-county children advisory committees, whose functions shall be to advise the County Children Advisory Committees on, and make recommendations for, the implementation of such child welfare programmes as may be necessary for the promotion and protection of the rights of the child in the respective sub-counties.</p>
<b>Section 62: County government welfare schemes</b>	<p>A county government may, either by itself or jointly with other county governments, and in consultation with the Council, establish welfare schemes to provide or facilitate the provision of childcare facilities and programmes for children including children with disabilities.</p>
<b>Section 65: Charitable Children's Institutions</b>	<p>No person shall register or operate a Charitable Children's Institution except as provided in law.</p> <p>The Council shall keep and maintain a register of all Charitable Children's Institutions registered or approved by the Council prior to the commencement of this Act; and prescribe the minimum standards and conditions for operation of existing Charitable Children's Institutions</p> <p>Without prejudice to the generality of subsection (2), the Council shall inspect and assess whether the facilities and operations of existing Charitable Children's Institution conform to the minimum standards and conditions set out in this Act and the regulations; and may deregister a non-compliant existing Charitable Children's Institution.</p>

<b>Children Act, 2022</b>	<b>Provision</b>
<b>Section 70: Criteria for approval of programmes</b>	A Charitable Children’s Institution shall not administer any child welfare programme under this Act without the prior written approval of the Council.
<b>Section 74: Duty to notify the Council</b>	A duly registered public benefit organization or charitable children’s institution that intends to implement a child welfare programme shall notify the Council and provide full information on the mode of operation of the proposed programme; and the specific objects of the programme.
<b>Section 75: Review of child welfare programmes</b>	The County Children Advisory Committee shall, at the end of twelve months from the date of approval of a Child Welfare Programme, and thereafter annually, review the programme and advise the Council on whether the programme is operating according to the standards prescribed by the Council.
<b>Section 76: Deregistration of Child welfare programme</b>	<p>Without prejudice to the generality of section 73, the Council may, on the recommendation of the County Children Advisory Committee, deregister and direct the termination of a Child Welfare Programme in the respective county on the grounds that the programme is unfit for the care, protection and control of children; the children in respect of whom the programme is administered are likely to suffer prejudice, or that the programme is likely to occasion harm to such children; or the institution by which the programme is administered has contravened any of the regulations made under this Act or any other written law.</p> <p>Any person aggrieved by the decision of the Council made under this section may appeal to the Cabinet Secretary with a further appeal to the High Court.</p>
<b>Section 89: Regulations.</b>	The Cabinet Secretary may, on the recommendation of the Council, make regulations for the better carrying out of the provisions of this part and, in particular, such regulations shall make provisions for the requirements and procedure for approval of children’s welfare programmes

The Basic Education Act 2013 provides for the realization of every child’s right to access free and compulsory quality basic education; outlines the duty of parents and guardians; and prohibits any form of child abuse including mental harassment and employment of a child of compulsory school age.

The Early Childhood Education Act 2021 provides the child’s right to free and compulsory early childhood education in public education centres. It further provides that this right shall be enjoyed without discrimination, exclusion, or restriction. Additionally it directs County governments on quality specifications for establishing, managing, and operationalizing Early Childhood Education (ECE) centres.

The National Pre-Primary Education Policy, 2017 focuses on education and training services for pre-school children and their teachers. It also addresses the overarching national objectives on the provision of early stimulation, childcare and early learning, and services and programmes targeting pre-primary institutions.

The Kenya Health Policy 2014 - 2030 identifies key Early Childhood Development interventions that aim at reducing morbidity and mortality among children under five years alongside other promotive, preventive, and curative healthcare services.

The Neonatal, Child and Adolescent Health (NCAH) Policy 2018 outlines key risk factors and contributors to neonatal and child morbidity and mortality; and provides a unified framework and response for child health care interventions at both the national and county level.

