



GOVERNMENT OF KENYA

KENYA DEVOLUTION SUPPORT PROGRAM II

FINAL

STAKEHOLDER ENGAGEMENT PLAN  
FOR  
THE IPF COMPONENT

NOVEMBER 1, 2023

## TABLE OF CONTENTS

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<i>EXECUTIVE SUMMARY</i> .....	<b>vi</b>
<i>CHAPTER 1: INTRODUCTION</i> .....	<b>9</b>
1.1 Background .....	9
1.2 Program Components and Financing Instruments .....	10
1.3 Program Implementation Arrangements .....	11
<i>CHAPTER 2: STAKEHOLDER ENGAGEMENT REGULATORY CONTEXT</i> .....	<b>12</b>
2.1 National Policy, Legal and Institutional Framework Relevant to SEP .....	12
2.2 World Bank’s ESS10: Stakeholder Engagement and Information Disclosure .....	16
<i>CHAPTER 3: STAKEHOLDER IDENTIFICATION AND ANALYSIS</i> .....	<b>18</b>
<i>CHAPTER 4: STAKEHOLDER ENGAGEMENT PROGRAM</i> .....	<b>25</b>
4.1 Purpose and Timing of Stakeholder Engagement.....	25
4.2 Proposed strategies for information disclosure, feedback, and consultation .....	26
4.3 Brief Summary of Stakeholder Engagement Consultations .....	35
<i>CHAPTER 5: PUBLIC CONSULTATION ON KEY PROGRAM SOCIAL INSTRUMENTS</i> .....	<b>35</b>
5.1 Stakeholder Engagement and Disclosure Methods.....	40
5.2 Proposed Strategy for Consultation .....	41
5.3 Proposed Strategy to Incorporate the Views of Vulnerable Groups .....	42
5.4 Timelines .....	42
5.5 Review of Comments.....	42
<i>CHAPTER 6: GRIEVANCE MECHANISMS</i> .....	<b>44</b>
6.1 Grievance Investigation and Resolution Process .....	44
6.2 Types of Grievances.....	44
6.3 Grievance Management and Reporting Levels .....	45
6.4 Publicizing and Disclosure of the GM .....	46
6.5 Receiving and Recording Grievances.....	46
6.6 Documentation and reporting on Grievance .....	47
6.7 Grievances Related to GBV and SEAH .....	<b>Error! Bookmark not defined.</b>
6.7 GM Monitoring and Implementation .....	47
6.8 GM Reporting .....	48
6.9 World Bank’s Grievance Redress .....	48

<i>CHAPTER 7: RESOURCES AND RESPONSIBILITIES FOR IMPLEMENTING STAKEHOLDER ENGAGEMENT ACTIVITIES.....</i>	<b>49</b>
7.1 Implementation of the SEP .....	49
7.2 Capacity building .....	49
<i>CHAPTER 8: MONITORING AND REPORTING.....</i>	<b>51</b>
<i>ANNEXES .....</i>	<b><i>i</i></b>
Annex 1: Reports of the Stakeholders Consultations Workshops Held .....	i
Annex 2: List of Stakeholders Consulted for the ESSA .....	i
Annex 3: KDSPII Grievance Log.....	ii

## **LIST OF TABLES**

---

Table 1: Overview of KDSPII and financing instruments .....	10
Table 2: Policy, legal and institutional framework relevant to SEP .....	12
Table 3: TA stakeholders and Engagement Needs .....	20
Table 4: Methods/tools for Information disclosure, feedback, consultation & participation ..	28
Table 5: Summary of Stakeholder Consultation Workshops Held .....	36
Table 6: Stakeholder engagement and disclosure methods .....	41
Table 7: Proposed training module for stakeholder engagement .....	49

## ACRONYMS AND ABBREVIATIONS

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CAJ	Commissioner for Administration of Justice
CoG	Council of Governors
CoK	Constitution of Kenya
CPCU	County Program Coordination Unit
CPITs	County Project Implementation Teams
CRA	Commission of Revenue Allocation
CSO	Civil Society Organizations
DLI	Disbursement Linked Indicator
DOSHs	Department of Occupational Health and Safety
E&S	Environmental and Social
EHS	Environmental Health and Safety
EPRP	Emergency Preparedness Response Plan
ESF	Environmental and Social Framework
ESHS	Environmental Social Health and Safety
ESHSRM	Environmental Social Health and Safety Risk Management Manual
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standards
GDP	Gross Domestic Product
GM	Grievance Mechanism
GoK	Government of Kenya
GRS	Grievance Redress Service
HUTLCs	Historically Underserved Traditional Local Communities
IAs	Implementing Agencies
IGRTC	Intergovernmental Relations Technical Committee
IPF	Investment Project Financing
KADP	Kenya Accountable Devolution Program
KAM	Kenya Association of Manufacturers
KDSP	Kenya Devolution Support
KDSPII	Kenya Devolution Support 11
KEPSA	Kenya Private Sector Association
KNCCI	Kenya National Chamber of Commerce and Industries
KPIs	Key Performance Indicators
KRA	Key Result Area
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MC	Master Craftsman
MIS	Management Information System
NEMA	National Environment Management Authority
NGOs	Non-Governmental Organizations
NPCU	National Program Coordination Unit
NPIPTs	National Program Implementation Teams
NT	National Treasury
NTIPTs	National Technical Implementing Partner Teams
OAG	Office of the Auditor General
OCoB	Office of the Controller of Budget

OESRC	Operations Environmental and Social Review Committee
OHS	Occupational Health and Safety
OSHA	Occupation Safety and Health Act
OSR	Own Source Revenue
PAPs	Project Affected Persons
PFMRS	Public Finance Management Reforms Strategy
PforR	Program for Results
PIT	Program Implementation Teams
POM	Project Operational Manual
PSC	Program Steering Committee
PWD	Persons with Disability
SA	Social Assessment
SDD	State Department of Devolution
SDS	Social Development Specialists
SEA	Sexual Exploitation and Abuse
SEAH	Sexual Exploitation Abuse and Harassment
SEP	Stakeholder Engagement Plan
SGBV	Sexual and Gender Based Violence
SH	Sexual Harassment
SMP	Social Management Plan
TADAT	Tax Administration Diagnostic Toolkit
USD	US Dollars
VMG	Vulnerable and Marginalized Group
VMGF	Vulnerable and Marginalized Groups Framework
VMGP	Vulnerable and Marginalized Groups Plan
WB	World Bank

# EXECUTIVE SUMMARY

## 1. Background and Project Description

The Second Kenya Devolution Support Program (KDSP II) will be financed through a hybrid of Program for Results (PforR) and Investment Project Financing (IPF) instruments, which will be implemented nationally across the 47 Counties. The Program's objective is to strengthen county performance in the financing, management, coordination, and accountability for resources. An Environmental and Social Systems Assessment (ESSA) on the PforR component was conducted by the World Bank in July and August 2023. The ESSA will be disclosed and its key findings will be reflected in the Project Appraisal Document.

The IPF component will provide Technical Assistance (TA) for both national and county level reform actions and activities.

**IPF Component:** The IPF component will finance TA activities of two types as defined by the Operations Environmental and Social Review Committee (OESRC) Advisory Note for TA and the Environmental and Social Framework (ESF) of 2019.

Type 2 TA activities, "Supporting the formulation of policies, programs, plans, strategies or legal frameworks", including, (a) guidelines for county project management, project management committees, county project stock-taking, providing business process and technical requirements for county investment dashboard, climate change risk screening and preparedness, including assessment of the climate resilience of existing infrastructure assets, HR and skills audit, integrated performance management, revenue mapping; (b) developing county pending bills action plans, and strengthening Integrated Financial Management Information System (IFMIS) controls for expenditure management; (c) frameworks for Public Investment Management (PIM), intergovernmental sectoral, inter-city, and inter-municipality forums, operationalizing the Devolution Sector Working Group (DSWG), monitoring and implementation of intergovernmental resolutions, county revenue forecasting with simple realism rules agreed, technical specifications for the Integrated County Revenue Management System; and (d) review of devolution and intergovernmental legal frameworks.

Type 3 TA activities, "Strengthening borrower capacity", will include (a) training and capacity building of county officers on e-procurement, training modules and manuals for county public service boards and county assembly service boards; (b) digitization and integration of the National Environmental Management Authority (NEMA) Environmental and Social Impact Assessment (ESIA) process to the county approval systems for efficiency in the approval process; (c) capacity building of the social risk management committees, county assemblies and their technical staff, job descriptions and schemes of services for environmental and social (E&S) specialists; (d) development of tools for citizen feedback on the budgeting process and oversight of public investments, development of complaints management mechanism for the Commission for Administrative Justice (CAJ), and stocktaking and establish the E&S gaps within the counties and initiate reforms to address them. *Annex 5 details the IPF financed activities.*

## 2. Potential Risks

The overall risk of the Program is rated as **Substantial**. The Environment and Social (E&S) risk rating under the PforR is assessed as Substantial, with a Substantial rating for both E&S. The risk rating under the Investment Project Financing (IPF) component is assessed as **Moderate**, with a Moderate rating for both E&S. TA activities are expected to result in positive E&S outcomes and have moderate E&S risks and negative impacts. Although it is expected that some of the policy recommendations of the TA type 2 activities might pose E&S risks, the Stakeholder Engagement Plan (SEP) details the need for a participatory consultative approach where the policy recommendations will be subjected to public participation. The potential risks and adverse impacts on the environment and people are not likely to

be significant. Substantial downstream negative E&S risks would potentially occur if type 2 activities, such as policies, strategies, procedures, or frameworks, fail to adequately consider how social risks would be managed in future investments. Further, State Department of Devolution (SDD) has no prior experience implementing the ESF and its existing E&S risk management capacity needs strengthening. The foreseen social risks are (i) a limited influx of labour and related impacts, such as Sexual Exploitation and Abuse/Sexual Harassment (SEAH), (ii) potential exclusion of VMGs and other disadvantaged or vulnerable individuals and groups from TA activities, and (iii) the limited and developing capacity of SDD to manage the foreseen E&S risks and impacts, and (iv) significant reputational risks anticipated from how SDD and/or the counties may subsequently fail to apply the TA advice.

### **3. Purpose of Stakeholder Engagement Plan**

The IPF component is being prepared under the World Bank's ESF that sets requirements for stakeholder engagement under its Environmental and Social Standard 10 on Stakeholder Engagement and Information Disclosure (ESS10). Consequently, SDD is required to define a plan for stakeholder engagement, including public information disclosure and consultation throughout the TA cycle. This SEP has therefore been prepared to mitigate some of the TA risks identified above. The objective of the SEP is to establish a systematic approach for stakeholder engagement, maintain a constructive relationship with TA stakeholders, consider their views, promote, and provide means for effective and inclusive engagement throughout the TA cycle, and ensure that appropriate information is disclosed to them in a timely, understandable, accessible, and appropriate manner. The SEP also includes a mechanism by which stakeholders can raise concerns, provide feedback, or make complaints about TA activities. SDD will ensure that TA ToRs and TA outputs include measures to avoid and/or mitigate risks related to inadequate stakeholder engagement, exclusion of Vulnerable and Marginalized Groups (VMGs), SEAH, information disclosure and grievances management among other E&S considerations. In addition, SDD shall ensure that the TA outputs are consistent with the provisions the ESF.

### **4. TA Stakeholders**

KDSP II has a wide range of stakeholders at national and county levels. TA stakeholders will be the 47 sub national governments, wider Kenyan public served by the 47 Counties, including VMGs and disadvantaged or vulnerable groups, relevant Ministries, Departments and Agencies (MDAs), technical and lead Environmental Social Health and Safety (ESHS) agencies, TA service providers, Civil society Organizations (CSOs) and the media. The engagement of key stakeholders was initiated during ESSA consultations and will continue throughout the TA cycle.

### **5. Policy, Legal and Institutional Framework**

The SEP has been prepared in fulfilment of the requirements of the national laws on public participation and information disclosure, and the World Bank's ESF requirements regarding stakeholder engagement and information disclosure. Some of the national frameworks that are relevant to the SEP include among others: the Constitution of Kenya (2010); Kenya Vision 2030; Public Participation Policy (2018), National Gender and Equality Commission Act (2012),; Persons with disabilities Act (2003); Children's Act (2022); Sexual Offences Act (2006); HIV/AIDS Prevention and Control Act (2000); Access to Information Act (2016), the County Government Act (2012), Public Finance Management Act (2012), and the World Bank's ESS10, on "Stakeholder Engagement and Information Disclosure". In line with the Kenyan and World Bank requirements the KDSP II TA activities will be implemented in a participatory manner and that stakeholders shall have full information about the Program, including the TA activities. A number of stakeholder consultations and information disclosure activities have been undertaken.

### **6. Proposed Strategies for Information Disclosure**

International good practice and the ESS10 increasingly emphasize the importance of stakeholder consultation being ‘free, prior and informed’, which implies an accessible and unconstrained process that is accompanied by the timely provision of relevant and understandable information. To fulfil this requirement, SDD will apply a range of consultation and disclosure of information methods that allow for effective stakeholder participation and timely provision of feedback. Some of the methods to be applied include: i) use of printed public materials such as brochures, newsletters, fact sheets in languages understandable to all segments of the public, ii) digital media, and websites, iii) visual presentations, iv) engagement meetings, among others. The disclosure process associated with the release of key Program social instruments, and TA outputs will be implemented per the World Bank Information Policy. The SEP, Environmental and Social Commitment Plan (ESCP) - incorporating elements of the SEA/SH Action Plan, Labour Management Procedures (LMP), will be disclosed by SDD on their website after which the World Bank will disclose them on its external website.

## **7. Grievance management**

A Grievance Mechanism (GM), targeting TA stakeholders will be established and implemented throughout the TA cycle at both national and sub national levels. Complaints regarding TA activities will be directed to SDD and the respective county level GM. The TA stakeholders will also use the same GM to report any GBV/SEAH complaints arising from TA activities. However, care will be taken to ensure that reporting on GBV/SEAH will limit information in accordance with the survivor’s wishes regarding confidentiality, and in case the survivor agrees on further reporting, information will be shared only on a need-to-know-basis, avoiding all information which may lead to the identification of the survivor and any potential risk.

## **8. Implementation Arrangements**

The SDD will be responsible for the overall coordination, implementation, and supervision of E&S risk management under the PforR and IPF components including provision of capacity-building and training to counties. Given the constitutional and legal mandates of various other institutions in the devolution space and the results the Program intends to achieve, other key institutions will also play a key supporting role in the implementation of the Program. The Social Development Specialists (SDS) based at the National Program Coordination Unit (NPCU) will be responsible for the implementation of this SEP and any updates that will be required during the TA cycle. The SDS will work closely with the communication and Monitoring and Evaluation (M&E) Officers at SDD, the county E&S Specialists, the Commission on Administrative Justice (CAJ) Office of the Ombudsman, and other relevant stakeholders at the national and county levels.

