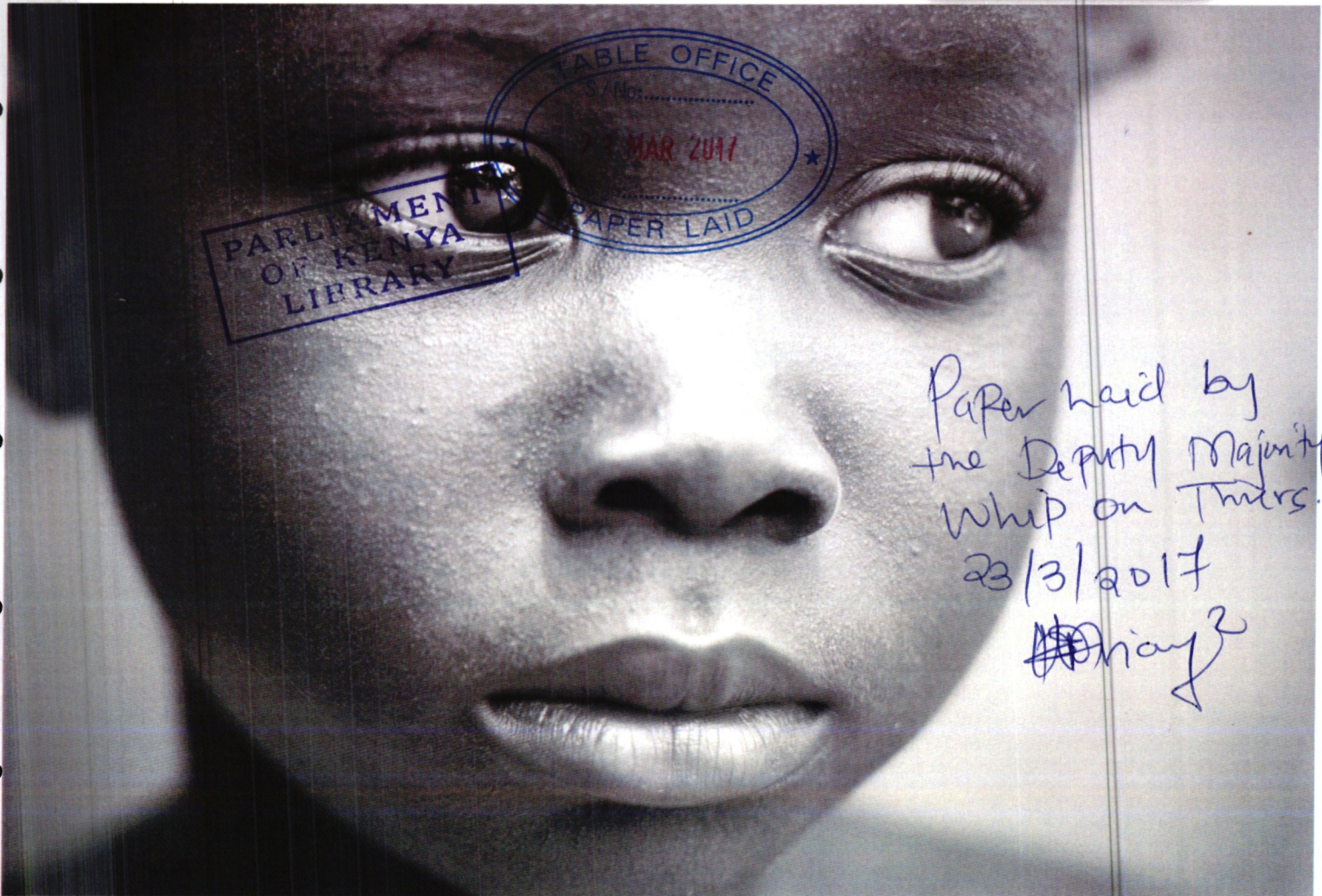




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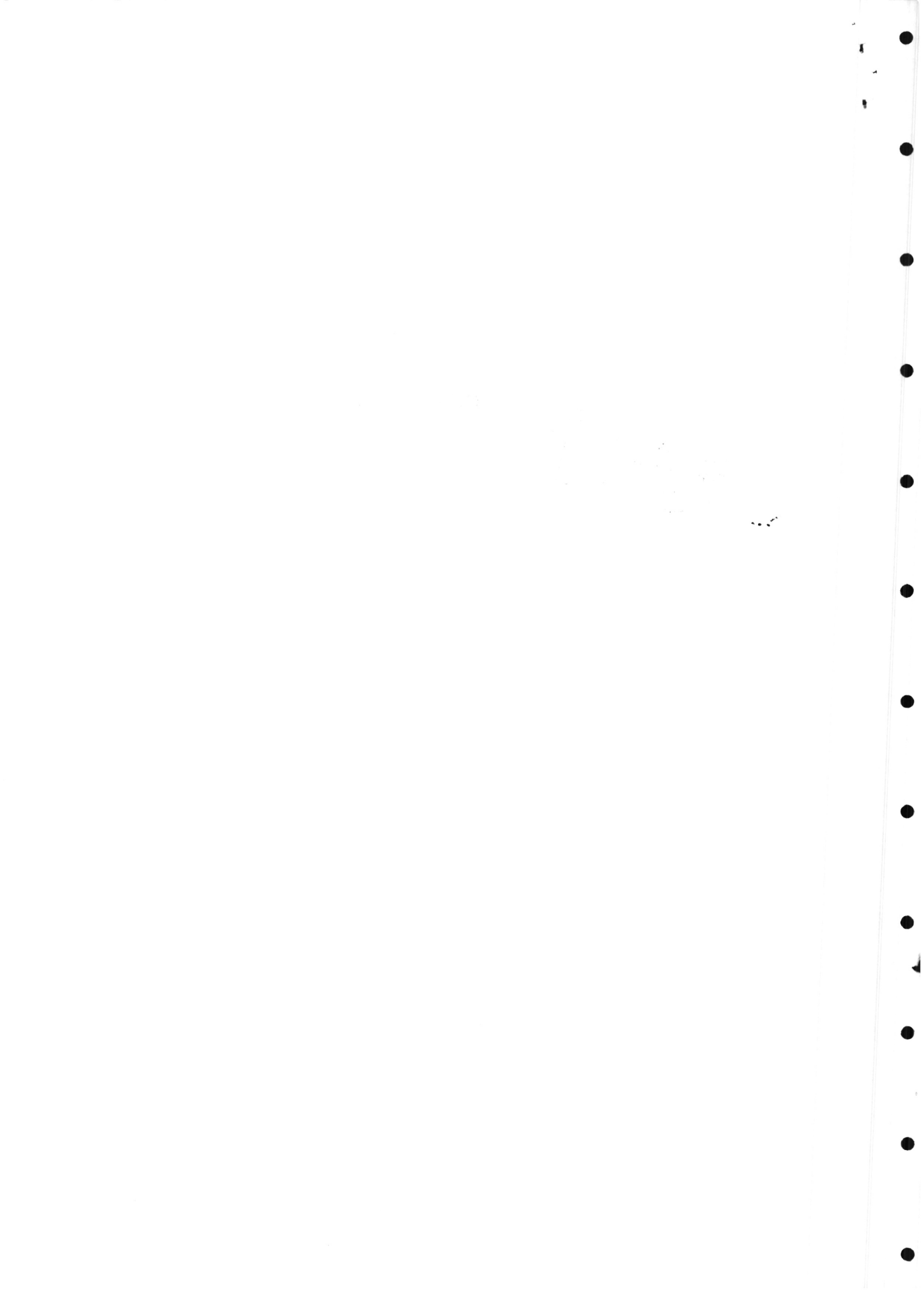
Enhancing Accountability