Kenya is implementing the forth Vision 2030 Medium-Term Plan, which has mainstreamed the Sustainable Development Goals and the African Social -Economic transformation blueprint-the Africa Agenda 2063.

These national guidelines and standards will contribute to the realization of the Social Pillar of the Kenya Vision 2030 *“to improve the quality of life for all Kenyans by targeting a cross-section of human and social welfare projects and programmes”* by streamlining child welfare programmes.

# GUIDING PRINCIPLES

## Introduction

The guiding principles are anchored under the UNCRC, Constitution of Kenya 2010 and the Children Act 2022. They are aimed at setting standards and moral values to ensure effective and efficient delivery of children services by all actors involved in child welfare programmes.

Child Welfare Programmes' policies and service should reflect an understanding and appreciation of the following principles that affect child development and family systems:

### 1. The best interest of the child

The best interests of the child shall be the primary consideration in all actions or decisions that concern a child, both in the public and private sphere.

### 2. Do no harm

All programmes and services designed and actions taken should be aimed at preventing any harm and be beneficial to the child.

### 3. Confidentiality and right to Privacy

Confidentiality is a mandatory requirement for service provision to children. No actors in child protection should subject a child to arbitrary or unlawful interference with his or her privacy.

### 4. Human dignity, respect and non-discrimination

Every child has a guaranteed right to human dignity that must be safeguarded at all times. In provision of various childcare and welfare services/programmes, efforts to prevent discrimination against children must be upheld. Children and families should be given equal access to support services, appropriate to their needs.

### 5. Meaningful child participation

Meaningful child participation should be promoted at all levels. This will enable the children to articulate their views on all matters affecting them and relevant information appropriate to their age.



## **6. Partnerships, Collaboration and Networking**

The provision of services should take a multi-sectoral approach where all actors collaborate in delivery of services to children and families. The actors should work together to address the complex needs of children and families in a spirit of community partnership.

## **7. Cultural diversity**

All actors should be conscious of Kenya's Cultural diversity, in the course of formulation and implementation of childcare and welfare programmes.

## **8. Suitability and Necessity**

To uphold this principle of necessity, all actors must ensure that children are not unnecessarily separated from their families.

## **9. Transparency and Accountability**

All actors shall ensure transparency in their service delivery and must be accountable for their actions, decisions to the child, family community and other stakeholders.

## **10. Sustainability**

All actors in child protection should develop sustainability mechanisms (Co-creation framework) in all programmes and interventions for seamless transition of service delivery.

# CHILD WELFARE PROGRAMMES' DESIGN, PILLARS, AND INTERVENTIONS

## Introduction

This section guides on design of various services and programmes under the pillars and intervention areas outlined below. This aims at complementing the National Care Reforms Strategy for children, which seeks to increase provision of quality family and community care services.

**Child Welfare Programmes** include accessible holistic services and interventions designed and implemented to protect the rights and welfare of children in families and communities.

**Continuum of Services/interventions** comprise of programmes or projects that promote and strengthen families and communities' ability to holistically promote the rights of the child; and mitigate the effect of family separation.

**Ethical standards and professionalism** are key values that should guide the implementation of child welfare programmes. Informed consent of the parents/guardians and assent from the child shall be sought at all times. All actors should ensure that their staff possess the requisite skills and capacities to handle children as per the relevant standards outlined by different accreditation institutions. They must have an operational child safeguarding policy, and reporting and responding accountability mechanisms to redress any violations.

Community based child welfare programmes should be rooted in the belief that children and families are capable of finding solutions to their issues. They know best the details of their situation and what will work for them and their families. Therefore, service providers should design programmes and services that take cognizance of the strength of the child, families, communities, and the existing programmes by state and non-state actors, in order to develop programmes that optimize those strengths and identified needs.

The actors must ensure that their programmes and services identify and utilize community-based resources as the optimal method for providing care and support to children and families. The programmes should be commenced by - identifying the type of vulnerability in the area, affected households, mapping out of existing services and provide the necessary referral pathways in order to build on the strengths of the child, families and communities.