## **9. Capacity building**

SDD will organize and implement all training relevant to the effective implementation of this SEP (and GM), that will be extended to CPCUs, E&S specialists and staff of other county departments and technical agencies. Specialized training will also be provided to the staff appointed to manage grievances. In addition, institutions and establishments implementing project interventions will be trained on the operationalization of the GM. Contractors/service providers (including consultants) and primary suppliers will also receive necessary instructions on the SEP/GM.

## **10. Budget**

The estimated budget for implementation of the SEP is USD **2,850,000** over the 4 years. The budget is presented under Chapter 7 of this SEP.



## CHAPTER 1: INTRODUCTION

### 1.1 Background

The Second Kenya Devolution Support Program (KDSP II), will be financed through a hybrid of Program for Results (PforR) and Investment Project Financing (IPF) instruments, which will be implemented nationally across the 47 Counties. The Program's objective is to strengthen county performance in the financing, management, coordination, and accountability for resources. An Environmental and Social Systems Assessment (ESSA) on the PforR component was conducted by the World Bank in July and August 2023. The ESSA will be disclosed and its key findings will be reflected in the Project Appraisal Document. The IPF component will provide technical assistance (TA) for both national and county level reform actions and activities.

The financed TA activities will consist of two types (Type 2 and 3) as defined by the OESRC Advisory Note for Technical Assistance and the Environmental and Social Framework of 2019.

Type 2 TA activities, "Supporting the formulation of policies, programs, plans, strategies or legal frameworks", including, (a) guidelines for county project management, project management committees, county project stock-taking, providing business process and technical requirements for county investment dashboard, climate change risk screening and preparedness, including assessment of the climate resilience of existing infrastructure assets, HR and skills audit, integrated performance management, revenue mapping; (b) developing county pending bills action plans, and strengthening Integrated Financial Management Information System (IFMIS) controls for expenditure management; (c) frameworks for Public Investment Management (PIM), intergovernmental sectoral, inter-city, and inter-municipality forums, operationalizing the Devolution Sector Working Group (DSWG), monitoring and implementation of intergovernmental resolutions, county revenue forecasting with simple realism rules agreed, technical specifications for the Integrated County Revenue Management System; and (d) review of devolution and intergovernmental legal frameworks.

Type 3 TA activities, "Strengthening borrower capacity", will include (a) training and capacity building of county officers on e-procurement, training modules and manuals for county public service boards and county assembly service boards; (b) digitization and integration of the National Environmental Management Authority (NEMA) Environmental and Social Impact Assessment (ESIA) process to the county approval systems for efficiency in the approval process; (c) capacity building of the social risk management committees, county assemblies and their technical staff, job descriptions and schemes of services for environmental and social (E&S) specialists; (d) development of tools for citizen feedback on the budgeting process and oversight of public investments, development of complaints management mechanism for the Commission for Administrative Justice (CAJ), and stocktaking and establish the E&S gaps within the counties and initiate reforms to address them. ***Annex 5 details the IPF financed activities.***

The overall risk of the Program is rated as **Substantial**. The Environment and Social (E&S) risk rating under the PforR is assessed as Substantial, with a Substantial rating for both Environment and Social. The activities are expected to result in positive E&S outcomes and have moderate E&S risks and negative impacts. Although it is expected that some of the policy recommendations of the TA type 2 activities might pose E&S risks, the SEP details the need for a participatory consultative approach where the policy recommendations will be subjected to public participation. The potential risks and adverse impacts on the environment and people are not likely to be significant. Substantial downstream negative environmental and social risks would potentially occur if type 2 activities, such as policies, strategies, procedures, or frameworks, fail to adequately consider how social risks would be managed in future investments. Further, SDD has no prior experience implementing the ESF and its existing E&S risk management capacity needs strengthening. The foreseen social risks are (i) a limited influx of labour and related impacts, such as Sexual Exploitation and Abuse/Sexual Harassment (SEAH), (ii) potential exclusion of VMGs and other disadvantaged or vulnerable individuals and groups from TA activities, and (iii) the limited and developing capacity of SDD to manage the foreseen E&S risks and impacts, with no prior experience implementing the ESF, and (iv) significant reputational risks anticipated from how SDD and/or the counties may

subsequently fail to apply the TA advice. These have been communicated to the stakeholders during the regional ESSA workshops held in the counties, and during the validation workshop, that brought on board participants from VMG communities, CBOs and CSOs.

The objective of the SEP is to establish a systematic approach for stakeholder engagement, maintain a constructive relationship with TA stakeholders, consider their views, promote, and provide means for effective and inclusive engagement throughout the TA cycle, and ensure that appropriate information is disclosed to them in a timely, understandable, accessible, and appropriate manner. This SEP is therefore developed to guide SDD to ensure that stakeholders are: i) provided with timely, relevant, understandable, and accessible information and ii) consulted in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination, or intimidation, iii) provided with a mechanism by which they can raise concerns, provide feedback, or make complaints about TA activities.

The TA stakeholders will be the 47 sub national governments and their staff, wider Kenyan public served by the 47 Counties, including VMGs and other disadvantaged or vulnerable groups, relevant MDAs, technical and lead ESHS agencies, contractors and TA service providers, Civil society Organizations (CSOs), and the media. The engagement of TA stakeholders was initiated during the ESSA consultations and will continue throughout the Program cycle.

## 1.2 Program Components and Financing Instruments

The Program is designed to have two components with two subcomponents each. Component 1 (IPF) will be implemented at national level while the Component 2 (PforR) will be implemented at the sub national level as summarized in Table 1.

Table 1: Overview of KDSP II and financing instruments

Component	Subcomponents	Financing Instrument and Scope of interventions
<b>Level of intervention: National</b>		
1. Policies, capacity building, and Program management	<b>The IPF component</b> will finance national and county level reform actions and activities and will be implemented through two subcomponents:	<p>1.1 Program management, coordination, and monitoring and evaluation that will finance M&amp;E (including independent verification of achievement of Program results), fiduciary and environmental and social management support for the Program, Program communication activities, and audits.</p> <p>1.2 Policy support, Technical Assistance (TA) and capacity building to support the development and review of policy, regulatory, and institutional frameworks for both national and county level reform actions and activities. The activities proposed under TA will be part of nationwide efforts to address service delivery in counties.</p> <p>Type 2 TA activities, “Supporting the formulation of policies, programs, plans, strategies or legal frameworks”, including, (a) guidelines for county project management, project management committees, county project stock-taking, providing business process and technical requirements for county investment dashboard, climate change risk screening and preparedness, including assessment of the climate resilience of existing infrastructure assets, HR and skills audit, integrated performance management, revenue mapping; (b) developing county pending bills action plans, and strengthening Integrated Financial Management Information System ( IFMIS) controls for expenditure management; (c) frameworks for Public Investment Management (PIM), intergovernmental sectoral, inter-city, and inter-municipality forums, operationalizing the Devolution Sector Working Group (DSWG), monitoring and implementation of intergovernmental resolutions, county revenue forecasting with simple realism rules agreed, technical specifications for the Integrated</p>

	<p>County Revenue Management System; and (d) review of devolution and intergovernmental legal frameworks.</p> <p>Type 3 TA activities, “Strengthening borrower capacity”, will include (a) training and capacity building of county officers on e-procurement, training modules and manuals for county public service boards and county assembly service boards; (b) digitization and integration of the National Environmental Management Authority (NEMA) Environmental and Social Impact Assessment (ESIA) process to the county approval systems for efficiency in the approval process; (c) capacity building of the social risk management committees, county assemblies and their technical staff, job descriptions and schemes of services for environmental and social (E&amp;S) specialists; (d) development of tools for citizen feedback on the budgeting process and oversight of public investments, development of complaints management mechanism for the Commission for Administrative Justice (CAJ), and stocktaking and establish the E&amp;S gaps within the counties and initiate reforms to address them.</p>
<p>Level of intervention: Sub National</p>	
<p>2. County institutional building and investments</p> <p>SEP should inform scope of investments.</p>	<p><b>The PforR component will provide county governments with two types of grants:</b></p> <p><b>2.1 Level 1 Grants:</b> to finance capacity-building and institutional strengthening activities, incentivize counties to set up core governance and institutional arrangements for management of public resources, which will enhance capacity, facilitate achievement of Program results, and support Program coordination.</p> <p><b>2.2 Level 2 Grants:</b> to finance service delivery investments such as rehabilitation/construction of county hospitals, libraries, drainage, toilets, county fire stations, sport, cultural activities, and markets among others.</p>

### 1.3 Program Implementation Arrangements

The State Department for Devolution (SDD) will be responsible for the overall coordination, implementation, and supervision of E&S risk management under the PforR and IPF components, including aspects that concern VMGs and other disadvantaged or vulnerable individuals and groups and provide capacity-building and training to counties. Given the constitutional and legal mandates of various other institutions in the devolution space and the results the project intends to achieve, other key institutions will also play a key supporting role in the implementation of the project.

## CHAPTER 2: STAKEHOLDER ENGAGEMENT REGULATORY CONTEXT

Effective public participation strengthens and legitimizes state decisions, actions, and development intervention. It is an important element of good governance and the foundation for a true democracy. In line with good international practice, public participation is a requirement firmly anchored in the Constitution of Kenya (CoK, 2010) that provides new spaces for interaction, declared the citizen sovereign and demand that the public must be involved in every aspect of public governance.

### 2.1 National Policy, Legal and Institutional Framework Relevant to SEP

The Government of Kenya is committed to ensuring the attainment of effective public participation. This commitment is demonstrated by numerous provisions of the constitution on public participation and devolution. It is also demonstrated by the various policies, guidelines, and legislations on public participation. Furthermore, Kenya is a signatory to several international and regional conventions with important provisions on public participation. Table 2 summarizes some of the key legal and policy provisions for public participation in Kenya.

*Table 2: Policy, legal and institutional framework relevant to SEP*

No	Policy, Legal & Institutional Framework	Relevance	Application to TA Activities
1	The Constitution of Kenya, 2010	<p>Article 10 lists public participation as one of the national values and principles of governance that binds all state organs, state and public officers, and all persons in Kenya whenever any of them applies or interprets the Constitution, enacts, applies, or interprets any laws, or makes or implements public policy decisions.</p> <p>Article 174 (d) recognizes the rights of communities to manage their own affairs and to further their development.</p> <p>Article 184 (1)(c), National legislation shall provide for participation by residents in the governance of urban areas and cities.</p> <p>Article 27 (4) states: “The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth” and this, applies to the VMGs.</p> <p>Article 28 states that “every person has inherent dignity and the right to have that respected and protected”. This compels the proponents of the project to respect and protect the dignity of the members of VMGs during the project preparation, implementation including construction, and operation. For instance, the project should carefully examine the extent to which the project potentially affects the livelihoods of VMGs, because dignity - the state or quality of being worthy of honor or respect - is part of a people’s livelihoods. It is notable that VMG livelihoods are usually precarious and liable to</p>	SDD adhere to the Constitutional requirements of public participation in all its interventions by ensuring that the public have access to project information in a culturally appropriate way, feedback to the public is responded to in a timely manner, any concerns or grievances are addressed and ensure that targeted beneficiaries, have equitable access to TA benefits and opportunities while ensuring inclusion of the vulnerable individuals and groups and are effectively consulted on TA interventions.

		<p>disruption if exposed to external factors without care.</p> <p>Article 56 provides that the State shall put in place affirmative action programs designed to ensure that minorities and marginalized groups: (a) Participate and are represented in governance and other spheres of life, (b) Are provided special opportunities in educational and economic fields, (c) Are provided special opportunities for access to employment, (d) Develop their cultural values, languages and practices, and (e) Have reasonable access to water, health services and infrastructure. Article 56 thus compels projects to leave VMGs better not worse off, and to preserve their environment, cultural values, languages, and practices. In the project under review, it is critical to consider and remedy any chance of disrupting VMG culture.</p> <p>Article 232 (1) highlights the values and principles of public service and provides for transparency and timely provision to the public accurate information as one of the values and principles of public service. It binds all State Agencies at both National and County Government levels and State Corporations to observe these values and principles.</p> <p>Fourth Schedule Part 2 (14) Counties are to ensure and coordinate the participation of communities in governance at the local level</p> <p>Chapter 4, (3), Application of Rights (clause 54) states: A person with any disability is entitled: - (a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning; (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person; (c) to reasonable access to all places, public transport and information; (d) to use Sign language, Braille or other appropriate means of communication; and (e) to access materials and devices to overcome constraint arising from the person’s disability. (2) The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities</p>	
2	Kenya Vision 2030	<p>Under the Social Pillar of Vision 2030, i.e., the Country’s commitment to invest in the people of Kenya, the country’s journey towards prosperity is envisioned to involve building of a just and cohesive society, which enjoys equitable social development in a clean and secure environment.</p> <p>One of the guiding governance principles of the Vision 2030 is promoting equality of citizens where women and men will be treated equally. The</p>	SDD will adhere to the provisions of the Vision 2030 policy

		principle also requires that no citizen should be discriminated on the basis of gender, race, tribe, religion, or ancestral origin.	
3	The Public Participation Policy 2023	<p>The GoK has developed this Public Participation Policy as the country's overarching framework for public participation. In this policy, public participation is conceptualized as the process by which citizens, as individuals, groups, or communities (also known as stakeholders), take part in the conduct of public affairs, interact with the state and other non-state actors to influence decisions, policies, programs, legislation and provide oversight in service delivery, development and other matters concerning their governance and public interest, either directly or through freely chosen representatives.</p> <p>The main objective of the policy is to provide the framework for the management and coordination of public participation in Kenya for the fulfilment of the constitutional requirement on citizen engagement in development and governance processes in the country. Public bodies in Kenya will comply with this policy as a constitutional requirement</p>	The SEP developed for KDSP II is to provide the framework for the management and coordination of public participation in the TA engagements for the fulfilment of the Constitutional requirement of stakeholder engagement in its processes. SDD will comply with this policy requirement.
4	Access to Information Act, 2016	It allows citizens to seek information "... required for the exercise or protection of any right or fundamental freedom..." The duty to provide such information is borne by the state, public bodies and private bodies which should include those seeking to implement development projects. The Act prohibits the charging of fees for provision of information except for the cost of making copies and, only where necessary.	TA information will be shared and disclosed in line with the provisions of this Act.
5	Persons with Disability Act, 2003	The Act provides for the establishment of a National Council for Disability, its composition, functions, and administration for the promotion of the rights of persons with disabilities set out in international conventions and legal instruments, the constitution, and other laws, and for other connected matters.	The provisions of the Act shall be applied in the facilitation of inclusion of PWD's in provision of services and access to TA information.
6	National Gender and Equality Commission Act 2012 [2011]	The Act establishes the National Gender and Equality Commission mandated to promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalised groups in national development and to advise the Government on all aspects thereof; co-ordinate and advise on public education Programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination; and, work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency,	SDD will consider the inclusion of Indigenous Peoples (IPs) and other vulnerable individuals and groups in all consultation sessions and in access to Program benefits.