FEBRUARY 2017



PERFORMANCE AUDIT REPORT ON
REHABILITATION AND RE-INTEGRATION
OF CHILD OFFENDERS
AND CHILDREN IN NEED OF CARE AND PROTECTION

MINISTRY OF EAST AFRICAN COMMUNITY (EAC),
LABOUR AND SOCIAL PROTECTION

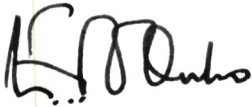


Foreword by the Auditor - General

In my capacity as the Auditor-General of Kenya, I am pleased to publish and publicize this performance audit report that examines the rehabilitation and reintegration of child offenders and children in need of care and protection by the Ministry of East African Community (EAC), Labour and Social Protection. My Office carried out the audit under the Public Audit Act, 2015. Section 36(1) of the Act mandates me to examine the economy, efficiency and effectiveness with which public money has been expended pursuant to Article 229 of the Constitution.

Performance Audits, together with Financial and Continuous Audits form the three-pillar audit assurance framework that I have established to give focus to the varied and wide scope of audit work done by my Office. The framework is intended to give assurance to stakeholders that public resources are not only correctly disbursed, recorded and accounted for but that they also have a positive impact on the lives of all Kenyans. The overriding goal of our performance audits is to promote delivery of public services of outstanding quality to Kenyans.

I have submitted the original copy of the report to the Clerk of the National Assembly, for tabling in Parliament in accordance with Article 229 (7) of the Constitution. In addition, I have remitted copies of the report to the Cabinet Secretary for Ministry of East African Community (EAC), Labour and Social Protection. I wish to express my appreciation for the co - operation and assistance afforded to the audit team by the Children's Department officers.



FCPA EDWARD R.O. OUKO, CBS

AUDITOR-GENERAL

20th February, 2017



DEFINITION OF TERMS

Rehabilitation: Is a process meant to equip child offenders and children in need of care and protection with information and skills aimed at addressing behavioural problems while realizing acceptable, intellectual, social, moral and economic obligations.

Reintegration: Is a process aimed at disengaging children from rehabilitation schools and reuniting them with their families and communities through interventions, programs and services designed to assist them settle back into their families and communities.

Children's remand home: is a place of safety where children in conflict with the law are committed by court until their matters are finalized.

Rehabilitation school: is any institution which provides reception, maintenance, training and rehabilitation of children through a court order.

Reception centres: are established for the purpose of assessing, classifying and placing of children that suit their needs.

LIST OF ABBREVIATIONS

AIE	- Authority to Incur Expenditure
DCS	- Department of Children Services
MOLSS&S	- Ministry of Labour, Social Security and Services
NCCS	- National Council for Children Services
RH	- Remand Homes
RS	- Rehabilitation Schools
SCIs	- Statutory Children Institutions

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EXECUTIVE SUMMARY

Background to the audit

1. Child offenders are persons below 18 years who are in conflict with the law. The most common offences committed by children are aggressive acts, theft, vandalism, arson, truancy, running away, defying authority, drug abuse and other anti-social behaviour. On the other hand, children in need of care and protection are children whose parents or guardians find difficulty in parenting, those who have dropped out of school, who are truant or are at risk of falling into bad company and those who are found loitering and begging. Trend in this kind of behaviour can lead to adult crime and thereby a lifelong criminal career. This can only be prevented through effective rehabilitation and reintegration programmes.
2. In Kenya, the children justice system provides for rehabilitation of child offenders and children in need of care and protection in rehabilitation schools for a maximum of three years. Prior to their admission to rehabilitation schools the children are apprehended by police, and then held in remand homes as their cases are being heard in courts. Thereafter, the courts commit them to rehabilitation schools where they undertake various rehabilitation programs as education, vocational training/ skills training and counselling for a maximum of three years before being released back to their families or community.
3. The Department of Children Services (DCS) in the Ministry of East African Community, Labour and Social Protection is responsible for undertaking rehabilitation and reintegration of child offenders back to the community as well as managing and supervising statutory children institutions which comprise children remand homes, reception centres and rehabilitation schools. Currently, there are two reception centres, 10 rehabilitation schools and 14 remand homes in the country.
4. The issue of rehabilitation and reintegration of child offenders and children in need of care and protection is of importance because if the rehabilitation, reintegration and follow up processes do not effectively address behaviour change and ensure sustainability of the same, it is likely that these children will fall back into crime thereby threatening economic development of the country. It is therefore important for the government through the Ministry of East African Community, Labour, Social Protection to put in place measures to stop children from committing crimes in the first place and to prevent those who do commit crimes from becoming repeat offenders by focusing on their rehabilitation and reintegration into society.
5. However, a report on Children's Rights, 1997, by the Human Rights Watch indicated that the institutions which children were committed had run-down facilities, inadequate supply of water and inoperative sanitary installations, inadequate and dirty bedding materials and there was frequent use of corporal punishment. The report also indicated that there was mixing of children in need of care and protection with child offenders in the same facility. These conditions still exist to date in most of the remand homes and rehabilitation schools as pointed out in the Kenya Vision 2030 Second Medium Term Plan (2013-2017). These factors are likely to undermine effective rehabilitation of children offenders and children in need of care and protection.
6. The objective of the audit was to establish whether the measures put in place by the DCS ensures effective rehabilitation and reintegration of child offenders and children in need of care and protection. The audit covered a period of five financial years from 2010/2011 to 2015/2016.
7. The audit focused on the conduciveness of the environment in the Statutory Children Institutions (SCIs), whether the training met the standards of