In coordinating child welfare programmes, the NCCS will endeavor to undertake the relevant baseline surveys, needs assessments, and avail data to guide all the actors involved in the designing and implementation of these programmes including those in the Counties.

# PILLARS OF CHILD WELFARE PROGRAMMES

Providers of child welfare programmes must be guided by the following pillars when designing and implementing programmes targeting children, families and communities:

## 1. Survival rights

This pillar is founded on the understanding that “Every child has the right to life, development, wellbeing, access to adequate shelter, living standards and medical services as provided for by the Constitution, Children Act, 2022 and all applicable laws.

### Areas of Intervention

#### a. Health

Under this intervention, health entails both preventive and curative interventions that can be focused on capacity building, referrals systems, advocacy and any other programmes. Some of the interventions include:

- Capacity building on preventing common childhood illnesses, outbreaks and diseases.
- Strengthening health systems and improving community access to quality services.
- Linkages for early screening, referrals, and provision of therapeutic services, quality care for children with developmental delays and disabilities; and provision of respite care and assistive devices for children with special needs.
- Nurturing care e.g. responsive caregiving, safety and security.
- Development of opportunities for early learning.
- Interventions to encourage early screening of different conditions, awareness and access to curative services for all children.
- Mental health services such as screening, referrals, and provision of support services for children, caregivers, families and communities.
- Mental health capacity building of Community Health Volunteers (CHVs), lay volunteer counselors, child protection volunteers and probation community volunteers to self-manage common mental health problems such as depression, anxiety, stress or grief, and substance abuse.
- Programmes on adolescent and youth-friendly reproductive and health services.
- Collaboration/capacity building on community-based health structures and behaviour change processes through Kenya’s Community Health Strategy.
- Capacity building on HIV-prevention care and treatment (Prevention of Mother to Child Transmission - PMTCT).

- Programmes for enhancing the availability of essential health commodities, supplies and equipment.
- WASH programmes: Enhancing households' access and utilization of safe water, improved sanitation and hygiene practices.
- Rehabilitation programmes.
- Capacity building and awareness programmes for strengthening access to health for children for all stakeholders.

## b. Nutrition

Some of the programmes that will target the improvement of nutrition of the child can focus on capacity building, referrals pathways/system, advocacy and any other intervention shown below:

- Baby Friendly Community Initiatives (BFCl): Maternal Infant and Young Child Nutrition (MIYCN) including promotion of early initiation and exclusive breastfeeding
- Nutrition programmes for children living with disabilities and special needs
- Food Security
- Nutrition in Agriculture and Livestock
- Nutrition in Education and Child Protection
- Micronutrient Deficiency Control
- Nutrition in Emergencies
- Nutrition Capacity Development and Learning for various actors and communities

## c. Shelter and clothing

- To promote access to adequate shelter and clothing to children/households within families and communities. It is notable that the shelter here refers to non-residential programmes guided by the Care reform strategy for children.

Some of the interventions include:

- Empowerment programmes focused on enhancing access to shelter and clothing for children while in families and community-based care settings.

## 2. Development rights

Under this pillar, the right to development includes the right to education, play and leisure, access to cultural activities and information to enable children to acquire knowledge and enhance life skills in a safe and healthy environment.

## Areas of Intervention

### a. Education

To promote access to education for all children some of the interventions include:

- School Improvement fund programme for infrastructure
- Provision of learning materials for children
- Mentorship programmes
- Access to life-skills programmes
- Feeding programmes to enhance access and retention
- Sponsorship programmes (bursaries)
- Guiding and counseling programme
- Essential educational kit
- Parental engagement and empowerment
- Developmental support programmes for children with special needs
- Implementation of back-to-school policy
- Mobile schools
- Community mobile library clinics

### b. Leisure, recreation and play

Every child shall be entitled to leisure, recreation, play and participation in non- harmful cultural and artistic activities. Some of the interventions include:

- Provision of child-friendly, disability-friendly and age-appropriate recreational facilities
- Community resource centres
- Promote Extracurricular activities
- Enhance cultural festivals
- Excursion activities e.g. field trips
- Any other relevant programmes.