		<p>effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination, amongst other functions.</p> <p>Section 8(d) of the Act mandates the Commission to co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized communities and groups in national development and to advise the Government on all aspects thereof. The law further mandates the Commission to work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws.</p>	
7	HIV/AIDS Prevention and Control Act, 2000	The Act criminalizes discrimination against persons living with HIV/AIDS in workplaces, schools, public service, health facilities, insurance, and credit services. It mandates institutions to avail testing and treatment services to those who in need.	SDD will provide information on HIV/AIDS targeting the target beneficiaries and workers. It will ensure access to test and treat. Counselling services will be provided for the beneficiaries and workers needing this service.
8	Children Act, 2022	This Act is a comprehensive law on all matters to do with children. It provides that the best interests of the child shall be a primary consideration on all actions concerning children including protections related to employment.	SDD shall make clear restrictions regarding the employment of children. Age verification measures will be done for all TA service providers and other workers.
9	Sexual Offenses Act, 2009 (2006)	An Act makes provision about sexual offences (such as defilement, rape, gang rape, sexual assault, indecent acts, promotion of sexual offence with a child, incest, administering a substance with the intent to commit a sexual offence, and forcing a person to engage in sexual acts for religious and cultural reasons), which are aimed at prevention and the protection of all persons from harm from unlawful sexual acts, and for connected purposes. Section 15, 17 and 18 are mainly focused on sexual offences on minors (children).	SDD shall ensure measures are in place to avoid GBV/SEA-SH at workplaces. Additional measures to address GBV/SEA-H will be implemented as outlined in the LMP and SEA/SH Action plan.
10	The County Government Act (2012),	Section 86 of the AC provides for principles of citizen participation in county governments that shall be based upon the following principles: (a) timely access to information, data, documents, and other information relevant or related to policy formulation and implementation; (b) reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals,	SDD and the county governments shall comply with the requirement of this Act.

		<p>projects and budgets, the granting of permits and the establishment of specific performance standards;</p> <p>(c) protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;</p> <p>(d) legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities</p>	
11	Public Finance Management Act (2012)	<p>The Act provides for the establishment of County Budget and Economic Forum (CBEF) for purposes of public consultation on the county budget process. The CBEF shall consist of:</p> <p>(a) the Governor of the county who shall be the chairperson;</p> <p>(b) other members of the county executive committee;</p> <p>(c) a number of representatives, not being county public officers, equal to the number of executive committee members appointed by the Governor from persons nominated by organizations representing professionals, business, labor issues, women, persons with disabilities, the elderly, and faith-based groups at the county level.</p> <p>The purpose of the Forum is to provide a means for consultation by the county government on i) preparation of county plans, the County Fiscal Strategy Paper and the Budget Review and Outlook Paper for the county; and ii) matters relating to budgeting, the economy and financial management at the county level.</p>	SDD and the county governments shall comply with the requirement of this Act

## 2.2 World Bank’s ESS10: Stakeholder Engagement and Information Disclosure and ESS1: Assessment and Management of Environmental and Social Risks and Impacts (ESS1)

According to ESS10 which must be read in conjunction with ESS1: Assessment and Management of Environmental and Social Risks and Impacts, emphasizes that effective stakeholder engagement can significantly improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation. Specifically, the ESS10 sets out the following requirements for the borrowers to fulfill:

- Engage stakeholders throughout the project life cycle, commencing such engagement as early as possible in the project development process and in a timeframe that enables meaningful consultations with stakeholders on project design. The nature, scope and frequency of stakeholder engagement will be proportionate to the nature and scale of the project and its potential risks and impacts;
- Borrowers will engage in meaningful consultations with all stakeholders. Borrowers will provide stakeholders with timely, relevant, understandable, and accessible information, and consult with them



in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination, and intimidation;

- The process of stakeholder engagement will involve the following, as set out in further detail in this ESS: (i) stakeholder identification and analysis; (ii) planning how the engagement with stakeholders will take place; (iii) disclosure of information; (iv) consultation with stakeholders; (v) addressing and responding to grievances; and (vi) reporting to stakeholders.
- The Borrower will maintain and disclose as part of the environmental and social assessment, a documented record of stakeholder engagement, including a description of the stakeholders consulted, a summary of the feedback received and a brief explanation of how the feedback was considered, or the reasons why it was not.”

SDD shall apply and adhere to the requirements of ESS10 in its activities and decision-making affecting stakeholders.

This SEP is proportionate to the nature and scale of the TA activities and the potential risks and impacts. Stakeholders have been and will continue to be identified and their engagement needs, and communication channels defined. The SEP will be disclosed for public review and comments before appraisal. SDD will also seek the views of stakeholders on the SEP, including on the identification of stakeholders and the proposals for future engagement. In case changes are made to the SEP, SDD will disclose the revised version.

ESS10 further requires the development and implementation of a Grievance Mechanism (GM) that allows affected and interested parties and vulnerable and disadvantaged groups to raise concerns and provide feedback related to the environmental and social performance and to have those concerns addressed in a timely manner. In this regards a GM targeting TA stakeholders will be established and implemented throughout the TA cycle at both national and sub national levels. Complaints regarding TA activities will be directed to SDD and the respective county level GM. The TA stakeholders will also use the same GM to report any GBV/SEAH complaints arising from TA activities (details to be provided in the POM and the ESCP).

## CHAPTER 3: STAKEHOLDER IDENTIFICATION AND ANALYSIS

In order to meet best practice approaches, TA activities will apply the following principles for stakeholder engagement:

- **Openness and life-cycle approach:** Consultations will be arranged during the TA life cycle, carried out in an open manner, free of external manipulation, interference, coercion, or intimidation.
- **Informed participation and feedback:** Information will be provided to and widely distributed among all stakeholders in an appropriate format; opportunities are provided for communicating stakeholder feedback, and for analyzing and addressing comments and concerns.
- **Inclusiveness and sensitivity: Stakeholder identification is undertaken to support better communications and build effective relationships.** All stakeholders at all times are encouraged to be involved in the consultation process. Equal access to information is provided to all stakeholders. Sensitivity to stakeholders' needs is the key principle underlying the selection of engagement methods. Special attention is given to disadvantaged or vulnerable groups that may be at risk of being left out of TA engagements. Under the guidance of the Social Development Specialist (SDS), SDD shall pay particular attention to Historically Underserved Traditional Local Communities (HUTLCs) as defined in ESS7, also known as traditional minorities or Vulnerable and Marginalized Groups (VMGs) including hunter gatherers, forest dwellers and nomadic pastoralists to ensure that all consultations are culturally appropriate, accessible, and inclusive, in terms of formats, timing, locations, and languages as deemed appropriate. To do this, SDD under the guidance of SDS will undertake mapping of HUTLCs and engagement with their governance and representation structures to confirm their specific location including identifying their governance structure, preferred time, mode, and language of engagement. This engagement will be done at inception and throughout the cycle of the TA activities. SDD will also ensure that HUTLCs' representative bodies and organizations (e.g., councils of elders or village councils, or chieftains) and, where appropriate, other community members are adequately involved, ii) provided with sufficient time for decision-making processes; and iii) are allowed effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.
- **Flexibility:** Given the national scope of the interventions, sensitivity to traditional cultural practices especially those that restrict women from engaging face to face with men may be necessary. This is especially so in the North and North-Eastern regions of the country and in this case the methodology should adapt to other forms of stakeholder engagement including conducting separate consultation sessions for women and men.

Cooperation and negotiation with the TA stakeholders throughout the TA cycle will often require the identification of persons who act as legitimate representatives or any other community group members with the responsibility of advocating for the groups' interests in the process of engagement with the Program. Community representatives and other opinion leaders will provide helpful insights into the local settings and act as main conduits for dissemination of Program-related information and as a primary communication/liaison link between the TA stakeholders and their established networks. It is important however, to establish the legitimacy of such representatives prior to their engagement to ensure that they are the genuine advocates of the community they represent (more details will be provided in the POM). The legitimacy can be verified by:

- Inquiring informally from a sample of community members drawn from disadvantaged vulnerable groups and individuals in the respective counties during initial engagements with the Program.
- Formal inquiry through conducting focus group discussion with community members from the disadvantaged vulnerable groups and individuals.
- Engagement of respective county social development specialists to verify legitimacy of community representatives.

- Learning from similar WB financed PforR Programs previously or currently implemented within the similar geographical areas such as Governance for Enabling Service Delivery and Public Investment in Kenya (GESDeK I), Kenya Urban Support Program (KUSP) I & II, Kenya Devolution Support Program (KDSP I), Financing Locally Led Climate Action (FLLoCA), Kenya Water Sanitation and Hygiene Program (WASH), Kenya Green and Resilient Expansion of Sustainable Access to Electricity Program (GREEN) among others.

This far, KDSP II has consulted a number of stakeholders during the following undertakings: i) Environmental and Social System Assessment; ii), Mission for the Governance and Public Sector Reforms for the County Governance Performance Program and iii) Preparation Mission for KDSP II. Stakeholders consulted thus far include:

- Representatives of minority VMGs.
- Civil Society Groups.
- Lead ESHS agencies.
- National and county- government entities.

Engagement with all identified stakeholders will help ensure the greatest possible contribution from the stakeholder parties towards the successful implementation of TA activities and will enable the Program to draw on the pre-existing expertise, networks, and agendas. It will also facilitate both the community and institutional endorsement of the project by various parties. Access to the local knowledge and experience also becomes possible through the active involvement of stakeholders. KDSP II has a wide range of stakeholders including national and county government, private sector, civil society, and the general public. However, for the purposes of the SEP, stakeholders who are likely to be directly affected by the TA activities, include, but are not limited to:

**Affected Parties:** Individuals, groups and other entities that are directly affected (actually or potentially) by the project and/or have been identified as most susceptible, and who need to be closely engaged in identifying impacts and their significance, as well as in decision-making on mitigation and management measures, as well as access to project benefits and opportunities. Under KDSP II, affected parties include target beneficiaries in all the 47 participating counties, staff of county Governments, project implementing agencies, Technical Agencies (TAs) and lead ESHS Agencies. Affected parties will also include disadvantaged and vulnerable individuals and groups: These are persons and groups who may be disproportionately impacted or further disadvantaged by the project as compared to any other groups due to their disadvantaged and/or vulnerable status<sup>17</sup>, and that may require special engagement efforts to ensure their equal representation in the consultation and decision-making process associated with the TA activities. These may include VMGs and other disadvantaged or vulnerable individuals such as women, youth (especially those who are unemployed), elderly persons, female-headed households; child-headed households, urban poor, homeless and those residing in remote rural areas with limited access to internet and other social amenities. Due to its national geographical scope, IPF interventions will be implemented in areas with majority and minority Vulnerable and Marginalized Groups (VMGs). The ESS7 requires that VMGs are fully consulted about, and have opportunities to actively participate in, project design and the determination of project implementation arrangements, including access to benefits and opportunities. Under the KDSP II, the vulnerable or disadvantaged groups may include but are not limited to the following:

- VMGs;
- Women;
- Youth;
- Elderly persons;

- Female-headed households;
- Child-headed households;
- Urban poor;
- Homeless;
- Illiterate people;
- Persons with Disability (PWDs);
- People living in informal settlements.

The SEP requires that during the TA activities, the TA service providers and SDD, include minority VMGs and other disadvantaged or vulnerable groups in the TA consultation, to meaningfully participate in the process of making policies, strategies, plans. SDD will further confirm vulnerable individuals and groups that are likely to be affected by TA activities as necessary and appropriate to ensure that they are all effectively engaged. A description of the key TA stakeholders and their needs is summarized in Table 3.

**Interested Parties:** Civil Society Organizations (CSOs), contractors/service providers, development partners, media, individuals, entities that may not experience direct impacts from TA activities but who consider or perceive their interests as being affected by TA activities and/or who could affect the TA activities and the process of their implementation in some way.

Table 3: TA stakeholders and Engagement Needs

<i>Category</i>	<i>Stakeholder group</i>	<i>Estimated Membership</i>	<i>Language needs</i>	<i>Preferred notification means (e-mail, phone, radio, letter)</i>	<i>Specific needs (accessibility, large print, childcare, daytime meetings)</i>
<b>Project Affected Parties</b> includes target beneficiaries in all the 47 participating counties, VMGs, disadvantaged or vulnerable individuals and groups, staff of county Governments, project implementing agencies, Technical Agencies (TAs) and lead ESHS Agencies.					
Target beneficiaries - 47 counties participating.	County and sub-county leadership including County Executive Committee Members (CECs), Chief Officers (COs) across all devolved sectors, county directors, Ward administrators.  County Governments: County Program Coordination Unit (CPCU), County Program Technical Committee (CPTC), County Program Implementation Teams (CPITs) and	Numerous, spread across the country	English and Kiswahili	-Official Letter and memos; -Circulars; -Phone calls; -Reports; -Newsletter; -Radio; -SMS; -Social media platforms e.g., WhatsApp; -Local leadership offices.  -Newsletter; - Conference; -Workshops; - Emails.	Resources to access the various notification media/means that the project will facilitate. For instance, payment for advertisements made over the radio, printing of newsletters, the cost of making phone calls, etc.  Facilitation to hire venue and for participation in meetings.

<i>Category</i>	<i>Stakeholder group</i>	<i>Estimated Membership</i>	<i>Language needs</i>	<i>Preferred notification means (e-mail, phone, radio, letter)</i>	<i>Specific needs (accessibility, large print, childcare, daytime meetings)</i>
	County Program Steering Committees (PStC).				
Staff of county Governments.	County officers in the county departments such as finance, Revenue collection, budget and planning, procurement, audit departments, HRM including staff from others devolved sectors such as agriculture, health, infrastructure, and education, among others.	Numerous, spread across the country.	English and Kiswahili.	-Official Letter and memos; -Circulars; -Phone calls; -Reports; -Newsletter; -Radio; -SMS; -Social media platforms e.g., WhatsApp; -Local leadership offices; -Newsletter; - Conference; -Workshops; - Emails.	Resources to access the various resources.  Facilitation for hire of venue and participation in meetings.
County Assemblies 47 counties.	County Assembly leadership including elected ward representatives, nominated members from VMGs and other disadvantaged or vulnerable individuals and groups, speaker, and staff of the County Assemblies especially in departments such as finance and all members of house committees across all devolved sectors.	Numerous, spread across the country.	English and Kiswahili.	-Official Letter and memos; -Circulars; -Phone calls; -Reports; -Newsletter; -Radio; -SMS; -Social media platforms e.g., WhatsApp; -Local leadership offices; -Newsletter; - Conference; -Workshops; Emails.	Facilitation for hire of venue and participation in meetings, including other logistical requirements.  Resources to access the various resources.
Project Implementing agencies and Technical Agencies.	The key IA is the SDD supported by: CoG, IGRTC, NT, and PSC. Other inter agency structures: PStC, NTIPTs, NPTC, and PFM Sector.	Four and above depending on the roll-out of the Program	English.	-Official Letter and memos -Circulars -Phone calls -Reports -Newsletter -Radio -SMS	-Meeting venues. -Facilitation for staff and other logistics.