the Ministry of Labour, Social Security and Services (MOLSS&S) and international good practice, whether the classification and placement met the standards of the MOLSS&S, whether the MOLSS&S conducted monitoring and evaluation of the programme and whether the DCS conducted reintegration and follow-up of rehabilitees effectively.

Summary of Findings

8. The audit revealed weaknesses in the implementation of the programme which could affect effective rehabilitation and reintegration of child offenders and children in need of care and protection as discussed below;

Non conducive environment for effective rehabilitation of child offenders and children in need of care and protection

9. The U.N. Rules for the Protection of Juveniles state that children shall have the right to facilities and services that meet all the requirements of health and human dignity. The facility's physical environment should be designed with the aim of rehabilitation and with respect to the need of children for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure time activities. Every child should be provided with sufficient bedding and clothing for the climate, which should be kept clean and in good order. Sanitary installations should be of a sufficient standard to enable every child to comply with his or her physical needs in privacy and in a clean and decent manner. However, the audit has revealed that the environment in which the children are being rehabilitated are not conducive for an effective rehabilitation, as discussed below:

a. Old and poorly maintained facilities

10. One of the priority issues according to the DCS Reform Program Guidelines, 2009, is upgrading the rehabilitation infrastructure, including fences,

rooms for staff in the dormitories, to strengthen effectiveness of the system. However, interviews and documentary review at the DCS and the seven rehabilitation schools visited revealed that they were originally detention facilities for "mau mau" fighters (peasants involved in a revolt against British colonial rule in Kenya). Out of the seven institutions inspected, four of them have not been renovated and upgraded to suit their current purpose of rehabilitating child offenders and children in need of care and protection, thus the facilities do not offer a conducive environment for providing care and protection for the children.

11. This poor condition of rehabilitation infrastructure in the institutions was attributed to lack of policy on regular maintenance of structures and inadequate funding for the maintenance needs in the SCIs. The inadequate maintenance contributed to the deteriorating conditions of rehabilitation infrastructures in the SCIs rendering them non-conducive for rehabilitation.

b. Inadequate facilities

12. The National Standards and Regulations for Statutory Children Institutions stipulates that the rehabilitation schools shall make all efforts so that children can achieve sound development and rehabilitation in accordance with their needs, by settling them in a comfortable, supportive and educative environment and by making them lead constructive lives. However, in Dagoretti RS, Likoni RS and Kericho RS there was inadequacy of beds, beddings and mosquito nets. Some children in Likoni RS and Wamumu RS did not have shoes. In addition, interviews with the rehabilitees in Wamumu RS and Kisumu RS revealed that the food was inadequate. Wamumu RS, Likoni RS and Kisumu RS did not have adequate clean water supply. The inadequacy of facilities in the SCIs was due to inadequate funding, fluctuation in number of children especially in remand homes, varying prices of food items and vandalism by children.

The effect of inadequate facilities in the SCIs is that it may interfere with the sound development and rehabilitation of children.

c. Use of unacceptable disciplinary measures

13. The Children Act (2001) revised 2010, section 17 (6) stipulates that children shall not be subjected to any form of corporal punishment, any punishment relating to the consumption or deprivation of food, intentional deprivation of sleep or the punishment of a group of children for the behavior of an individual child among other measures. Interviews with the rehabilitees in Kericho RS, Likoni RS and Wamumu RS disclosed that counseling was used as a disciplinary measure in Wamumu, Likoni, Kisumu and Kericho RSs. However, children were caned in Kericho, Likoni and Wamumu RSs. Food rations were halved at Wamumu RS while punishments were sometimes conducted at night in Likoni RS. Manual work/labour was used as punishment in Kirigiti, Wamumu, Likoni, Kisumu and Kericho RSs. The effect of subjecting children to these forms of punishment may instill fear in them thereby making it hard for them to open up to counselors who offer psychosocial support which helps in uncovering the children's problems.

Insufficient training for effective rehabilitation

14. According to the UN Rules for Protection of Juveniles, every child of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. It also states that every child should have the right to receive vocational training in occupations likely to prepare him or her for future employment. Further, the National Standards and Regulations for Statutory Children's Institutions indicate that the courses to be provided at the rehabilitation schools are formal education (primary and secondary), behavior/attitude change and vocational training. However, the audit revealed insufficient training due to lack

of continuity, partial coverage of syllabus, failure to complete trade test and lack of professional counselling as discussed below;

a. Lack of continuity in education

15. During the period 2010/2011 to 2016 a total of 21 secondary school students were committed to four out of the seven rehabilitation schools visited. However, document reviews and interviews with staff of the seven RSs showed that there was no secondary school education being offered and as such child offenders and children in need of care and protection who were pursuing secondary school education before their committal, were forced to repeat either class seven or eight. This contravenes the set standards by the department and the Ministry with regard to formal education.

b. Partial coverage of the syllabus

16. The seven RSs visited used the Ministry of Education (8:4:4) syllabus. Six out of the seven rehabilitation schools indicated to have covered the syllabus partially due to the fact that they had few trained teachers to cater for pupils from class one to class eight. It is only in Likoni RS where the syllabus was completed. In addition, the partial coverage of syllabus was attributed to limited hours allocated to cover each subject considering the rehabilitation schools were required to offer other programs namely; vocational skills training, guidance and counselling, life skills training, games and sports, clubs and cultural activities among others, as indicated in the daily schedule for rehabilitation schools in the DCS Reform Program Guidelines, 2009.