### c. Access to Information

Access to information will be guided by the relevant laws in Kenya including the Access to Information Act (No.31 of 2016). Some of the interventions include:

- Establishment of community libraries
- Access to published learning materials through E-learning or use of hardcopies
- Establishment of Community Computer labs
- Establishment of digital learning-to compliment the provision of knowledge
- Accessible information to children with disability
- Any other relevant programmes.

## d. Conscience and religion

Every child has the right to freedom of thought, conscience, religion and religious education subject to the appropriate parental guidance and in the best interest of the child. Some of the interventions include:

- Enhance inter-religious programmes
- Promotion of virtues and values through mentorship programmes
- Any other relevant programmes.

## 3. Protection rights

This pillar exists as a safeguard against child abuse, neglect and exploitation. It also includes care for migrant children, a child-friendly justice system as well as rehabilitation for child victims of abuse. It lays emphasis on enhancing the protection of all children from various forms of violence, abuse, exploitation, and participation in armed conflict. Children must be protected from working in difficult or dangerous conditions that compromise their health, access to education and other rights.

### Areas of intervention

Some of the programmes include:

- Legal aid and awareness
- Establishment of children clubs
- Family tracing, reunification and reintegration services
- Awareness and implementation of programmes on positive parenting
- Child labour preventive programmes
- Family and community strengthening programmes
- Stakeholders /case workers capacity building
- Professional individual/ family therapies
- Economic empowerment of families
- Education support services
- Health support services
- Promotion of Alternative family and community care-based services/ models
- After care/Emergency care services
- Online protection
- Any other relevant programmes.

## 4. Participation rights

Every child has a right to freely participate in any matters affecting such a child. This pillar addresses a child's freedom to express their opinion and speak on matters affecting them. Child welfare programmes should endeavor to:

- Provide appropriate and accurate information to enhance children's participation concerning the expression of their opinion.
- Provide lawfully established and appropriate forums to promote child participation.
- Build supervision skills for children to enhance their independence; parents/caregivers for effective parenting.
- Promote the spiritual well-being of the children.

### Areas of Intervention

To promote child participation rights, some of the interventions include:

- Establishment of talent development programmes to nurture creative skills among children
- Advocacy programmes targeting children and their families e.g. Media publications
- Establishment of school and community-based child rights clubs
- Peer support programmes
- Empowerment programmes for children and families with children with disabilities
- Life skills development programmes
- Creation of child rights clubs to enhance the creativity of children
- Any other relevant programmes.

# THE SCOPE OF THE CHILD WELFARE PROGRAMMES

These guidelines are intended to be used by practitioners providing services to family and community-based care programmes in Kenya.

The scope of child welfare programmes entails:

- Geographical coverage
- Duration
- Sustainability (financial human resources and resource mobilization)
- The target population
- Standards

## **Geographical coverage:**

Child welfare programmes are applicable in the Republic of Kenya from the lowest administrative unit to the national level. They will be utilized by practitioners implementing family and community-based care services.

## **Duration:**

The duration of Child welfare programmes is informed by the legal framework provided for in the Children Act 2022 and the Child Welfare Regulations.

## **Target population:**

The guidelines are intended to be used by various service providers (both state and non-state) offering family and community-based care services across the country. These services will focus on children and young persons who are transitioning from institutional care to families and to independent living, vulnerable and high-risk children, families and communities as informed by the needs assessment (*Refer – Chapter on Interventions*).