<i>Category</i>	<i>Stakeholder group</i>	<i>Estimated Membership</i>	<i>Language needs</i>	<i>Preferred notification means (e-mail, phone, radio, letter)</i>	<i>Specific needs (accessibility, large print, childcare, daytime meetings)</i>
	-Development Partners; -Devolution Sector Working Group; -Devolution Donor Working Group; -The PFM Sector Development Partners Working Group, and the Interagency PStC.			-Social media platforms e.g., WhatsApp; -Local leadership offices; -Newsletter; - Conference; -Workshops; - Emails.	
Lead ESHS Agencies.	National Construction Authority (NCA), Department of Occupational health and Safety (DOSHS), National Environment Management Authority (NEMA), National Land Commission (NLC), Social Impact and Risk Management (SRIM) Unit, Commission for Administration of Justice (CAJ), National Gender and Equality Commission (NGEC), National Council for People with Disability (NCPWD), and the State Department of Social Protection (SDSP).	Nine or more based on the potential risks associated with project interventions.	English.	-Workshops; -Email; -Reports; -Newsletter.	-Meeting venues. -Facilitation.
Community leaders.	All community leaders across the country will be targeted since the projects covers a national scope.	All leaders including opinion leaders across the country: MCAs, chiefs, religious leaders, village elder, etc.	English, Kiswahili, applicable local languages.	-Radio including those transmitting in local languages. -Newsletters -Strategic meetings (at county, sub-	-Mobilization. -Facilitation.

<i>Category</i>	<i>Stakeholder group</i>	<i>Estimated Membership</i>	<i>Language needs</i>	<i>Preferred notification means (e-mail, phone, radio, letter)</i>	<i>Specific needs (accessibility, large print, childcare, daytime meetings)</i>
				county, and ward levels).	
a. Vulnerable and Marginalized Groups (VMGs).	Comprise distinct social and cultural group with distinct characteristics found in various parts of the country. In Kenya these groups are also known as traditional minorities or VMGs and include hunter gatherers, forest dwellers and nomadic pastoralists.		Kiswahili applicable local and traditional languages.	-Phone calls; -WhatsApp; -Radio; -SMS; -Social media platforms; -Local leadership offices; -Newsletter; -Print messages pinned on notice boards of social hall, mosques, and churches; -Verbal invitations to meetings through their governance structures.	-Travel support for IPs, vulnerable individuals, and those from remote areas.  Early notification at least two weeks prior to the TA events.
b. Other disadvantaged or vulnerable individuals and groups.	Persons from minority clans, women, youth, single parents, elderly persons, PWDs, persons living with HIV/AIDS, people living in hard to serve areas.		English and Kiswahili applicable local and traditional languages.	-Phone calls; -WhatsApp; -Radio; -SMS; -Social media platforms; -Local leadership offices; -Newsletter; -Print messages pinned on notice boards of social hall, mosques, and churches; -Verbal invitations to meetings through their legitimate representatives.	-Travel support for IPs, vulnerable individuals, and those from remote areas.  Early notification at least two weeks prior to the TA events.
<b>Interested Parties</b>					
Service providers/ contractors.	Private sector organizations - FKE, Kenya Association of Manufacturers (KAM), KEPSA, Kenya National	Numerous, spread across the country.	English and Kiswahili.	-Workshops; -Email; -Reports; -Newsletter.	-Meeting venues. -Facilitation.

<i>Category</i>	<i>Stakeholder group</i>	<i>Estimated Membership</i>	<i>Language needs</i>	<i>Preferred notification means (e-mail, phone, radio, letter)</i>	<i>Specific needs (accessibility, large print, childcare, daytime meetings)</i>
	Chamber of Commerce and Industry (KNCCI), Kenya.				
Civil society organizations.	FBOs, CBOs, local and international NGOs, etc.	Various across the county based on the role assigned to them.	English, Kiswahili, local languages.	-Radio including those transmitting in local languages; -Newsletters; -Strategic meetings (at county, sub-county, and ward levels).	-Mobilization. -Facilitation.
Media.	Media houses operating at the national and county levels.	The key media houses at the national and county level.	English, Kiswahili, local languages.	-Newsletters -Strategic meetings (at county, sub-county, and ward levels).	-Press briefings. -Training of identified staff for accurate reporting.
General public.	All people will be targeted because of the national nature of the project.	Everyone across the nation.	English, Kiswahili, local languages.	-Radio including those transmitting in local languages; -Newsletters; -Strategic meetings (at county, sub-county, and ward levels).	-Mobilization. -Facilitation.



## CHAPTER 4: STAKEHOLDER ENGAGEMENT PROGRAM

### 4.1 Purpose and Timing of Stakeholder Engagement

The main goal of the SEP and the envisaged schedule for the various stakeholders' engagement activities is to provide information to stakeholders on the planned engagement processes including public information disclosure and consultation sessions throughout the TA cycle. Essentially this allows stakeholders to have early access to information about such upcoming engagements and thus can allocate time for effective engagement and participation. The SEP outlines the ways in which SDD will communicate with stakeholders and includes a mechanism by which people can raise concerns, provide feedback, or make complaints about the TA activities.

Early involvement of the stakeholders is essential to the success of TA activities as it will ensure smooth collaboration amongst stakeholders for purposes of minimizing and mitigating ESHS risks and impacts associated with TA activities. The SEP recommends the use of the five (5) principles that guide stakeholder engagement, and these include: purposeful; inclusive; timely, transparent; and respectful approaches that are also culturally acceptable and to take into consideration the concerns of all stakeholders. Throughout the TA cycle, SDD will provide stakeholders with opportunities to make input, suggestions and raise their concerns regarding ESHS risks and impacts as well as recommend appropriate mitigation measures. SDD will also facilitate and process stakeholder input and provide timely response on the raised concerns.

Under KDSP II, it is important to note that stakeholder engagement and consultation has already been initiated through the ESSA consultations, preparation of the project documents and will continue throughout the TA cycle. In cases where decisions on public meetings, locations, and timing of meetings have not yet been made, SDD will use a combination of methods such as emails, stakeholder meetings, social media among others, to reach out to the relevant stakeholder category and also provide adequate information and sufficient time to allow for review and provision of input.

The SEP will help to ensure that all relevant stakeholders are consulted and engaged in the TA activities. It is important to keep in mind that SEP implementation is a dynamic process and some stakeholders, and their interests, might change over time or new stakeholders and information needs may emerge, and hence the SEP will be updated accordingly, should such need arise during TA implementation. The SEP activities below, outlines the goals and envisaged schedule for the various stakeholder engagement activities. The TA activities will include:

- Support in developing a framework for implementing the County Government Additional Allocation Act, operationalizing all intergovernmental sectoral frameworks, policy and legal framework for devolution and model framework and guidelines on county fiscal bureaus
- Support the training and capacity building of county officers on e-procurement, training modules and manuals for county public service boards and county assembly service boards, automation and integration of the NEMA Environmental and Social Impact Assessment (ESIA) process to the county approval systems for efficiency in the approval process, and capacity building of the social risk management committees.
- Support for SDD to address and close out gaps and deficiencies uncovered by the environmental and social systems assessment (ESSA). Some of the gaps and recommended measures are presented in Table 4 below. To address the gaps, SDD 's E&S capacity will be strengthened through training on ESF for the NPCU, Environment and Social Specialists and staff of NPCU, Gender-Based Violence (SEAH); Inclusion of VMGs and other disadvantaged or Vulnerable groups (PWDs, ethnic minorities); Occupational Health and Safety (OHS); Stakeholder Engagement and Grievances Management.

Table 4: E&S System Gaps Identified during ESSA and recommended Mitigation Measures

Identified Gaps in the national Environmental and Social System	Material Measures Recommended for addressing the Gaps
<p>Low commitment to E&amp;S sustainability leading to inadequate resourcing and accountability for ESHS risk management.</p>	<ul style="list-style-type: none"> <li>• SDD to develop an Environmental, Social, Health, and Safety Risk and Impacts Management Manual (ESHSRIM) as an annex to the Program Operations Manual (POM).</li> <li>• Deploy full time 1 environmental specialist, 1 health and safety specialist, and 1 social specialist at the NPCU.</li> <li>• Deploy adequate, qualified, experienced, and full-time <b>1 environmental and 1 social safeguards staff</b> in Counties Project Coordination Unit (CPCU).</li> </ul>
<p>Ineffective county GM systems; insufficient targeting and inclusion of minority VMGs and other disadvantaged or vulnerable individuals and groups in participation and accessing Program benefits.</p>	<ul style="list-style-type: none"> <li>• Conduct a survey of existing GM mechanisms across counties, develop and implement a county sub-project level GM that is responsive to the needs of the minority VMGs and other disadvantaged groups.</li> <li>• The ESHSRIM Manual to be adopted by counties will outline measures to ensure meaningful targeting, inclusion, and participation of minority VMGs and other disadvantaged or vulnerable individuals and groups.</li> <li>• Strengthen the county participation guidelines prepared under the WB-funded Kenya Accountable Devolution Program to mainstream aspects of gender, disability, minority VMGs, and other disadvantaged groups.</li> <li>• Representation of minority VMGs and other disadvantaged groups on the proposed ward-level project implementation committees, GM committees, and other applicable governance structures.</li> </ul>
<p>Inadequate collaboration and coordination of activities between the Program teams with lead E&amp;S agencies i.e., DOSHS, NGEC, CAJ, NLC, and NEMA.</p>	<ul style="list-style-type: none"> <li>• Collaborate and partner with the lead ESHS agencies, including DOSHS, NEMA, SRIM unit, NCA, CAJ and NLC to train counties and contractors on ESHS risks and impacts management.</li> </ul>

#### 4.2 Proposed strategies for information disclosure, feedback, and consultation

International good practice and the ESS 10 increasingly emphasize the importance of stakeholder consultation being ‘free, prior and informed’, which implies an accessible and unconstrained process that is accompanied by the timely provision of relevant and understandable information. Early disclosure of project related information is necessary to provide an overall picture of the project for informed decision-

making with regards to next steps. Information will be provided to and widely distributed among all stakeholders in an appropriate format; ongoing opportunities will be provided for responding regularly to stakeholders' feedback, for analyzing and addressing comments and concerns. To fulfil this requirement, KDSPII will apply a range of consultation and disclosure of information methods that allow for effective stakeholder participation and timely provision of feedback. Some of the methods to be applied under KDSPII are presented in Table 5. This list is not exhaustive and other methods that will be found to be relevant and applicable in the different context of the project's Area of Influence.

Table 5: Methods/tools for Information disclosure, feedback, consultation & participation

Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
<b>For disclosure of project Information</b>					
Printed public materials: leaflets, brochures, fact sheets.	Used to convey information on TA activities and to provide regular updates on progress to national and local, stakeholders.	Printed materials present illustrative and written information on planned TA activities.  Presented contents are concise, clear, and easy to understand by a layperson reader.	Distribution as part of consultation meetings, awareness campaigns, discussions, and meetings with stakeholders.  Circulation of the newsletter or update sheet with a specified frequency in the project's Area of Influence, as well as to any other stakeholders that expressed their interest in receiving these periodicals.	All affected parties including VMGs and other disadvantaged or vulnerable individuals/groups.  Implementing Agencies and Other MDAs.	At inception of TA activities.  On quarterly basis to provide regular updates on TA activities.
Printed newsletters/ Updates.	A newsletter or an update circular sent out to Program stakeholders on a regular basis to maintain awareness on TA activities.	Graphics and pictorials are widely used to describe technical aspects and aid understanding.			Regular updates on TA activities will be provided on quarterly basis.
Notice Boards.	Information on planned TA activities is printed and displayed on notice boards in public places.	Advance announcements of: - upcoming TA events, - commencement of specific TA activities, - any changes made to the scheduled TA events.	Printed announcements are placed in visible and easily accessible places frequented by the local public, including village cultural centers, post offices, shop, local administrations offices	All affected parties including VMGs and other disadvantaged or vulnerable individuals/groups.  Project interested parties.	Routinely as TA events are planned but ensure information is shared at least two weeks prior to the planned events. All stakeholder categories will be able to access information.

Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
Visual presentations.	Presentation on TA activities shared with affected communities, (e.g., VMGs and other disadvantaged or vulnerable individuals and groups and other interested audiences such as other MDAs, CBOs, CSOs, Counties.	Description of TA activities, processes and timelines including providing updates on progress made of the scheduled TA activities.	Used widely during consultation with the public, communities and allows for oral interaction especially when Q&A sessions are provided at the tail end of the presentation.  If a large audience is expected to attend a necessary arrangement will be made to ensure audibility and visibility of the presentations. This includes provision of a microphone, proper illumination, projector, places allocated for the wheelchair users.	All affected parties including VMGs and other disadvantaged or vulnerable individuals and groups.  Project interested parties.	This is most applicable during consultation workshops and can be applied on quarterly basis to affected parties.  This can be applied on semiannual basis or when need arises.
Recorded messages.	Used to communicate information on planned TA activities, upcoming consultation events and to provide regular updates on progress to local,	The recorded messages need to be brief and clear for ease of understanding.	Such voice messages can be played on Radio, or to some extent smart phones (some of the representatives of VMGs and other disadvantaged or vulnerable individuals	VMGs and other disadvantaged or vulnerable individuals and groups.	Such recorded messages can be played on radio or even on smart phone using applications such as WhatsApp to pass information on upcoming TA events, addressing any concerns.

Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
	stakeholders especially VMGs and disadvantaged or vulnerable individuals and groups.		and groups have access to smart phones) where such information can be shared with the rest of the community members.		or just reporting on progress made.
<b>For provision of feedback to project Implementing Agencies</b>					
Dedicated telephone line.	The Project will set up a dedicated toll-free telephone line at both levels of government for use by the public for purposes of making inquiries, provide feedback or obtain TA information.	Information that is of interest or interest to the direct project beneficiaries and other stakeholders.	Telephone numbers are printed on published materials and distributed to project stakeholders during public meetings.  The project will also have designated staff to answer and respond to the calls, and to direct callers to specialist experts or to offer a call-back if a question requires detailed consideration.	All project affected parties including All affected parties including VMGs and other disadvantaged or vulnerable individuals and groups.  Project interested parties.	A toll – free line will be made available throughout the TA cycle to allow for ease of recording of complaints and grievances relating to the TA activities.
Telephone Numbers of specialized staff responsible for stakeholder engagement.	At inception of TA activities, telephone numbers of projects specialized staff will be shared with the public. This will however be discontinued, and stakeholders encouraged to use the official toll-free line once it is fully operationalized.				

Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
Internet/Digital Media.	Establishment of KDSPII website to promote various information and provide updates on the overall TA activities: Engagement activities with the public on TA activities e.g. -procurement, -employment opportunities Project website to have a built-in feature that allows viewers to leave comments or ask questions about the TA activities. -Website to be available in both English and Kiswahili	Information such as project development updates, employment opportunities, procurement related advertisements and upcoming engagements with stakeholders.	A link to the project website should be specified on the printed materials distributed to stakeholders.  <b>Limitation:</b> Not all stakeholders have access to the internet, especially in the remote and hard to reach areas where some of the VMGs and other disadvantaged or vulnerable individuals and groups.	All affected parties. This may also exclude affected parties, including VMGs and other disadvantaged or vulnerable individuals and groups due to limitation in accessing internet services.  Project interested parties.  Implementing Agencies.  Other MDAs.	The SDD website will be regularly updated with information on TA activities and stakeholders especially those with access to internet can be able to access such information throughout the TA cycle.
Mobile kiosks, informants, and local feedback facilitators for VMGs and other disadvantaged or Vulnerable	Presentation on TA activities shared with affected communities, (e.g., VMGs and other disadvantaged or vulnerable individuals and	Description of TA activities, processes and timelines including providing updates on progress made of the scheduled TA activities  TA outputs.	Used widely during consultation with the public, communities and allows for oral interaction especially when Q&A sessions are provided at the tail	All project affected parties  Project interested parties  VMGs and other disadvantaged or	Stakeholders are free to always provide feedback or suggestions on TA activities.

Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
individuals and groups.	groups, other interested audiences such as other MDAs, CBOs, CSOs, Counties.		end of the presentation If a large audience is expected to attend a necessary arrangement will be made to ensure audibility and visibility of the presentations. This includes provision of a microphone, proper illumination, projector, places allocated for the wheelchair users.	vulnerable individuals and groups.	
Feedback & Suggestion Box.	A suggestion box can be used to encourage stakeholders to leave written feedback and comments about the TA activities.  Contents of the suggestion box should be checked by designated staff on a regular basis to ensure timely collection of input and provision of	Any questions, queries, or concerns, especially from stakeholders who may find it difficult to express their views or concern verbally during public meetings.	Appropriate location for the suggestion box should be selected in a safe public place to make it readily accessible to the stakeholders.  Information about the availability of the suggestion box should be communicated as part of project Team's regular interaction with stakeholders on TA activities.	All affected parties, including VMGs and other disadvantaged or vulnerable individuals and groups.  Project interested parties including VMGs and other disadvantaged or vulnerable individuals and groups . Implementing Agencies.  Other Government MDAs.	Stakeholders are free to always provide feedback or suggestions on TA activities. SDS needs to ensure that the feedback/suggestion Box is checked on daily basis so as to provide timely response on issue raised within 7 days.



Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
	response/action, as necessary.				
<b>For consultation and participation</b>					
Focus Group Discussions and Round Table Workshops.	Used to facilitate discussion on TA specific issues that merit collective examination with various groups of stakeholders.	Project specific activities and plans, processes that require detailed discussion with affected stakeholders.  Separate focus group meetings with VMGs and other disadvantaged or vulnerable individuals and groups will be helping to provide space for expressing their concerns and views.	Announcements of the forthcoming meetings are widely circulated to participants in advance.  Targeted invitations are sent out to stakeholders.	All affected parties including VMGs and other disadvantaged or vulnerable individuals and groups.  Project interested parties.  Implementing Agencies.  Other MDAs.	The Focus Group Discussions can be held throughout the TA cycle on a need basis
Information Centre or open office located within the Project Implementation Units (PIUs).	Project designated venue for depositing TA-related information that also offers open hours to the stakeholders and other members of the public.  The venue is manned by designated project staff available	TA-related materials to be made available in such centers or open offices.  Stakeholders are invited to ask issue related to the TA activities that are of interest or concern.	Information about the info centre or a field office with open hours for the public, together with contact details, is provided on the project's printed materials distributed to stakeholders, as well as during public meetings and household visits.		Need basis

Method/Tool	Description and Use	Content	Dissemination Method	Target Group	Frequency of Stakeholder Engagement
	to respond to queries or provide clarifications on TA activities where needed.				

### 4.3 Brief Summary of Stakeholder Engagement Consultations

The KDSPII team conducted three (3) workshops on 24th April to 25th May 2023. The workshops' key objective was to deliberate KDSP II Key Result Areas and how to identify the bottlenecks. Further, in July and August 2023, the ESSA team held regional level consultations in Nakuru and Nairobi counties with participants from Isiolo, Taita Taveta, Vihiga, Elgeyo Marakwet, Kajiado, Kakamega, Makueni, Nakuru, Nairobi, Mombasa, Nyandarua, Kisumu, and Kisii counties, including Ministries, Departments and Agencies (MDAs), civil society groups, representative of Vulnerable and Marginalized Groups. National-level consultations were held in Nairobi bringing together implementing agencies, MDAs relevant to the Program and civil society groups. The sampling criteria considered counties with registered and unregistered community land, where minority VMGs are present, county Social Risk and Impacts Management (SRIM) committees have been formed or inducted, as well as counties presenting lessons learned and best practices in governance. The ESSA findings were presented to stakeholders for validation through a series of meetings in October 2023. Participants during the consultation workshops included national and county level government officials, county E&S focal persons, civil society groups and representatives of minority VMGs. The VMG communities representatives were from Yaaku, Aweer, Ogiek, Sengwer, Waatha, Orma, El-molo, Endrois, Ilchamus, Ilkunono, Basuba and Makonde communities. The participants shared their experiences regarding progress and challenges regarding stakeholder engagement under KDSP I and provided recommendations for enhancing the same under KDSPII.

The ESSA consultations sought to establish the robustness of the country's E&S systems to manage the E&S risks and impacts and enhance E&S opportunities and value added under the Program. The findings of these engagements indicate gaps in the country's and the counties' E&S systems, including uncoordinated staffing and uneven E&S capacities, grievance redress mechanisms (GM) with limited functionality and effectiveness, and inadequate stakeholder engagement processes. For these reasons, TA to counties is critical in ensuring a coordinated approach to E&S management at the county level, strengthening GMs, and ensuring public participation processes meet the threshold of meaningful consultations.

The PAD, PAP, ESCP, and Program Operational Manual (POM) will incorporate guidelines to enhance the management of ESHS risks identified under the Program, including stakeholder engagement, inclusion of minority VMGs and other disadvantaged or vulnerable individuals and groups, and grievance management. Further, the PAP includes the following provisions: (i) Strengthening the county public participation protocols developed under the Kenya Accountable Devolution Program (KADP) to mainstream gender, disability, and VMG aspects; (ii) Enhancing GM systems into the counties' guidelines, including the PIM, to ensure they are effective and responsive to the needs of the minority VMGs and other disadvantaged or vulnerable individuals and groups; (iii) Ensuring that the proposed ward-level project implementation committees constitute representation from minority VMGs and other disadvantaged or vulnerable individuals and groups; and (iv) Counties prioritize infrastructure projects that collectively benefit dominant communities, minority VMGs, and other disadvantaged or vulnerable individuals and groups. The PAP captures aspects (i-iv) as performance measures linked to DLI 7 (under KRA 3), with expected outputs to be measured and confirmed annually through APA. The PAP further includes measures to analyze and institutionalize county ESHS systems, including an entity to anchor, coordinate, and oversee ESHS structures/aspects within counties.

The VMG representatives outlined the need for effective participation of minority VMG communities during all phases of the Program through, meaningful sensitization of VMGs on the KDSPII Program and timely disclosure of Program information, adequate representation of VMGs in the various Program governance structures at the sub project level, prioritization of sub-projects that collectively benefits dominant communities, minority VMGs and other disadvantaged or vulnerable individuals and groups, engagement of VMGs in the routine monitoring of the Program to understand progress and address challenges as implementation continues, and ring-fencing some of the socio-economic opportunities of

the Program such as contracts, employment, and training for VMGs, to ensure their equitable access to Program benefits and opportunities.

A summary of consultation sessions conducted with various stakeholders and the key discussions held is presented in Table 5.

Table 6: Summary of Stakeholder Consultation Workshops Held

Date of consultation & Venue	Stakeholder Groups or individual	Key Discussion Points	Concerns Raised	Response Provided
<b>1. Designing the Program</b>				
May 23 <sup>rd</sup> - 25 <sup>th</sup> 2023, Sarova Panafric, Nairobi.	National MDAs and County Governments.	Train the various National MDAs and county representatives on the GovEnable tool.	N/A.	Tool to be incorporated in KDSP II.
April 24 <sup>th</sup> - May 6 <sup>th</sup> 2023, in Nairobi.  <i>Participants: Eight (8) counties- Bungoma, Homa Bay, Nakuru, Nyeri, Laikipia, Embu, Garissa, and Tana River.</i>	National Treasury National MDAs such as Public service Commission County Executive, County Public Service Board, County Assembly & County Assembly Service Board.	Identify challenges and expected outcome in the counties.  Consult stakeholders for the new program, which is a successor of the Kenya Devolution Support Program (KDSP).  Provide an overview of Program-for-Results Instrument.	Inefficiencies in tax policy and administration.  Inefficiencies in budget, expenditure, public investment, public procurement, and treasury management.  Fragmentation of policy formulation, implementation, and monitoring within and across sectors is negatively impacting service delivery outcomes. Absence of systematic monitoring of the implementation of audit recommendations are impacting the accountability of audited entities. What do we intent to achieve at the end of this program?	To be incorporated in KDSP II.  The program aims at strengthening county performance and efficient management of resources.
June 5 <sup>th</sup> - 16 <sup>th</sup> June 2023.	Governors Deputy governors County Executive, County Public	Carry out preparatory activities for the proposed program for results.	Underperformance in OSR collection. High wage bill (currently at 58%)	

<p><i>Participants: Eight (8) counties - Kakamega, Homa Bay, Nakuru, Makueni, Laikipia, Embu, Garissa and Taita Taveta.</i></p>	<p>Service Board, County Assembly &amp; County Assembly Service Board.</p>	<p>Agree on the next steps in the design of Kenya County Governance and Performance Program (KCGPP). Discuss with the County Governments on the priority areas for the proposed KDSPII Program.</p>	<p>since inheritance of staff was not factored in. No project management committees. Poor succession management. Weak payroll practices. Unclear staff development and career progression plans leading to stagnation and poor motivation. Low uptake of knowledge management and documentation. Poor monitoring and evaluation. Inadequate budget support for civic education and public participation.</p>	
<p><b>2. Assessing the Country Environmental and Social Systems</b></p>				
<p><b>July - August 2023 in Nairobi and Nakuru.</b></p> <p><i>Participating Fifteen (15) counties- Isiolo, Taita Taveta, Vihiga, Elgeyo Marakwet, Kajiado, Kakamega, Makueni, Nakuru, Nairobi, Mombasa, Nyandarua, Kisumu, and Kisii counties.</i></p>	<p>National MDAs County Governments Civil Society E&amp;S county focal persons trained under World Bank funded projects.</p>	<p>Environmental and Social Systems Assessment to identify potential gaps in the E&amp;S systems and recommend material mitigation measures. Identify how the TA activities will impact the vulnerable individuals and groups and the mitigation measures necessary to ensure that they have access to program benefits.</p>	<p>What is the role of the County Assembly in this program?</p>	<p>There is need to focus on the County Assembly to improve the oversight role.</p>
<p><b>July - August 2023 in Nairobi and Nakuru.</b></p> <p>Ogiek, Sengwer, Yakku, Aweer and Waatha.</p>	<p><b>Minority VMG representatives:</b> - Ogiek People Development Program Hunters and Gatherers Forum, Kenya</p>	<p>-Meaningful sensitization of VMGs on the KDSPII Program and timely disclosure of Program information. -Adequate representation of</p>	<p>Limited targeting and inclusion of minority VMGs and other disadvantaged or vulnerable individuals and groups.</p>	<p>Mitigation measures captured in the Program Action Plan and ESCP.</p>

	<p>Sengwer Indigenous People, Kolongei, and Chego Sengwer Self Help Groups.</p> <p><b>Civil Society Group:</b> Institute for Social Accountability, Kenya National Commission on Human Rights.</p>	<p>VMGs in the various Program governance structures at the sub project level.</p> <ul style="list-style-type: none"> <li>-Prioritization of sub-projects that collectively benefits dominant communities, minority VMGs and other disadvantaged or vulnerable individuals and groups.</li> <li>-Engagement of VMGs in the routine monitoring of the Program to understand progress and address challenges as implementation continues.</li> <li>-Ring-fencing some of the socio-economic opportunities of the Program such as contracts, employment, and training for VMGs, to ensure their equitable access to Program benefits and opportunities.</li> <li>-Providing a Program GM that effectively addresses the VMG-related concerns.</li> </ul>		
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3. **Validating the Environmental and Social Systems Assessment (ESSA) Findings**

<p><b>October 2023</b></p> <p>Ogiek, Sengwer, Yaaku, Aweer, Waatha, Endrois, Ilchamus, Ilkunono, El-molo, Orma, Basuba, Makonde.</p>	<p><b>Minority VMG representatives</b></p> <p>from Sengwer, Ogiek, Yaaku, Aweer, Waatha, Endrois, Ilchamus, Ilkunono, Orma, El-molo, Basuba and Makonde communities.</p> <p><b>Civil Society Group:</b></p>	<ul style="list-style-type: none"> <li>-Inclusion and access to program benefits by VMGs.</li> <li>-Existing GM structures within VMG communities that can be used to address project related grievances.</li> <li>-Existing governance structures among VMG communities that can be used for community</li> </ul>	<p>Factors likely to hinder VMG involvement in KDSPII include:</p> <ul style="list-style-type: none"> <li>-Inadequate information disclosure.</li> <li>-Exclusion of VMG communities from project activities.</li> <li>-Lack of appropriate policies and guidelines mandating VMG engagement.</li> </ul>	<p>Mitigation measures captured in the Program Action Plan and ESCP.</p>
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		mobilization and engagement.	-Lack of affirmative action guidelines that exclude. -Political interference. -Cultures that impede engagement of women in meetings.	
	<b>National MDAs County Governments E&amp;S Focal Persons.</b>	Review of the Draft ESSA for consensus on gaps in the national ESHS system and appropriate mitigation measures included in the PAP.	Weak institutionalization of ESHS structures in counties.	Mitigation measures captured in the Program Action Plan.

## CHAPTER 5: PUBLIC CONSULTATION ON KEY PROGRAM SOCIAL INSTRUMENTS

As a standard practice and as guided by ESS10, the disclosure of key project's social instruments/materials including the SEP will be done by making them available at venues and locations convenient for the stakeholders and places to which the public have unhindered access. The disclosure process associated with the release of project social instruments, will be implemented as follows:

- Disclosure of the SEP and ESCP in the public domain will take place after clearance by the World Bank. As per the World Bank Policy, the instruments will be disclosed on the SDD website after which the World Bank will disclose on its external website;
- Consultations will be held with TA stakeholders to present and discuss measures proposed in the said instruments; and
- Subsequent and appropriate disclosures will be done during the implementation of TA activities.