17. The effect of non-completion of syllabus is that, the rehabilitees will not be well-prepared to sit for their exams and this may have a negative impact on their performance.

a. Rehabilitees do not complete trade tests

18. Vocational training entails skills training and is meant to equip children with relevant skills for future employment. However, interviews with vocational instructors in Dagoretti, Kabete, Kirigiti, Wamumu and Likoni RSs (the five rehabilitation schools that offer vocational training) revealed that they do not complete trade tests while in rehabilitation because of the three years limit set for them, as a result it is not possible for the rehabilitees to do all the trade tests (Grade III to I). Therefore most rehabilitees do not get the certification that is required for their absorption in the job market.

a. **Lack of professional counselling**

19. Counselling as one of rehabilitation programs is meant to address issues of behavior/attitude and promote change among the rehabilitees. However, none of the seven rehabilitation schools and the four remand homes visited had psychologists to offer professional counselling. All the institutions relied on staff with basic skills in counselling. The effect of this is that there is a probability of lack of behavior change in children.

Non adherence to classification and placement criteria

20. Children are committed to rehabilitation schools through court order and are supposed to be classified before they are transferred to various categories of rehabilitation schools suitable to their needs. However, there was non-adherence to classification and placement criteria as discussed below;

a. **Mixing of children of different risks in the SCIs**

21. According to the National Standards for Statutory Children Institutions, children are supposed to be committed to institutions that match their risk level, that is, a high risk offender should be committed to a high risk institution, medium risk offender to a medium risk institution and low

risk offender to a low risk institution. However, documentary review in the SCIs revealed that children of different risks levels are committed to the same institution. The effect of committing children of different risks to the same institution is that there is a high likelihood of bad influence of character among the rehabilitees.

a. **Mixing of child offenders and children in need of care and protection in the same institution**

22. According to section 48 of the Children's Act, 2001, a rehabilitation school shall have separate sections for different sexes, and age categories, and separate sections for child offenders and children in need of care and protection. However, documentary review in the SCIs revealed that there was mixing of children offenders and children in need of care and protection in the SCIs. Mixing the two categories of children therefore undermines the objective of rehabilitation because of probability of bad influence of character.

Failure to carry out effective reintegration and follow up of child offenders and children in need of care and protection

23. After completion of rehabilitation, the rehabilitees are supposed to be reintegrated back to the community and supervised for some time. However, reintegration and follow up was not carried out the way it is expected as discussed below;

a. **Reintegration process is not carried out as required**

24. Reintegration is aimed at disengaging children from rehabilitation schools and reuniting them with their families and communities through interventions, programs and services designed to assist them settle back into their families and communities. It begins when the child is admitted to the statutory children institution whereby at least three home visits are supposed

to be done with the aim of ascertaining the child's background and preparing the environment for their return. Once a child has completed his stay in the rehabilitation school he is supposed to be escorted and handed over to DCO's office near his home by a staff from the rehabilitation school. Then the officers from the DCO's office escort him to his home. Once the child is back in the community after care should be conducted and it entails supervision, sponsorship for education, provision of basic tools and counselling of the child through the DCO's office for duration related to risks level of relapse.

25. In contrast, document review and interviews in the six sub county offices and seven rehabilitation schools disclosed that the steps to family reintegration were not followed and some children were not escorted to their homes from the rehabilitation schools. In addition, interviews and document review in four rehabilitation schools revealed that the field officers delayed to prepare Environmental Adjustment Reports (EARs) which examines family conditions, social conditions of the neighborhood, attitude of the community with regard to the misconduct or incident of the child, child's relationship with friends and acquaintances, causes of the incident that led to the committal and motives for and causes of misconduct, before reintegrating a child back to the community.

26. This delay in the submission of EARs was caused by inadequate staff in the sub county offices. Failure to follow all the required steps to family reintegration especially environmental adjustment may cause the child to reoffend or relapse.

a. Failure to carry out effective follow up as expected

27. The DCS Reform Program Guidelines, 2009, indicate that follow up of the rehabilitees should take three years after their reintegration back to the community. It entails supervision of the children

by the receiving office after they are reintegrated back to the community.

28. Interviews with management of the DCS, probation officers, staff at the six sub county offices and seven rehabilitation schools disclosed that there was minimal or no follow up after reintegration of rehabilitees. The staff at the Westlands and Kiambu sub-counties admitted not to have conducted any follow-ups for the period 2010/2011 to January 2016. While staff at the other four sub-counties stated that they conducted follow-up either with the help of partners or volunteer children's officers, however this could not be verified as no follow-up reports were availed for review. Further, three out of the four offices that conduct follow-up stated that children report to the office for supervision. This was caused by lack of prioritization of follow-up by the Ministry of Labour, Social Security and Services and DCS, weak communication link between the committing officers, parents and the rehabilitation schools which contributed to the problem, human and financial resources were also not adequate.

29. The effect of not carrying out follow up as expected is that, it is probable for the rehabilitees to revert back to their bad behavior and even graduate to adult criminals because of lack of supervision and guidance. It is also difficult for the ministry to measure the success or failure of the programs being offered to rehabilitees due to lack of information/data on follow up.

Lack of Monitoring and Evaluation of Facilities and Programs at the SCIs

30. Monitoring and evaluation is essential to assess successes and challenges of an organization and it aids in determining what needs to be improved. The DCS Reform Program Guidelines, 2009, states that the division of institutional services shall monitor the implementation of programs, training of staff, disseminate policy issues, and carry out routine inspections of statutory institutions and

charitable children institutions.

31. Interviews conducted in the 11 SCIs visited during the audit revealed that monitoring was not conducted regularly. Interviews with staff at Wamumu RS also disclosed that no monitoring had been conducted for the period 2010/2011 to January 2016. In addition, staff at Kisumu RH, Kisumu RS and Kirigiti Reception and RS stated that feedback on the inspections conducted were not communicated to them while others like Getathuru Reception Centre, Likoni RH and RS said feedback was communicated to them verbally.
32. The effect of lack of monitoring and evaluation of facilities and programs at the SCIs is that the DCS does not know if the rehabilitation and reintegration programs are effective.