## **Sustainability:**

To ensure that children and young people in Kenya live safely, happily and sustainably in family and community-based care, child welfare programmes should aim to strengthen the capacity of children, young persons, families and communities to effectively identify and respond to their needs. The programmes and interventions should thus be situated within the local context, and build upon family and community knowledge and local systems. The engagement of all stakeholders, from the beneficiaries (children, young people, families and their communities) from the lowest administrative unit up to the national level, is therefore essential to achieve sustainability and ownership of programmes.

Further, the guidelines recommend all stakeholders to pursue innovative and sustainable financing modalities, mixed financing, developing for foreseeable and sustainable financing for strong families, communities and childcare, including: mobilizing domestic resources and mainstreaming alternative family care into national social protection systems and programmes to ensure holistic and integrated approaches, continuity and sustainability.



# REQUIREMENTS FOR APPROVAL AND REGISTRATION OF CHILD WELFARE PROGRAMMES

To register a child welfare programme, the applicant shall provide:

- A statement not exceeding 2 pages detailing the design and implementation objectives.
- The organization's physical location and address.
- The geographical coverage proposed for the programme.
- A statement on categories of beneficiaries targeted under the programme and the services intended to be provided. These services should focus on the promotion of wellbeing of children and families including provision of health, education, specialized services for children, parenting training, counseling as well as economic livelihood activities and services for high-risk families.
- Details of the person(s) in charge including name and roles.
- Certificate of registration by relevant authority
- Certificate/approval from the relevant agency/departments
- Programme enrollment and transition criteria
- Feasibility study report to show that there is a need in the community and to inform the programmes to be implemented
- The Child safeguarding policy
- Statement on implementation of child participation in the programme
- Evidence of good financial resources sufficient to support the proposed programme
- Organizational management structure of the programme
- Proof of provision of services to strengthen families including parenting training, mental health psychosocial support, economic livelihood.
- The complaint and dispute resolution procedures
- Volunteerism and Child Protection and Safeguarding Policy
- A Monitoring and Evaluation framework
- Proof of approval of programmes from relevant Ministries and departments as appropriate
- An assessment/suitability report by the County Children Advisory Committee on the Child welfare programmes to be implemented
- Minutes of the County Children Advisory Committee recommending the approval of the Programmes.

## Standards

Assessment of the application shall be guided by standards which will be prescribed in the regulations. Further, the Council in approving any application shall strive to ensure compliance with the set minimum standards for effective design and implementation of the CWP.

## Assessment criteria

### Public Benefit Organization (CSO/CBO/FBO)

- a. A certificate of registration

### Trust

- a. A duly registered Deed of Trust containing the objectives of the trust.

### Individual applicant

- a. Identification documents
- b. Two passport-size photographs.
- c. Evidence of the qualifications and experience required to manage a child welfare programmes'
- d. A valid Police Clearance Certificate
- e. Two written character references.

## Approval and registration of Child Welfare Programmes

### Approval of Programmes

- i. Approve the whole or part of the proposed programme, where the proposed programme complies with regulation
- ii. Disapprove the whole or part of the proposed programme, where the proposed programme does not comply with regulation 5(3), and give written notice of its decision in that regard setting out the reasons for disapproval.

Where the Council approves the whole or part of the proposed programme, the Council shall issue a certificate of approval.

### Disapproval and deregistration/ closure/Exit of Child Welfare Programmes

Disapproval and deregistration of Child Welfare Programmes shall be done according to the provisions of the Children Act 2022.