Once disclosed, the SEP will remain in the public domain and retained in this space throughout the TA cycle. The SEP, GM and ESCP will be updated on a regular basis to allow for timely identification and involvement of any new affected and interested parties. The methods of engagement will also be revised periodically to maintain their effectiveness and relevance to the Project's evolving environment. In addition to the disclosure of the key social instruments, SDD will also ensure that engagement materials- brochures, newsletters and updates are posted on SDD's website. In addition, the SDD's website will provide details on the GM. SDD will regularly update and maintain its website throughout the TA cycle and will work with the other Project's agencies to ensure their websites are also up to date with all TA products including TORs, policy drafts, plans strategies and legal frameworks for devolution and guidelines on county fiscal bureaus among others.

### 5.1 Stakeholder Engagement and Disclosure Methods

The outline presented in the Table below summarizes the main social instruments to be disclosed, methods of disclosure, the target stakeholder groups, as well as percentage reached.



Table 7: Stakeholder engagement and disclosure methods

Project Stage	List of information to be disclosed	Methods proposed	Target Stakeholders	Responsibilities
Project Design	SEP	Stakeholder meetings	National Level County level	NPCU
		Email	National Level	NPCU
		websites	National level	NPCU
	ESCP	Stakeholder meetings	National County level	NPCU
		Email	National level	NPCU
		Websites	National level	NPCU
	Key E&S instruments SEP, ESCP, GM) OHS protocols, ESHS manual, engagement protocol for minority VMGs and other disadvantaged groups.	Stakeholder meetings on E&S in all counties	County level	NPCU
		Email	National level	NPCU
		Websites	National level	NPCU
Project Implementation phase	TA outputs including draft policies, legal frameworks, plan, strategies, and other relevant documents.	Focus Group discussion organized for the different stakeholder groups.  Separate workshops and FGDs organized for minority VMGs and other disadvantaged groups.	County Level National Level	NPCU

SDD will ensure continuous engagement of all relevant stakeholders, routine reporting, and regular updating of the stakeholder lists. This process is to be led by the Social Development Specialist, who will be responsible for organizing the review and enhancement of the stakeholder engagement activities based on the outcome of M&E process. SDD, and other entities with mandates on the project such as CoG, Intergovernmental Relations Technical Committee (IGRTC), National Treasury, Ministry of Public Service, Performance and Delivery, and Public Service Commission (PSC), as well as counties will need to develop their GM charters early.

## 5.2 Proposed Strategy for Consultation

SDD will structure stakeholder engagements systematically to reflect the provisions of the Constitution of Kenya, 2010, under other relevant laws on public participation, as well as ESS10, to ensure that all relevant constructive relationships are built and maintained with them throughout the TA implementation process. As appropriate to the TA activities, meaningful stakeholder engagement at national and county levels will be part and parcel of the entire process of implementing TA activities. The nature, scope, and frequency of stakeholder engagement will be proportionate to the nature and scale of the TA activities and the potential E&S risks and impacts. Information disclosure to the national and county stakeholders will rely on the following key methods as appropriate to each stakeholder category: email, physical/virtual meetings, radio broadcasting, community meetings in coordination with relevant county institutions and community leaders, phone calls and social media communication (SMS/WhatsApp). At the national level, information will be disclosed mainly by email, physical/virtual meetings and through reports, as appropriate. Information will be disclosed in Kiswahili, English and other applicable local languages especially among the VMG communities as necessary. Local leaders at the county/ sub county/ ward level

such as Ward administrators, chiefs, village elders, religious leaders will also be engaged to assist in sharing information with affected parties, through avenues such as regular community meetings held at the local level or through other channels such as churches or mosques and schools.

### **5.3 Proposed Strategy to Incorporate the Views of Vulnerable Groups**

These are persons who may be disproportionately impacted or further disadvantaged by the TA activities as compared with other groups due to their vulnerable status, and that may require special engagement efforts to ensure their representation in the consultation and decision-making process associated with the TA activities. The TA consultant's team will ensure that the vulnerable and disadvantaged groups are aware about the proposed TA activities and that they have the possibility to submit their propositions/suggestions on the proposed policies, strategies, and plans. It is expected that the TA consultants will reach out to the vulnerable and disadvantaged groups, especially in counties<sup>2</sup> with minority VMG communities. The format of every consultation activity will meet general requirements on accessibility, i.e., should be held at venues that are easily reachable and do not require long commutes, entrance fees or preliminary access authorization, cultural appropriateness (i.e., with due respect to the local customs and norms), and inclusiveness, i.e., engaging all segments of the local society, including disabled persons, the elderly, minorities, and other vulnerable individuals, e.g., taking into view the access needs of persons with disabilities. If necessary, logistical assistance should be provided to enable participants from remote areas, persons with limited physical abilities and those with insufficient financial or transportation means to attend public meetings scheduled by the TA consultants.

### **5.4 Timelines**

Prior to the consultation process for TA activities, the TA Consultant with support by SDD, will disclose to the various stakeholders the consultation timeframes and objectives to ensure a meaningful and informed consultation process, especially where VMGs are concerned. In addition, the TA Consultant and SDD will maintain and disclose as part of TA activities, a documented record of the stakeholder engagement, such as (i) stakeholders consulted, (ii) feedback received, and (iii) how the feedback was considered or the reasons why it was not.

### **5.5 Review of Comments**

Stakeholders will be given opportunity to provide feedback on the draft policies, strategies, and plans, either through stakeholder feedback workshops or by sharing the respective documents with them in line with the communication channels outlined in this SEP. In this regard, the TA consultants and SDD will take special measures to ensure that members of VMG communities have equal opportunity to provide feedback on the TA activities and to incorporate their views, voices and needs into the frameworks, policies, strategies, plans. Some of the measures to achieve effective feedback, the respective documents will be shared with stakeholders in advance of the feedback date (this should be at least two weeks) prior to the stakeholder feedback workshop or, as applicable, the set date for receiving written feedback from stakeholders. In the case of feedback workshop(s), the TA consultant and SDD will ensure the invites are sent out in advance explaining the agenda of the meeting and opportunity is offered to speak. This will be done in a culturally appropriate manner as needed. Information dissemination will also consider communicating with persons with disabilities (e.g., ensuring there is sign language translation during meetings). The documents produced and shared will be translated into Kiswahili if necessary. The mapping of VMGs under the IPF will inform the consultation and communication activities under the TA.

Stakeholders will be given opportunity to provide feedback on the draft policies, strategies, and plans, either through stakeholder feedback workshops or by sharing the respective documents with them in line with the communication channels outlined in this SEP. In this regard, the TA consultants and SDD will take special measures to ensure that members of VMG communities have equal opportunity to provide feedback on the TA activities and to incorporate their views, voices and needs into the frameworks, policies, strategies, plans. Some of the measures to achieve effective feedback, the respective documents will be shared with stakeholders in advance of the feedback date (this should be at least two weeks) prior

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<sup>2</sup> In counties such as Elgeyo Marakwet, Trans-Nzoia, Turkana, Wajir, Marsabit, Tana River, Garissa, Mandera, West Pokot among others.

to the stakeholder feedback workshop or, as applicable, the set date for receiving written feedback from stakeholders. In the case of feedback workshop(s), the TA consultant and SDD will ensure the invites are sent out in advance explaining the agenda of the meeting and opportunity is offered to speak. This will be done in a culturally appropriate manner as needed. Information dissemination will also consider communicating with persons with disabilities (e.g., ensuring there is sign language translation during meetings). The documents produced and shared will be translated into Kiswahili if necessary. The mapping and profiling of the vulnerable and marginalized groups carried out through the PforR component will inform the consultation and communication activities under the TA.

## CHAPTER 6: GRIEVANCE MECHANISM

A Grievance Mechanism (GM), targeting TA stakeholders will be prepared and implemented throughout the TA cycle. Complaints regarding TA activities may include workers' rights; sexual harassment; salaries and wages, and working hours, etc. The GM shall be equipped to receive, register, and facilitate the resolution of GBV/SEAH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner. However, such complaints should be kept confidential, the name of the complainant should not be recorded, only the age, gender of the complainant, and whether a project worker was involved and should be sent directly to the National Project Coordinator (NPC) who should immediately inform the World Bank.

### Objective of the GM Mechanism

The GM provides a formal avenue for ensuring that complaints and grievances associated with TA activities are efficiently and effectively responded to. Grievances are any complaints or suggestions about the way the TA activities are being implemented. This may take the form of specific complaints for damages/injury, concerns about routine TA activities, or perceived incidents or impacts. Identifying and responding to grievances supports the development of positive relationships between project team and affected groups/communities, and other stakeholders. Management of grievances is therefore a vital component of stakeholder management and an important aspect of risk management. Early management of grievances and ensuring timely resolution is therefore very necessary.

A well-designed and implemented GM significantly enhances operational efficiency in a variety of ways including: i) generating public awareness about the project and its objectives; ii) deterring fraud and corruption; iii) mitigating risks; providing project staff with practical suggestions/feedback that allow them to be more accountable, transparent, and responsive to beneficiaries; and increasing stakeholder involvement in the project. An effective GRM can help catch problems before they become more serious or widespread, thereby preserving the project funds and reputation.

The GM will be disclosed to stakeholders for their input before it is widely circulated using dedicated communication materials (specifically, a GRM brochure or pamphlet) to help stakeholders become familiar with the grievance redress channels and procedures. The GM principles comprising transparency; confidentiality; effectiveness and efficiency; objectivity; simplicity; customer focused; responsive; and user-friendly will continue to be adopted under the project.

### 6.1 Grievance Investigation and Resolution Process

The GM will be maintained during the entire period of TA implementation. The GM will ensure that all stakeholders are effectively engaged in the TA activities with practical suggestions/feedback on TA activities provided in a timely manner. This GM will follow the following principles:

- Grievances will be treated confidentially, assessed impartially, and handled transparently.
- Grievances will be received and resolved at no cost to the aggrieved.
- SDD will ensure that the GM is accessible to all TA stakeholders.
- GM will provide an opportunity for anonymous reporting.
- All grievances will be registered and documented, and each grievance resolution process and communication will be systematically tracked.
- The channels for filing complaints are listed in this SEP and will be communicated to the public during the consultations.

### 6.2 Types of Grievances

Complaints may be raised by employees (including consultants) and members of the public. Potential complaints include:

### Internal Grievances

- Worker rights and entitlements
- Discrimination on the basis of gender, etc.
- Workplace Sexual harassment
- Access to project benefits such as training and employment opportunities
- Fraud or corruption issues;
- Exclusion and inadequate consultation of other MDAs or county departments;
- Threats to personal or group safety.

### External Grievances:

- Access to project employment opportunities;
- Exclusion of minority VMGs and other disadvantaged or vulnerable individuals and groups (facing literacy and disability challenges, gender biases, economically disenfranchised, older persons, ethnic minorities, children, among others), and equitable access to project benefits and opportunities, and engagement in project interventions);
- Sexual exploitation and abuse by project workers against community members;
- Issues related to gender-based violence at the community-level e.g., domestic violence;
- Child labour and protection;
- Community health;
- Local cultures and customs in development of policies;
- Impacts of policy design;
- Limited consultation of the affected and interested stakeholders in the development of plans, strategies, and frameworks.

## 6.3 Grievance Management and Reporting Levels

There are 3 levels of grievances management proposed in this SEP.

### Level 1. Sub-County Grievance Management Committees

The composition of the committee will include.

- Sub County Program Coordinator
- Representative of other county technical departments at sub county level
- Representative County department of social protection at sub county level
- Community representatives including minority VMGs, as applicable, PWDs, and other disadvantaged or vulnerable individuals and groups)
- Local leadership (Chief, Village Elder, Religious leader)
- Representative County Ward Administrator

### Level 2: County Grievance Management Committees

A County Grievance Management Committee will be established in each county and will be coordinated by the County Project Coordinating Unit (CPCU), where the environmental and social specialist of the CPCU will double up as the GRM expert. Unresolved grievances from the sub-county tier will be escalated to the County Grievance Management Committee. The composition of the Committee will include:

- County Program Coordinator
- Social Development specialist at county level - to serve as GM focal person
- Environmental specialist at county level
- Representative of other county technical departments
- Representative county department of social protection
- Representative from NEMA offices
- Representative from CSOs

### **Level 3: National Grievance Management Committee**

The national grievance management committee will be established and coordinated by the **National Project Coordinating Team**. A GM expert will be stationed at the NPCU and will handle all the grievances that are escalated by the CPCU. The GM expert will be the main Focal Point (FP) for GM handling but will be supported by a team of experts. To enhance efficiency and effectiveness of this function, SDD will establish a toll-free line for KDSPII to ease cost of reporting. This will also facilitate the centralization, escalation, and feedback process. The toll-free line will be configured at the help desk at SDD. The management information system (MIS) developed for KDSPII at SDD will have a GM module that can be accessed both at the national and county levels for recording of complaints and resolutions. This means that at county level, officers will be able to record and transmit information on cases received, resolved and/or escalated. This information will be accessible at the national level MIS at the NPCU. Similarly, complaints received directly through the toll-free, SMS or online mechanisms, will be recorded directly into the national level MIS, and referred for resolution by the relevant officers at national level as guided by the GM FP.

### **National Justice System and or Alternative Third-Party Arbitration**

In the event that the complainant is not satisfied with the resolution provided through the GM, he/she is free to resort to justice within Kenya's legal system (and could at any time even without going through the established GM) or seek for alternative third-party arbitration at their own cost. However, if the complaint is referred to the government's legal complaints structures (e.g., CAJ, etc.) or third-party arbitration, the World Bank should be notified.

#### **6.4 Publicizing and Disclosure of the GM**

The GM will be disclosed to the stakeholders through written and verbal communication. The mediums to be used for this purpose are public meetings, group discussions, electronic media (radio) etc. and printed materials such as brochures and newsletters that clearly elaborates the established project wide GM. The project wide GM disclosure will be done along with the disclosure of other key project's social instruments/materials.

#### **6.5 Receiving, Recording and Resolving Grievances**

Complaints may be raised formally or informally and all should be acknowledged by the person receiving them, referred to the appropriate focal points for logging (county and national levels), follow up and resolution. The following actions will be used for managing complaints arising from TA activities.

- Grievances should be sent to the GM focal point person at both national and county level. SDD and the 47 participating counties shall provide various uptake channels for collecting grievances. For instance, locked suggestion/complaint boxes will be posted at both the county and national level from where complainant can drop their grievances. Other grievance uptake channels to be provided include but not limited to the following:
  - Verbal/oral narration from walk-ins at any of the offices;
  - Toll free line;
  - Website at both national and county level;
  - E-mails;
  - Social media handles;
  - Grievance registration forms; and
  - Reports;
  - Calls made to project social development specialist and or other project staff.