Lack of an Effective Management Information System

33. The DCS Reform Program Guidelines, 2009, states that the division of institutional services shall maintain and manage data on institutional services and seek quarterly reports on the management of SCIs. However, interviews and document review at the DCS revealed that the department had no comprehensive and up to date data on the management of SCIs and children matters. In particular, the department did not have comprehensive data on the number of children that had been rehabilitated and reintegrated from 2010/2011 to 2014/2015. Further, it had no monitoring and evaluation reports and only one annual report for 2013/2014 was availed to the audit team for review. The six sub county offices and SCIs also did not have all the annual reports for the period under review.
34. In addition, there was no uniform reporting structure since the sub county offices and SCIs had their reports in different formats. The effect of lack of effective management information system is that the department does not have accurate

information for planning and decision making.

Conclusions

35. The audit concludes that the measures put in place by the DCS have not ensured effective rehabilitation and reintegration of child offenders and children in need of care and protection. Specifically;
36. There was no clear policy or guidelines on maintenance and refurbishment of the statutory children institutions. Thus, the institutions were not up to standard in terms of condition of the facilities and adequacy of the resource in the facilities. This is against the national standards and the reform document which is put in place by the department as a guide for the environment that children are supposed to be rehabilitated in.
37. The training and counselling offered at the rehabilitation schools does not meet the standards of the ministry and international good practice since there were inadequate resources in terms of staff and funds to offer them in all the institutions. Therefore, there is risk of the children not being effectively rehabilitated.
38. Classification and placement criteria for the ministry was not adhered to since there were no separate sections for children in need of care and protection and child offenders in the rehabilitation schools. Children were also placed in institutions that did not match their levels of risk. Therefore, there is a high risk of bad influence of character among the children which may interfere with effective rehabilitation of these children
39. The DCS has failed to follow all the steps to family reintegration, especially environmental adjustment. Therefore, the reintegrated children are taken back to the same environment they were in when committed the claim which may still have the factors that drove these children to commit crime in the first place and this poses a risk for them to reoffend.

40. The DCS does not know the progress of the children after their released from the SCIs because follow up after their reintegration back to the community is not carried out; as a result, there is a risk of the rehabilitees reverting back to unlawful practices and even graduating to adult criminals.

41. There was no regular monitoring and evaluation carried out by the DCS on the activities and programs relating to rehabilitation and reintegration of child offenders and children in need of care and protection.

Recommendations

42. To ensure conducive environment for rehabilitation of child offenders and children in need of care and protection, the Ministry of East African Community, Labour and Social Protection should formulate a clear policy for maintenance, refurbishment and construction of facilities within the existing institutions and new institutions. The ministry should also ensure equitable and adequate distribution of utilities to these institutions

43. For adequate training and behavior change, the Ministry should ensure that all statutory children institutions have personnel with relevant skills to attend to the needs of all children including those with special needs. It also should introduce a transitional program for rehabilitees interested in continuing with vocational training to enable them complete their courses and acquire full certification relevant for the job market.

44. The Ministry should establish a clear communication link between the staff of the DCS, SCIs, county and sub-county offices so as to enhance collaboration between them in the delivery of their mandate as far as rehabilitation and reintegration is concerned and timely reporting.

45. The Ministry should encourage participatory budget preparation between itself, the DCS, SCIs, county and sub-county offices so as to ensure all their needs are captured which will support their

request for funding from Treasury.

46. The Ministry should ensure that child offenders and children in need of care and protection are placed in separate sections of the SCIs to avert bad influence of character amongst them.

47. For timely corrective action of the challenges affecting rehabilitation and reintegration, the Ministry should enforce regular monitoring and evaluation of activities and programs in the SCIs, county and sub county offices.

48. To ensure security of the children, staff of SCIs and containment of the children within the institutions, the Ministry should construct perimeter walls or put in place proper fences.

49. The Ministry should prioritize follow-up of rehabilitees after reintegration since it will provide information on the success or failure of the rehabilitation programs provided. This realization will enable the Ministry to make improvements on the programs offered to ensure they are more effective.

I. BACKGROUND TO THE AUDIT

Introduction

1.1 Child offenders are persons below the age of 18 years, who are in conflict with the law. The most common offences committed by children are aggressive acts, theft, vandalism, arson, truancy, running away, defying authority, drug abuse and other anti-social behaviour. On the other hand, children in need of care and protection are children whose parents or guardians find difficulty in parenting, those who have dropped out of school, who are truant or are at risk of falling into bad company and those who are found loitering and begging. In Kenya, the children justice system provides for rehabilitation of child offenders and children in need of care and protection in rehabilitation schools for a maximum of three years. Prior to their admission to rehabilitation schools the children are apprehended by police, and then held in remand homes as their cases are being heard in courts. Thereafter, the courts commits them to rehabilitation schools where they undertake various rehabilitation programs such as education, vocational training/ skills training and counselling for a maximum of three years before being released back to their families or community.

1.2 According to the Institute of Economic Affairs Youth Fact book Kenya 2010, child offenders involvement in crime was influenced by family deficiencies, poverty and peer pressure. Most participants reported to have committed their first offence between the ages of 12 and 15 years or between 16 and 19 years. Poverty and alcohol/drugs were reported to be responsible for increased vulnerability of youth to re-commit crime. These tendencies can lead to adult crime if adequate and appropriate measures are not put in place to curb them, therefore posing a threat to both social and

economic development of the country due to insecurity.

1.3 The Department of Children Services (DCS) in the Ministry of East African Community, Labour and Social Protection is responsible for undertaking rehabilitation and reintegration of child offenders back to the community as well as managing and supervising statutory children institutions which comprise children remand homes, reception centres and rehabilitation schools. Currently, there are two reception centres, 10 rehabilitation schools and 14 remand homes in the country.

1.4 A report on Children's Rights, 1997, by the Human Rights Watch indicated that the institutions which children were committed to had run-down facilities, inadequate supply of water and inoperative sanitary installations, inadequate and dirty bedding materials and there was frequent use of corporal punishment. The report also indicated that there was mixing of children in need of care and protection with child offenders in the same facility. These conditions still exist to date in most of the remand homes and rehabilitation schools as pointed out in the Kenya Vision 2030 Second Medium Term Plan (2013-2017).