# COORDINATION AND REPORTING MECHANISMS FOR CHILD WELFARE PROGRAMMES

## National Council for Children's Services

1. Advise the Cabinet Secretary on matters relating to child welfare programmes;
2. Collaborate with relevant state and non-state actors to monitor and evaluate the efficiency and effectiveness of all social programmes established in the interests of children;
3. Facilitate, monitor and evaluate the enforcement of the principles of international law and treaty instruments binding on Kenya in respect of matters relating to children;
4. Develop policy, codes of conduct regulating good practice relating to child protection and child welfare;
5. Monitor and evaluate implementation of public education programmes on the rights and welfare of children;
6. Advise on technical and support services to state and non-state actors participating in child welfare programmes;
7. Prescribe training needs and requirements for authorized officers;
8. Formulate, approve, evaluate and monitor implementation of programmes to facilitate the full implementation of Kenya's international and regional obligations relating to children and support the formulation of appropriate reports under such obligations;
9. Formulate, approve, evaluate and monitor implementation of policies to regulate family empowerment and social security that are designed to alleviate the hardships which impair the social welfare of children;
10. Regulate, register, approve, evaluate and monitor implementation of child welfare programmes proposed by charitable children's institutions in accordance with the Children Act, 2022;
11. Formulate, approve, evaluate and monitor implementation of programmes to create public awareness in all matters relating to the rights and welfare of children;
12. Formulate, approve, evaluate and monitor implementation of programmes for the alleviation of the plight of children with special needs or requiring special attention;
13. Promote, carry out and disseminate research relating to welfare and protection of children matters;
14. Establish, regulate and manage the activities of Children Advisory Committees to advise on matters relating to the rights, welfare and protection of children;
15. Promote linkages and exchange programmes with organizations in and outside Kenya;
16. Establish, maintain and update a database of children in Kenya;

17. Maintain a register of approved care and welfare programmes in the Country and;
18. Any other function provided for NCCS in the Children Act, 2022.

### **Children Advisory Committees**

1. Mapping and keeping updated register Child Welfare Programmes within the area of jurisdiction;
2. Set priorities for Care and Welfare Programmes and develop area specific interventions in conformation to the national policies;
3. Advocacy and sensitization of the community and stakeholders on Child Welfare Programmes;
4. Mobilization of resources for the implementation of Child Welfare Programmes;
5. Receiving applications for establishment of Child Welfare Programmes and presenting for deliberation by the full CAC;
6. Form a sub-committee to assess and present the report for deliberation by the CAC;
7. Recommend for approval or disapproval of Child Welfare Programmes by the council;
8. Annually review the implementation of care and welfare; programmes to assess their compliance with the standards and report to the council;
9. Monitoring and Evaluation of the implementation of the Child Welfare Programmes as per the Monitoring and Evaluation Framework;
10. Recommend for deregistration of the Child Welfare Programmes;
11. Call for and receive quarterly reports and;
12. Approval of Child Welfare Programmes for emergencies.

### **Secretary, Directorate of Children Services**

1. Be responsible for establishing, administering and maintaining child protection centres, rehabilitation schools and a remand home in every county;
2. Maintain up-to-date records and data on management of children services including access to welfare amenities for children;
3. Investigate, monitor and report cases of children facing hardship;
4. Identify, formulate and develop programmes to mitigate children facing hardship for the consideration of the Council;
5. Assist children in hardship, including children with disabilities, children living in the street, orphaned and destitute children, children who abuse drugs, children who are sexually abused and children who are affected by domestic violence;
6. Inquire, investigate, assess and prepare reports in accordance with this Act or any other written law in accordance with any direction of a court;
7. Implement any direction of court including providing social or administrative support;
8. Safeguard the welfare of a child placed under care by virtue of a care order or interim order;

9. Procure accommodation for a child who is abandoned, in need of refuge, safety or appropriate custody;
10. Provide services to trace, reintegrate or restore a lost or an abandoned child with parent or a guardian;
11. Intervene and secure the removal of a child in need of care and protection to a place of safety;
12. Promote family reconciliation and mediate in disputes involving children, parents, guardians or persons who have parental responsibility in the manner provided under the Children Act, 2022;
13. Provide services to assess a child placed under care and support services to counsel, and guide children and families;
14. Facilitate medical treatment for a child in police custody or in a children's remand home;
15. Provide guidance and assistance for a child during a proceeding in court;
16. Supervise administration of children institutions including children's rehabilitation centres, charitable children's institutions and remand homes in order to safeguard and promote the welfare of a children;
17. Provide quarterly reports relating to management of children's rehabilitation centres, charitable children's institutions and remand homes;
18. Safeguard the welfare of children in foster care; and
19. Perform any other function as may be prescribed under the Children Act, 2022.