- Once received, the grievance should be logged, assessed, assigned to an individual for management, tracked and closed out or “signed off” when resolved, ideally with the complainant(s) being consulted, where appropriate, and informed of the resolution.
- In the event the grievance requires input from more than the assigned person, the respective GM FP will convene the GM committee at both national and county level to deliberate further on the complaint raised before it can be resolved or escalated as appropriate.
- In instances where the county GM committee is unable to resolve the grievance, it should be escalated to the national level GM committee. As stated earlier, in the event the complainant is dissatisfied with the resolution provided, the national GM committee can refer the complaint to seek justice within Kenya’s legal system or to an alternative third-party arbitration at their own cost. However, if the complaint is referred to the Kenya’s legal system structures (e.g., Commission for Administration of Justice (CAJ,) or to a third-party arbitration process, the World Bank should be notified.
- Complaints relating to GBV and SEAH should be kept confidential, and the name of the complainant should not be recorded. Only the age and gender of the complainant and whether a project worker was involved should be recorded and this information should be sent directly to the NPCU who should in turn, immediately notify the World Bank within 24 hours. All reporting on GBV/SEAH will limit information in accordance with the survivor’s wishes regarding confidentiality, and in case the survivor agrees on further reporting, information will be shared only on a need-to-know-basis, avoiding all information which may lead to the identification of the survivor and any potential risk of retribution.

## 6.6 Reporting on Grievances

Routine documentation and reporting of GM to the WB will be the responsibility of the SDS based at the NPCU. At the county level, the GM focal person shall maintain a grievance log that captures the following information which should be submitted on quarterly basis to the SDS at the NPCU level for consolidation and reporting to the Bank. The documentation of grievances needs to capture aspects such as:

- Date of the complaint,
- Individual grievance reference number,
- Name of the person submitting the complaint, question, or other feedback, address and/or contact information (unless the complaint has been submitted anonymously).
- Details of the complaint, feedback, or question including his or her location,
- Name of person assigned to deal with the complaint (acknowledge to the complainant, investigate, propose resolutions, etc.).
- Details of proposed resolution, including person(s) who will be responsible for authorizing and implementing any corrective actions that are part of the proposed resolution.
- Date when proposed resolution was communicated to the complainant (unless anonymous).
- Date when the complainant acknowledged, in writing if possible, being informed of the proposed resolution.
- Details of whether the complainant was satisfied with the resolution, and whether the complaint can be closed out
- If necessary, details of escalation procedure
- Date when the resolution is implemented (if any).

## 6.7 GM Monitoring and Implementation

The monitoring of the GM implementation will be undertaken on a periodic basis by the NPCU and CPCU. Monitoring aspects will be elaborated in the project wide GM that will be set up and will include the following indicators:

- Number of grievances received, logged, acknowledged, processed, resolved, and closed within a set time frame.
- Number of cases requesting external review or alternative third-party arbitration

- Number of stakeholders satisfied with resolution
- Number and percentage of grievances received per categories/thematic area
- Number and percentage of grievances received per severity level
- Number and percentage of grievances resolved versus rejected
- Number and percentage of grievances per operation site/location

## **6.8 GM Reporting**

The performance of the TA activities GM will be reviewed on a quarterly basis during the implementation period. For the purpose of review, the quarterly reports will be considered for analysis and discussion. On the basis of these reports, a Grievance Redress Mechanism Report will be prepared. Reports will be periodically shared by each agency on complaints and grievance logs with the NPCU for monitoring purposes.

The NPCU will maintain a documented record of stakeholder engagement and GM, including a description of the stakeholders consulted, a summary of the feedback/grievances received and a brief explanation of how the feedback was considered, or the reasons why the issue could not be resolved. For complaints related to SEAH, reporting and response protocol including identification of SEAH-sensitive channels and requirements for enabling survivor-centered care. will be integrated into the grievance mechanism.

## **6.9 World Bank's Grievance Redress**

Communities and individuals who believe that they are adversely affected by a WB supported project may submit complaints to existing project-level grievance redress mechanisms or the World Bank Kenya office as follows: Country Director, World Bank Kenya Office, Delta Center Menengai Road, Upper Hill P.O. Box 30577-00100 Nairobi, Kenya. Tel: +254-20-3226000. Fax: 254-20-3226382. Kenyaalert@worldbank.org. World Bank Grievance Redress services (GRS): If no response has been received from the WB Kenya office, the complainant can report directly to the WB Grievance Redress Service (GRS) on email: grievances@worldbank.org. The GRS ensures that complaints received are promptly reviewed to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, because of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to WB's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).



## CHAPTER 7: RESOURCES AND RESPONSIBILITIES FOR IMPLEMENTING STAKEHOLDER ENGAGEMENT ACTIVITIES

Both human and financial resources are required for the successful implementation of this SEP in proportion to the TA activities. The budget for the implementation of the SEP will be drawn from the TA budget, to be maintained by the SDD/NPCU, which has the overall responsibility for ensuring the success of the TA activities.

### 7.1 Implementation of the SEP

The Social Development Specialists (SDS) based at the NPCU will be responsible for the implementation of this SEP and any updates that will be required during the project period. The SDS will work closely with the communication and M&E Officers at SDD. The SDS will also be responsible for the GM including implementation, monitoring reporting as well as for capacity enhancement measures for CPCU, E&S specialists and staff of other county departments and other technical agencies.

### 7.2 Capacity building

SDD will organize the necessary training associated with the implementation of this SEP (and GM) that will be extended to the CPCUs, E&S specialists and staff of other county departments and technical agencies handling the TA activities. Specialized training will also be provided to the staff appointed to deal with stakeholder grievances as per the project GM. Institutions and establishments implementing TA activities will be trained on the operationalization of the GM. Contractors/service providers (including consultants) and primary suppliers will also receive necessary instructions for the SEP/GM. In addition, the stakeholder engagement training module may include but not be limited to the areas identified in Table 7.

Implementing agencies will arrange necessary training associated with the implementation of this SEP that will be provided to the members of staff who, due to their professional duties, may be involved in interactions with the external public. Specialized training will also be provided to the staff appointed to deal with stakeholder grievances as per the project GM. TA providers and selected representatives will also receive necessary instructions on the project's Grievance Procedure.

Table 8: Proposed training module for stakeholder engagement

<i>S/No.</i>	<i>Module</i>	<i>Target</i>
1	Role of stakeholders	All levels
2	Managing stakeholder interests	KDSPII Management
3	Managing stakeholder participation	KDSPII Management
4	Stakeholder negotiation skills	All levels
5	Communication skills	All
6	Building relationships for effective stakeholder engagement	All
7	Project GM and how it helps stakeholders engage with the TA activities effectively	All

**Table 7: Project Estimated Costs for SEP Activities (USD)**

Item	Quantity	Unit cost	Total cost (USD)	Remarks
Stakeholder consultations workshops during preparation of county policies, strategies, and plans, and capacity building activities including frameworks such as on revenue forecast, county A-in-A and A-I-E, Legislative bills aligning sector frameworks with transfer of devolved functions	94 (sessions to be held twice a year)	15,000	1,410,000	Lump sum for 4 years
Capacity building and support to public awareness campaign to ensure effective participation of all stakeholders in the TA activities (pieces of training, workshops stakeholders) including disadvantage and vulnerable individual and groups	94 (sessions to be held twice a year)	10,000	940,000	Lump sum for 4 years
Information materials development (brochures, leaflets, posters, other items during capacity building TA activities)	47		500,000	All Program implementation phases
<b>Total</b>			<b>2,850,000</b>	

## CHAPTER 8: MONITORING AND REPORTING

SDD will establish a Monitoring and Evaluation (M&E) system for the TA activities, that is participatory, and which will utilize a list of agreed performance indicators that are accessible and useful to the concerned stakeholders. Furthermore, the project will involve affected parties by gathering their observations to triangulate findings and involve them in participatory discussions on all TA activities, including the monitoring and evaluation processes.

The NPCU will monitor the implementation of this SEP in accordance with the requirements of the Legal Agreement and the Environmental and Social Commitment Plan (ESCP) including changes resulting from the implementation of any TA activity. The extent and mode of stakeholder monitoring with respect to environmental and social performance of the TA activities will be proportionate to the potential environmental and social performance risks and impacts of the TA activities and their effect on the various stakeholder interests.

SDD will compile a report summarizing SEP results on an ongoing basis throughout the TA implementation period. The SEP will be periodically reviewed and updated as necessary in the course of TA implementation to ensure that the information presented therein is consistent and is the most recent, and that the identified methods of engagement remain appropriate and effective in relation to the project context and specific phases of development. Any major changes to the project related activities and to its schedule will be duly reflected in the updated SEP.

Quarterly summaries and internal reports on grievances, enquiries, and related incidents, together with the status of implementation of associated corrective/preventative actions will be collated by responsible staff and referred to the NPCU. The quarterly reports will be guided by monthly data obtained and reported at county level. The quarterly summaries will provide a mechanism for assessing both the number and the nature of complaints and requests for information, along with the project’s ability to address these in a timely and effective manner.

Information on public engagement activities under the project may be conveyed to the stakeholders in two possible ways:

- a. Publication of a standalone annual report on project’s engagement with the stakeholders. The report should also highlight the number and type of grievances and nature received within a reporting period, (e.g., monthly, quarterly, or annually) and number of those resolved within the prescribed timeline and escalated as appropriate;
- b. A number of Key Performance Indicators (KPIs) will be monitored by the program on a regular basis, including the following parameters:

Key Performance Indicator	Frequency	Annual Target
Number of information disclosure sessions on planned TA activities to be held with affected and interested stakeholders (separate session for institutional and non-institutional stakeholders)	Monthly	47
Number of public reviews and consultation meetings held with institutional stakeholders to discuss draft policies, plans, strategies, and frameworks	Quarterly	188
Number of public reviews and consultation meetings held with non-institutional stakeholders (minority VMGs and other disadvantaged or vulnerable individuals and groups) to discuss draft policy, plans, strategies, and frameworks	Quarterly	188
Number of public engagement activities on finalized TA outputs	As necessary	94
Geographical coverage of public engagement activities - number of counties, sub county and Wards covered by the consultation process	Quarterly	94

Number and details of minority VMGs and other disadvantaged or vulnerable individuals and groups engaged in consultation meetings	As necessary	
Number of press materials published/broadcast in the local, County, and National media in the appropriate form and language	As necessary	

### Reporting back to stakeholder groups

The stakeholder engagement process will aim to support the development of strong, constructive, and responsive relationships among the key TA stakeholders for successful mitigation of any environmental and social risks of the TA activities. All stakeholder engagement meetings will have minutes, which will be stored in the stakeholder engagement database; this will be to ensure that (i) there are records that can be referred to and that all views raised are taken into consideration, and (ii) commitments made are delivered upon. In addition, the outcomes of the stakeholder engagement activities with comments that have been considered will be reported to all TA stakeholders. Despite this being for internal use only, it will result in an annual report on stakeholder engagement.

SDD will share TA reports with the relevant TA stakeholders and solicit their feedback and input. SDD will choose a suitable time and mode to deliver such reports and ensure that stakeholder feedback on TA activities is considered by the TA consultants. Where appropriate, the project team will respond to any questions, comments, or objections that stakeholders might have, and address them respectfully and constructively.

## ANNEXES

### Annex 1: Reports of the Stakeholders Consultations Workshops Held

#### A. Identification Mission for the Governance and Public Sector Reforms for the County Governance Performance Program Meeting 24<sup>th</sup> April- 6<sup>th</sup> May 2023.

##### INTRODUCTION

The SDD technical team is working closely with the World Bank to ensure that the process of designing the new Kenya County Governance and Performance Program (KCGPP) is successful. As a result, the team has had various engagements with the World Bank and other stakeholders. SDD team has so far held discussions with various MDAs including National Treasury (Budget department, IFMIS department), Health (Health Human Resource Advisory Council), Public Service Commission (PSC) and National Council on Administration of Justice (NCAJ) among others. As part of the identification mission the team visited 8 counties that is Bungoma, Homa Bay, Nakuru, Nyeri, Laikipia, Embu, Garissa, and Tana River to identify the challenges and expected outcomes in the County Executive, County Assembly, and the County Public Service Board.

##### MISSION OBJECTIVES

1. Identify challenges and expected outcome in the counties.
2. Consult stakeholders for the new program, which is a successor of the Kenya Devolution Support Program (KDSP).
3. Provide an overview of Program-for-Results Instrument.

##### MISSION OUTPUT

The new operations will support current Government reform priorities in allocation and access to public resources. The teams and the representatives from the 8 counties discussed the following high-level development challenges and reform priorities under each priority area:

**Increasing Revenue Mobilization:** Inefficiencies in tax policy and administration are limiting government's efforts to increase the tax base, estimate revenue, eliminate tax evasion, and improve taxpayer service and compliance. The new operations will support measures to reduce tax expenditures, revamp income taxes, enhance tax policy analysis capacity, and modernize tax administration and own source revenue collection systems.

**Strengthening PFM Accountability:** Inefficiencies in budget, expenditure, public investment, public procurement, and treasury management are limiting the credibility of the budget, funds flow, and accountability for expenditures. It will support the transition towards a Treasury Single Account and IPSAS Accrual Accounting, full roll-out of the electronic government procurement system, and the full roll-out of the public investment management (PIM) regulations across Counties as well as improvements in the intergovernmental fiscal transfer arrangements to facilitate timely and accountable funds flow.

**Improving Government Coordination:** Fragmentation of policy formulation, implementation, and monitoring within and across sectors is negatively impacting service delivery outcomes. The operation will support the development and implementation of service delivery performance monitoring frameworks in the counties and strengthen the intergovernmental relations and cooperation frameworks. It also was agreed that CGPP would incorporate support to the justice sector as a priority reform area.

**Promoting External Oversight:** The absence of systematic monitoring of the implementation of audit recommendations are impacting the accountability of audited entities. Moreover, there is room for strengthening citizen engagement in monitoring budget execution and project implementation. The operation will support mechanisms to enable the monitoring the implementation of audit recommendations, enhance digital and other platforms for citizen engagement in public policy, and strengthen the oversight function of parliamentary committees at the county levels. These will be achieved under KRA 3.

#### **ISSUES RAISED AND HOW THEY WERE ADDRESSED.**

1. What do we intent to achieve at the end of this program? The program aims at strengthening county performance and efficient management of resources.
2. What is the role of the County Assembly on this program? The County Assembly has tended to be the forgotten in a number of programs. There is need to focus on the County Assembly to improve the oversight role.
3. For proper funds utilization, the participants gave their opinion that the financial allocation should be sent directly to a separate account of the implementing unit e.g., the county public service board.
4. The program to take note that the County Assembly has got two arms (the executive – Clerk and the County Assembly itself).
5. The program to ensure that the funds reach to the intended purpose/group.
6. SDD/National Treasury should give support to the counties in the way it is intended.
7. The County Boards and County Assemblies have been excluded from the program, hence the need to mention who is responsible for which area, at this identification stage. It was clarified that the matrix has not left out anybody.

#### **CONCLUSION**

The meeting participants concluded that the devolution agenda would be better served through a distinct operation focused on advancing devolution outcomes which aims at strengthening county performance and efficient management of resources.

#### **WAYFORWARD**

The SDD team synthesized the matrixes and came up with a summarized document that shows the inputs from the 8 counties as attached.