Motivation for the Audit

The Auditor- General authorized the audit after reviewing the following factors:

- i. The 2009 Kenya Population and Housing Census Data indicates that 49.5% of the Kenyan population is made up of young people who are below the age of 18 years. In addition to that, the number of child offenders below 18 years was reported to have increased - the highest increase being 34.4% between 2013 and 2014, according to the Kenya Economic Survey report for 2015. Given the above facts, it is therefore important for the government

through the Ministry of East African Community, Labour and Social Protection to put in place measures to stop children from committing crimes in the first place and to prevent those who do commit crimes from becoming repeat offenders by focusing on their rehabilitation and reintegration into society.

- ii. In addition, The Kenya Vision 2030 Second Medium Term Plan (2013-2017), indicates that there is poor infrastructure in rehabilitation schools and remand homes. It is therefore important for the Ministry of East African Community, Labour and Social Protection to ensure conducive environment in these institutions for effective rehabilitation.
- iii. The Kenya Vision 2030 identifies the rule of law and crime prevention as flagship initiatives that support overall state building, societal development and social order. In this case, rehabilitation, reintegration and follow-up of child offenders and children in need of care and protection is vital in aiding them to develop into mature, responsible, law-abiding individuals and also reduces the chances of rehabilitees to recommit crime. As a result, a conducive environment for economic growth and social well-being is achieved.

2. DESIGN OF THE AUDIT

Audit Objective

- 2.1 The objective of the audit was to establish whether the measures put in place by the DCS ensures effective rehabilitation and reintegration of child offenders and children in need of care and protection. The specific objectives were;
- i. To establish whether the environment in the statutory children institutions is conducive for rehabilitation and reintegration of child offenders and children in need of care and protection
 - ii. To assess whether the training offered at the statutory children institutions meet the standards of the Ministry and international good practice
 - iii. To assess whether the classification and placement of children in rehabilitation schools meets the standards of the Ministry
 - iv. To assess whether the ministry effectively conducts reintegration and follow-up rehabilitees
 - v. To establish whether the Ministry conducts monitoring and evaluation of SCIs

Audit Scope

- 2.2 The audit team examined the activities of the Ministry of Labour, Social Security and Services (MOLSS&S), DCS and the statutory children institutions in Kenya relating to rehabilitation and reintegration of child offenders and children in need of care and protection for the period 2010/2011 to January 2016. The team also assessed the programs put in place by the MOLSS&S for rehabilitation and reintegration of child offenders and children in need of

care and protection and monitoring of these programs.

- 2.3 The team visited four sub county offices, seven rehabilitation schools, four remand homes and two reception, assessment and placement centres. The rehabilitation schools were selected using stratified sampling according to the level of risk (high, medium and low) and gender (male and female). The reception, assessment and placement centres are only two in the country; one for female and the other for male. The remand homes and field offices were selected using purposive sampling based on proximity to the rehabilitation schools visited. The institutions visited are listed in **annexure 1**.

Methods Used to Gather Audit Evidence

- 2.4 The team conducted the audit in accordance with performance auditing guidelines issued by the International Organization of Supreme Audit Institutions (INTOSAI) and audit policies and procedures established by the Office of the Auditor General (OAG). The guidelines and policies fulfil the requirements of the International Standards on Auditing (ISA). The methods used for data collection are explained below;

Document Review

- 2.5 To understand the mandate of DCS, legal provisions on rehabilitation and reintegration of child offenders and children in need of care and protection, programs and activities carried out in the SCIs; the team reviewed documents maintained by the DCS, sub county offices and the statutory children institutions (SCIs). The documents included annual reports, Children Act (revised 2010), Ministry of Labour, Social Security and Services Strategic Plan for 2013-2017, National Standards and Regulations for Statutory Children's Institutions, Throughcare and Aftercare Procedures for Children

in Statutory Institutions in Kenya, the Department of Children Services Program Reform Guidelines, 2009 and children's files at the institutions. Details on the documents reviewed are in **Annexure 2** of the report.

Interviews

- 2.6 The team conducted interviews with staff of the DCS at six sub county offices, two reception centres, four remand homes and seven rehabilitation schools to understand their roles, successes and challenges with regard to rehabilitation and reintegration of children. The team also conducted focus group discussion with five to ten rehabilitees in Kirigiti, Wamumu, Likoni, Kisumu and Kericho rehabilitation schools to obtain their views on rehabilitation programs. The participants of the focus groups were selected randomly from the children's files provided for review. The list of interviewees and the reasons for the interviews are shown in **Annexure 3**.

Physical Inspection

- 2.7 To ascertain the conditions of the facilities the audit team carried out physical inspection of the facilities in the reception centres, remand homes and the rehabilitation schools.

Assessment Criteria

- 2.8 According to the Children Act of 2001 (revised 2010) the DCS is charged with the following: to make provision for parental responsibility, custody, maintenance, guardianship, care and protection of children; to make provision for the administration of children institutions; to give effect to the principles of the convention of the Rights of Child and the African Charter on the rights and Welfare of the Child of which Kenya has both ratified and domesticated.
- 2.9 One of the priority issues according to the DCS Reform Program Guidelines, 2009, is upgrading