## Reporting Structure.

Structured Reporting of Child Welfare Programmes is initiated at the service provision level and submitted to Sub County Children Advisory Committees (SCCAC).

Standardized reporting tools developed by NCCS will be used to collect data on Child Welfare Programmes.

Quarterly and annual reports will be submitted to the NCCS.

Data on various interventions on Child Welfare Programmes should be captured in the Child Protection Information Management Systems (CPIMS) and the Integrated National Children Database (INCD).

## Monitoring and Evaluation

Strong Monitoring, Evaluation, Accountability and Learning (MEAL) frameworks and tools are an essential foundation to generate evidence to improve the quality and effectiveness of any service or intervention for children and young people. They can track adherence to key principles and standards guiding service delivery. Measuring accessibility to a comprehensive set of services can inform whether they are resulting in a positive and long-lasting impact on children's and young people's wellbeing. This evidence can then be packaged to advocate for more effective interventions, and to inform where resources can accordingly best be targeted. MEAL frameworks are also key to ensure accountability of service providers, to encourage supply of quality services to meet the demand. Participation of children, young people, and their families in MEAL related activities is crucial in contributing to quality improvement of services.

## Resourcing

Resource mobilization is a critical component in implementation of any interventions or services. State actors are encouraged to plan to allocate resources to supervise, coordinate and provide services towards implementation of child Welfare programmes. Both State and non-state actors are expected to develop strategies to mobilize resources in support of increasing a resource base on implementation of these programmes.

Invest in family based alternative care models/systems of care e.g., Kinship care, foster care, legal local adoptions, Kafaalah, guardianship to allow the child to remain in familiar surroundings, culture, and traditions. These must be adequately resourced, and incentivized. Ensure re-directing financing from institutional care to family and community-based care services. Resources invested in residential care should be redirected and utilized in non-residential Child Welfare programmes.

Ensure social safety nets and financial assistance to prevent and address poverty and social exclusion and to enable households to work and respond to economic shocks, without selling assets or jeopardizing the health, nutrition, or education of their children.

# ANNEX

## Notification of Establishment of a Child Welfare Programme

M/s \_\_\_\_\_  
of P.O. Box \_\_\_\_\_ do hereby notify the Chief Executive Officer of our  
intention to implement a Child Welfare Programme whose details are given hereunder.

**Name/title of intended Programme(s)** \_\_\_\_\_  
\_\_\_\_\_

### Objectives:

Main Objectives \_\_\_\_\_

Specific Objectives \_\_\_\_\_

### Mode of Operation:

Area(s) of Operation \_\_\_\_\_

### Programme location details:

County \_\_\_\_\_ Sub-County \_\_\_\_\_

Ward \_\_\_\_\_ Location \_\_\_\_\_

### Target Group(s)

\_\_\_\_\_

Intended Period of Operation \_\_\_\_\_

Name of Person in Charge \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Email address and telephone contact of the person in charge \_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Certificate of Approval of Child Welfare Programme

National Council for Children’s Services

P.O. Box \_\_\_\_\_ Nairobi.

This is to certify that \_\_\_\_\_ (name of applicant) has been approved to implement whole /part(s) of Child Welfare Programme as specified below, in accordance with section 77 (2) of the Children Act, 2022

Part(s) of Child Welfare Programme approved:

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Valid from \_\_\_\_\_ to \_\_\_\_\_

Chairperson of Council \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



## List of Contributors to the Development of the National Guidelines and Standards for Child Welfare Programmes

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REPUBLIC OF KENYA



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