#### **B. Preparation Mission for KDSP II, 5<sup>th</sup> June -16<sup>th</sup> June 2023**

##### **INTRODUCTION**

The SDD technical team in collaboration with the World Bank, COG, PFMRS, IGRTC and other MDAs is in the process of preparing a new Governance Program to succeed the Kenya Devolution Support Program (KDSP) that closed in September 2020. The proposed lending operation is named Kenya County Governance and Performance Program (KCGPP). The Program's objective is to strengthen county performance in the financing, management, coordination, and accountability for resources. KCGPP Seeks to address both foundational and frontier governance constraints impacting on service delivery. The Project preparation mission was to discuss/consult on how to address long-standing issues in the most strategic way and which measurable results should trigger disbursements during the project period.

The team visited 8 counties that is Kakamega, Homa Bay, Nakuru, Makueni, Laikipia, Embu, Garissa and Taita Taveta to discuss the challenges and expected outcomes in the Counties. It was 13 days visit and the team managed to meet the Governors and Deputy governors of the various counties who were

willing to support the program where they can. The County Assemblies were glad to have been considered for this new program.

#### MISSION OBJECTIVES

4. Carry out preparatory activities for the proposed program for results.
5. Agree on the next steps in the design of KCGPP.
6. Discuss with the County Governments on the priority areas for the proposed Program.

#### MISSION OUTPUT

The new operations will support current Government reform priorities. The teams and the 8 counties discussed the following high-level development challenges and reform priorities under each priority area and the attendance lists as attached.

#### COUNTY CHALLENGES AND PROPOSED REFORMS

Planning, Budgeting, Financing and Expenditure Management for Devolved Service Delivery		
Under Result Area 1		
Issue	Development Challenges	Proposed Reforms
Under Result Area 1		
Own source revenue (OSR).	<ul style="list-style-type: none"> <li>● Manual revenue collection.</li> <li>● Underperformance in OSR collection.</li> <li>● Unrealistic revenue projections.</li> </ul>	<ul style="list-style-type: none"> <li>● Establishment of county revenue authorities.</li> <li>● Development of an integrated revenue management system.</li> <li>● Formulation of a spatial plan and mapping of all revenue streams.</li> <li>● Formulation of policies, frameworks and plans in relation to OSR.</li> <li>● Capacity building of revenue mobilization and collection department.</li> </ul>
Pending bills.	<ul style="list-style-type: none"> <li>● Non-adherence to the budget (Fiscal indiscipline).</li> <li>● Emergency expenses.</li> <li>● Delayed implementation of programs.</li> <li>● Unrealistic budgets.</li> <li>● Introduction of supplementary budgets late in the budget cycle.</li> </ul>	<ul style="list-style-type: none"> <li>● Formulate and provide capacity building mechanisms and policies to bring about fiscal discipline.</li> </ul>
Wage bill.	<ul style="list-style-type: none"> <li>● High wage bill (currently at 58%) since inheritance of staff was not factored in.</li> <li>● Recruitment processes not informed by need basis.</li> </ul>	<ul style="list-style-type: none"> <li>● Re-designation of the existing workforce to fill existing gaps.</li> <li>● Employment of staff in crucial departments only.</li> <li>● Formulate and capacity build on a retirement scheme on under a 50-year rule.</li> </ul>
Planning.	<ul style="list-style-type: none"> <li>● Creation of unsustainable projects.</li> </ul>	<ul style="list-style-type: none"> <li>● Support in development of strategic plans.</li> </ul>

	<ul style="list-style-type: none"> <li>● Poor projects and programs conceptualization.</li> <li>● Inadequate M&amp;E reporting system.</li> <li>● No project management committees.</li> <li>● lack of strategic plans and sectoral plans.</li> </ul>	<ul style="list-style-type: none"> <li>● Capacity building on development of sectoral plans.</li> <li>● Capacity building of staff and top management on project cycle management.</li> <li>● Capacity building on development of grant proposals.</li> </ul>
<b>Institutional Performance in The Management of Service Delivery</b>		
Under Result Area 2		
<b>Issue</b>	<b>Development Challenges</b>	<b>Proposed Reforms</b>
Human Resource Management.	<ul style="list-style-type: none"> <li>● Arbitrary transfers and recruitments.</li> <li>● Inadequate information management systems.</li> <li>● Poor succession management.</li> <li>● Weak payroll practices.</li> <li>● Overlapping allowances.</li> <li>● Sub-optimal staffing levels.</li> <li>● Unclear staff development and career progression plans leading to stagnation and poor motivation.</li> <li>● Skills mismatch.</li> <li>● Inadequate facilitation of staff, poor working environment, and infrastructure.</li> <li>● Manual Human Resource Management processes.</li> </ul>	<ul style="list-style-type: none"> <li>● Automation of recruitment processes.</li> <li>● Develop a Human Resources policy.</li> <li>● Review of the County Public Service Board strategic plan.</li> <li>● Staff Audit.</li> <li>● Conduct staff rationalization.</li> <li>● Skills mapping and retooling.</li> <li>● Develop a scheme of service for county staff.</li> <li>● Sensitization and capacity building on principles of governance, public service values and ethics.</li> <li>● Develop frameworks/ policies on recruitment control, career progression, sexual harassment, succession management among others.</li> <li>● Develop a staff code of conduct and discipline policy, and train staff on them.</li> <li>● Develop a skills inventory.</li> <li>● Development of an ERP system.</li> </ul>
Knowledge Management\Records Management.	<ul style="list-style-type: none"> <li>● Lack of reliable and updated data and statistics.</li> <li>● Low uptake of knowledge management and documentation.</li> <li>● Manual record keeping prone to manipulation and loss of data.</li> </ul>	<ul style="list-style-type: none"> <li>● Development of an integrated knowledge management system.</li> <li>● Automation of data collection, analysis and record keeping.</li> </ul>



Monitoring, Evaluation, reporting and learning.	<ul style="list-style-type: none"> <li>● Poor monitoring and evaluation</li> <li>● Lack of consistency and coordination bringing about disconnect.</li> </ul>	<ul style="list-style-type: none"> <li>● Development of county project investment dashboard with citizen feedback mechanisms.</li> <li>● Establishment and operationalization of departmental M&amp;E units.</li> <li>● Acquisition and rollout of electronic M&amp;E systems.</li> <li>● Develop and implement project management guidelines.</li> <li>● Adoption and implementation of project management information system.</li> </ul>
<b>Oversight, Participation and Accountability</b>		
Under Result Area 3		
<b>Issue</b>	<b>Development Challenges</b>	<b>Proposed Reforms</b>
Public Participation (PP) and Civic education.	<ul style="list-style-type: none"> <li>● Inadequate budget support for civic education and Public Participation.</li> <li>● Duplication of PP efforts whereby legislature and executive each gives different priorities.</li> <li>● Low operationalization of PP due to low resources.</li> <li>● Lack of ownership of projects by the public.</li> <li>● Decentralization only up to the ward level.</li> <li>● Lack of clear outline between roles of legislature and those of executive in undertaking PP.</li> </ul>	<ul style="list-style-type: none"> <li>● Automation tool creation and use of digital platforms.</li> <li>● Create a policy guideline framework that outlines the roles of the executive and legislature in PP.</li> <li>● Capacities building for people at lower levels for instance ward representatives and county staff on PP.</li> <li>● Increase of resources allocated to PP.</li> <li>● Delink of public from political influence in regard to PP.</li> </ul>
Legislation.	<ul style="list-style-type: none"> <li>● Weak capacity in legislative drafting.</li> <li>● Inadequate resources for legal drafting and public participation.</li> </ul>	<ul style="list-style-type: none"> <li>● Provide capacity support for legal drafting.</li> <li>● Provide resources for public participation.</li> </ul>
Oversight.	<ul style="list-style-type: none"> <li>● Strained relationship between executive and legislature.</li> <li>● Oversight role compromised since assembly depends on executive for funding.</li> <li>● Lack of transparency in projects funded by donors and other stakeholders [No involvement of assembly].</li> </ul>	<ul style="list-style-type: none"> <li>● Financial autonomy.</li> <li>● Capacity building on oversight role.</li> <li>● Assembly to be involved in oversight function for projects.</li> <li>● Provide capacity building and technical support to assembly committees.</li> <li>● Provide support MCAs to ensure oversight is done throughout all processes of the project.</li> </ul>
<b>Cross-cutting issues</b>		

- Capacity building
  - Members of the County Assembly and the technical staff – continuous.
  - County assembly on planning and budgeting.
  - Sectoral Committee on the oversight role.
  - On Human Resource Management.
  - Public Accounts Committees (PAC) and Public Investment committees (PIC).
- MCAs salary scale to be reviewed for an increment.
- Peer to peer learning with the World Bank.

## List of Stakeholders Consulted During the Environmental and Social System Assessment

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ESSA Preparation and Validation-Virtual Participants.zip



ESSA Validation-Minority VMGs Reps 1-Physical Participants.zip



ESSA Validation-SDD and WB-Physical Participants.zip



ESSA Validation-SDD and WB-Physical Participants.zip



ESSA Preparation- Physical Participants.zip



ESSA Validation-Minority VMGs Reps 2-Physical Participants.zip

### Annex 3: KDSPII Grievance Log

Date Received	Complainant Name	ID/No	County/Sub-County	Grievance Category	Case Description	Receiver	Handling Officer	Resolution Offered	Status	Proposed solution indicate a detailed description

N/B: One can attach any evidence provided.

### Annex 4: Engagement and Consultation Protocol for Minority VMGs and Other Disadvantaged or Vulnerable Individuals and Groups

<b>Step 1: Gather basic information</b>	
	<ul style="list-style-type: none"> <li>○ All counties shall identify and map out minority VMGs (applicable counties) and other disadvantaged or vulnerable individuals and groups who are resident in the project area. Similarly, the counties need to identify stock of representative umbrella organizations (CBOs and CSOs). This is to be done through desk review of information from the social development department at the county level or from reports and experiences from other previous and ongoing WB financed projects.</li> </ul>
<b>Step 2: Develop a strategy for engagement and consultation</b>	
	Sensitize these groups on the KDSPII during the initial engagement and their umbrella organizations to:
	<ul style="list-style-type: none"> <li>○ Identify the most preferred communication channels and timing for engagement.</li> <li>○ Identify the barriers that impede their effective engagement and how can these be addressed.</li> <li>○ Get suggestions on how project information can be made more accessible to them.</li> <li>○ Understand how to ensure they access project benefits and opportunities.</li> </ul>
<b>Step 3: Maintain engagement with the respective groups</b>	
	Once the strategy has been developed, Counties under the guidance of the SDS at the NPCU level shall ensure its implementation which may include:
	<ul style="list-style-type: none"> <li>○ Offer multiple communication channels that are free of charge, e.g., toll free line, bulk messages.</li> <li>○ Conduct separate workshops and FGDS in Kiswahili and other applicable local languages by seeking support from local translators.</li> </ul>

	<ul style="list-style-type: none"> <li>○ Provide timely access to project information in a culturally appropriate way, at least two weeks prior consultation events.</li> </ul>
	<ul style="list-style-type: none"> <li>○ In contexts where children have higher literacy rates than their parents (especially among VMGs), children may support in the sharing of project information, so ensure that communication is tailored to children so that they can understand and share content.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Engage local leaders at the county/ Sub County/ ward level such as Ward administrators, chiefs, village elders, religious leaders to assist in sharing information through avenues such as regular community meetings held at the local level or through other channels such as churches or mosques and schools.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Ensure that the format of every consultation activity needs to meet general requirements on accessibility. This includes: i) meetings shall be held at venues that are easily reachable and do not require long commutes, entrance fees or preliminary access authorization, ii) needs to consider cultural appropriateness i.e. preferred language, timing, sitting arrangements that respect local customs and norms), and iii) inclusiveness, i.e., engaging all segments of the local society, (PWDs, the elderly, ethnic minorities, women, youth, and other vulnerable individuals, e.g., taking into view the access needs of persons with disabilities.</li> </ul>
	<ul style="list-style-type: none"> <li>○ If necessary, logistical assistance should be provided to enable participants from remote areas, persons with limited physical abilities and those with insufficient financial or transportation means to attend scheduled public meetings.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Disseminate information shall use clear and simple language.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Provide information in accessible formats, like braille, large print for the PWDs.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Involve organizations of persons with disabilities in consultation and decision-making.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Document all engagement done providing clear details on list of participants, issues discussed/agreed, feedback provided etc.</li> </ul>
<b>Step 4: Regular monitoring and reporting</b>	
	<ul style="list-style-type: none"> <li>○ The SDD and the counties shall regularly monitor and report on the extent of project engagement with minority VMGs and other disadvantaged or vulnerable individual and groups. This is for purposes of strengthening the engagement strategies that have worked and refining those that have not.</li> <li>○ Monthly reports on engagement need to be prepared and submitted to SDS at the NPCU level. The SDS will in turn submit a consolidated report on their engagement to the WB on quarterly basis.</li> <li>○ This report will also be part of the wider feedback and disclosure to the project stakeholders.</li> </ul>

## Annex 5: IPF Financed Activities

KRAs	IPF Financed Activities
KRA 1	<ul style="list-style-type: none"> <li>• Re-engineer business processes for exchequer requests. Financial reporting template for sub-counties.</li> <li>• County revenue forecasting framework with simple realism rules agree.</li> <li>• Technical specifications for the Integrated County Revenue Management System Guidelines for cleaning county tax registers and cadasters and assessing taxpayer obligations Guidelines on revenue mapping.</li> <li>• Review of existing county budget and expenditure ceilings. Development of county pending bills action plans. Strengthening IFMIS controls for expenditure management.</li> <li>• Job descriptions and terms of reference for County SPMUs.</li> </ul>
KRA 2	<ul style="list-style-type: none"> <li>• Annual Summit reports and monitoring of implementation of recommendations.</li> <li>• Frameworks and operationalization of intergovernmental sectoral forums, inter-city, and inter-municipality forums.</li> <li>• Review of devolution and intergovernmental legal frameworks.</li> <li>• Framework to operationalize the DSWG.</li> <li>• Framework for monitoring and implementation of intergovernmental resolutions.</li> <li>• Framework for monitoring the implementation of inter-county agreements and projects.</li> <li>• Framework for intra-governmental relations between county executives and assemblies.</li> <li>• Model organizational structures.</li> <li>• Guidelines for HR and skills audit.</li> <li>• Audits on county payrolls and compliance checks on grading and salaries structures.</li> <li>• Guidelines on integrated performance management.</li> <li>• Capacity building programs for county leadership.</li> <li>• Model organizational structures.</li> <li>• Staff establishment control guidelines.</li> <li>• Completion and roll out of Human Resource Information Systems (HRIS) and performance contracting system to counties.</li> </ul>
KRA 3	<ul style="list-style-type: none"> <li>• Rollout of county project management guidelines and PIM framework.</li> <li>• Rollout of guidelines for project management committees.</li> <li>• Guidelines on county project stock-taking.</li> <li>• Guidelines providing business process and technical requirements for county investment dashboard.</li> <li>• Guidelines on climate change risk screening and preparedness, including assessment of the climate resilience of existing infrastructure assets.</li> <li>• Development of frameworks and tools to strengthen county assembly oversight.</li> <li>• Framework to harmonize public participation between county assemblies and executives.</li> </ul>