- the rehabilitation infrastructure, including fences, rooms for staff in the dormitories, to strengthen effectiveness of the system.
- 2.10 The National Standards and Regulations for Statutory Children Institutions stipulates that the rehabilitation schools shall make all efforts so that children can achieve sound development and rehabilitation in accordance with their needs, by settling them in a comfortable, supportive and educative environment and by making them lead constructive lives.
- 2.11 The Children Act (2001) revised 2010, section 17 (6) stipulates that children shall not be subjected to any form of corporal punishment, any punishment relating to the consumption or deprivation of food, intentional deprivation of sleep or the punishment of a group of children for the behavior of an individual child among other measures.
- 2.12 According to the National Standards and Regulations for Statutory Children's Institutions, the courses to be provided at the rehabilitation schools are formal education (primary and secondary), behavior/attitude change and vocational training.
- 2.13 The DCS Reform Program Guidelines stipulates one of their priority issues for an ideal rehabilitation is having professional programs that critically analyzes and address issues of behavior, and that strike a balance between behavior modification and continued learning. Therefore, professional counselling is meant for this purpose. It further states that the ratio of psychologists to children should be 1:80 in the rehabilitation schools. It also states that one of the priority issues for an ideal children's remand home is enhancing facilities including staffing and general infrastructure to carry effective assessment and counselling of children.
- 2.14 According to section 48 of the Children's Act, 2001, a rehabilitation school shall have separate sections for different sexes, and age categories, and separate sections for child offenders and children in need of care and protection. In addition, the DCS Reform Program Guidelines states that for rescue purpose only, all children's remand homes shall have a special unit for children in need of care and protection.
- 2.15 The DCS Reform Program Guidelines, 2009, states that the division of institutional services shall monitor the implementation of programs, training of staff, disseminate policy issues, and carry out routine inspections of statutory institutions and charitable children institutions. In addition, the MOLSS&S strategic plan 2013-2017, states that it is the responsibility of the Heads of Departments and officers in charge of projects and programmes to monitor the performance of their areas of jurisdiction.
- 2.16 According to the DCS Reform Program Guidelines, 2009, follow up of the rehabilitees should take three years after their reintegration back to the community. The duration between exit and complete disengagement is determined by the risk level of the individual case, on how long the child had been away, and responsivity of the child and the family as illustrated below.



Criteria for follow-up

SCHEDULE OF FOLLOW UP VISITS			
R I S K LEVEL	DURATION OF VISITS		
	YEAR ONE	YEAR TWO	YEAR THREE
HIGH	<ul style="list-style-type: none"> - Two visits monthly in the first three months - One monthly visit the rest of the year. 	One visit bimonthly	One quarterly visits
MEDIUM	<ul style="list-style-type: none"> - One visit monthly in the first three months - One bimonthly visit for rest of the year 	One quarterly visit for the year	One quarterly visit for the year
LOW	<ul style="list-style-type: none"> - One visit monthly for the first three months - One quarterly visit for the rest of the year 	One visit per six months	One visit per six months

Source: Reform document for DCS

- 2.17 The DCS Reform Program Guidelines, 2009, states that the division of institutional services shall maintain and manage data on institutional services and seek quarterly reports on the management of SCI's.
- 2.18 The U.N. Rules for the Protection of Juveniles states that children shall have the right to facilities and services that meet all the requirements of health and human dignity. The facility's physical environment should be designed with the aim of rehabilitation and the sanitary installations should be of a sufficient standard to enable every child to comply with his or her physical needs in privacy and in a clean and decent manner.
- 2.19 According to the UN Rules for Protection of Juveniles, every child of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. It also states that every child should have the right to receive vocational training in occupations likely to prepare him or her for future employment.
- 2.20 The sources of the audit criteria are outlined in **Annexure 4.**
- 3. DESCRIPTION OF THE AUDIT AREA**
- 3.1 The Ministry of Labour, Social Security and Services came into being under the restructuring of government through the Executive Order No. 1/2013 and 2/2013. The Ministry combined the former Ministry of Labour and part of the former Ministry of Gender, Children and Social Development. The Department of Children Services (DCS) was previously under the former Ministry of Gender, Children and Social Development. In 2016, the Government restructured its departments and created the Ministry of East African Community, Labour and Social Protection. The DCS now falls under the Social Protection Department.
- 3.2 The DCS is charged with the responsibility of managing and supervising statutory children institutions. The statutory children institutions include; children remand homes and rehabilitation schools. Children's remand home is a place of safety where children in conflict with the law are committed by court until their matters are finalized while rehabilitation school is any institution which provides reception, maintenance, training and rehabilitation of children through a court order.

Statutory Mandate for Department of Children Services

- 3.3 The Department of Children Services derives its mandate from the Children Act No.8 of 2001 (revised 2010) to; make provision for parental responsibility, custody, maintenance, guardianship, care and protection of children; to make provision for the administration of children institutions; to give effect to the principles of the convention of the Rights of Child and the African Charter on the rights and Welfare of the Child of which Kenya has both ratified and domesticated.
- 3.4 Section 51 of the Act, further states that the Director of the department of Children Services shall be responsible for the supervision of rehabilitation schools, children remand homes, children rescue centres and children protection centres.

Process Description for Rehabilitation and Reintegration of Child Offenders and Children in Need of Care and Protection

- 3.5 The process of rehabilitation and reintegration of child offenders and children in need of care and protection is preceded by a child committing an offence in the community. If the child is apprehended by the police he/she is held in police custody before presentation to court. After the child's case has been mentioned in court he is taken to remand homes which act as holding facilities for up to two weeks before the child's case is finalized. The child moves back and forth between court and remand home awaiting final disposition of their cases. At the remand homes there are programs such as skills training and guidance and counselling which the child is taken through.
- 3.6 As the child's case is being heard in court, the court will require the probation and children

officers to carry out an enquiry on the child and forward a report to the court. The court will then consider the findings of the report and make judgement recommending that either the child be taken to rehabilitation school or released back to the community. If the child is to be taken to rehabilitation schools, they are first taken to reception, assessment and placement centres where they are assessed according to individual needs.

- 3.7 Professional assessment tools are used to assess the level of risk of each child. Once the child has been assessed they are classified and then taken to different rehabilitation schools which are also classified according to gender and risk. Rehabilitation takes a maximum of 3 years before a child is reintegrated back to the community. During these three years programs such as formal education, vocational training, guidance and counselling and spiritual guidance are offered to rehabilitees.
- 3.8 Reintegration begins when the child is admitted in to the children statutory children institutions. The reform describes the process of reintegration as follows; upon admission, the child is oriented and target-setting for exit back to the community. is done. A thorough social enquiry, family tracing and professional assessment are conducted, after which a case conference with relevant staff on the child is carried out and an Individual Treatment Plan (ITP) for the child is drawn taking in to consideration the child's needs. A reintegration budget is drawn and family and community pre-visits are conducted to assess the family and the suitability of the reintegration, identify the child's and family's support structures within the community i.e. schools, churches, mosques and youth groups. Thereafter, the child's family is invited to the institution for briefing and counselling. A family environmental adjustment report is compiled

followed by comprehensive networking in the field with DCO's, to child's school, church, peers and local human resources like jua kali. A Family Group Decision Making (FGDM) Conference or Restorative Justice Conference is conducted before the child is released. The child is reintegrated into formal/informal education, vocational training/apprenticeship or to gainful employment. After release, follow-up is done on them for a period of up to three years depending on risk level of the individual case.

Sources of Funds

3.9 The Department of Children Services have one consistent source of funding which is the Government of Kenya through the National Treasury allocations. The Department then allocates the funds to the statutory children's institutions. The institutions also get assistance from partners though not consistent. During the period 2010/2011 to 2014/2015, a total of KShs. **474,268,160** was allocated to the children institutions as shown in **Table 1 below.**

Table 1: Funds allocated to statutory children institutions

F/Year	1 st Half KShs	3 rd Quarter KShs	4 th Quarter KShs	Total KShs
2010/2011	41,737,500	22,148,750	22,044,000	85,930,250
2011/2012	44,634,820	22,317,410	21,805,910	88,758,140
2012/2013	48,480,050	23,611,520	23,886,600	95,978,170
2013/2014	48,035,250	24,067,625	24,067,625	96,170,500
2014/2015	52,983,000	27,226,400	27,221,700	107,431,100
Total	231,870,620	119,371,705	119,025,835	474,268,160

Source: OAG analysis of the Department's financial data

4. FINDINGS OF THE AUDIT

4.1 The audit findings revealed weaknesses in the measures put in place by the DCS for effective rehabilitation and reintegration of child offenders and children in need of care and protection as discussed below;

A. Non conducive environment for effective rehabilitation of child offenders and children in need of care and protection

4.2 Conducive environment is very important for any effective rehabilitation and reintegration programme. However, the audit has revealed that the environment in which the children are being rehabilitated are not conducive for an effective rehabilitation as discussed below;

a) Old and poorly maintained facilities

4.3 The U.N. Rules for the Protection of Juveniles states that children shall have the right to facilities and services that meet all the requirements of health and human dignity. The facility's physical environment should be designed with the aim of rehabilitation and the sanitary installations should be of a sufficient standard to enable every child to comply with

his or her physical needs in privacy and in a clean and decent manner. Further, the DCS Reform Program Guidelines, 2009, indicates one of its priority issues as upgrading the rehabilitation infrastructure, including fences, rooms for staff in the dormitories, to strengthen effectiveness of the system.

4.4 However, interviews and documentary review at the DCS and the seven rehabilitation schools visited revealed that the rehabilitation schools are old and some were originally detention facilities for "mau mau" Apart from Kisumu RS which was constructed in 2013/14, Kirigiti RS built in 1964 and Wamumu RS built

in 1953, the other rehabilitation schools are old the facilities and have not been renovated and upgraded to suit their current purpose of rehabilitating child offenders and children in need of care and protection, thus the facilities do not offer a conducive environment for providing care and protection for the children. The four rehabilitation schools are Dagoretti which was built in 1890, Kabete built in 1910, Likoni built in 1969 and Kericho built in 1972.

4.5 Further, Kabete RS which was built back in 1910 has not been renovated for the last 20 years while in Dagoretti RS which was built in 1895 had old buildings that needed urgent renovation. Further review of annual report for Dagoretti Rehabilitation School for 2013/2014 indicated that, in 1984, the Ministry of Public Works condemned the institution buildings rendering them unfit for human habitation. These buildings include the administration block, dormitories, dining hall and kitchen as well as the staff quarters. As at July 2015, only the bakery had been renovated. The photos below show the condition of facilities in both Kabete and Dagoretti RSs.



Photos of the workshops at Kabete RS as at July 2015



Photos of the classrooms at Dagoretti RS as at July 2015



4.6 Physical inspection of facilities in the 13 SCIs revealed that five of them had poor sanitation due to broken sewerage and run down toilets while four of them had asbestos on the roofs of some buildings posing health risks to children and staff. The dormitories in Likoni RH and Kericho RS and RH were dirty, one of the dormitories in Dagoretti RS was congested and those in Kabete RS lacked window panes yet it is situated in a cold region. In addition, rehabilitees in Kericho RS complained of broken down sewerage system. The workshops in Kabete RS had leaking roofs

and the classrooms had no window panes to protect the children from harsh weather conditions.

4.7 The poor condition of rehabilitation infrastructure in the institutions was caused by lack of policy on regular maintenance of structures and inadequate funding for the maintenance needs in the SCIs. There was also disproportionate funding to institutions; that is, although all the SCIs received allocations for maintenance, Likoni RS, Likoni RH, Wamumu RS and Kirigiti Reception and RS were allocated additional funds for refurbishment of the structural facilities. It was however, not clear what criteria the DCS used in allocating funds for maintenance and refurbishment to the SCIs. The actual amounts allocated to SCIs are illustrated in **Table 2**.

4.8 The inadequate maintenance contributed to the deteriorating conditions of rehabilitation infrastructures in the SCIs rendering them non-conducive for rehabilitation.

4.9 Further, all the 13 institutions had penetrable fences which did not ensure maximum containment of children and security. The failure to upgrade the fences promoted escape tendencies among children as shown in **Table 3** and this may have interfered with the effectiveness of rehabilitation. However, in most occasions the escapees were apprehended and brought back to the institution though a few of them were never caught.

Table 2: Funds allocated to institutions for maintenance in Kenyan Shillings

REHABILITATION SCHOOLS	YEARS				
	2010/11	2011/12	2012/13	2013/14	2014/15
Kirigitil	60000	40000	42000	35000	1544000*
Wamumu	60000	40000			
Likoni	60000	80000		35000	
Kericho		20000	38500		32000
REMAND HOMES					
Nairobi	28,900		195,000		
Likoni	48,000	40,000	40,000	19,000	20,000
Kisumu			40,000	19,000	20,000
Kericho	48,000	40,000			20,000

Note 1: The blank spaces represent missing AIEs or incomplete data

Note 2: The amount of 1544000* included funds for refurbishment which are not part of regular maintenance allocations

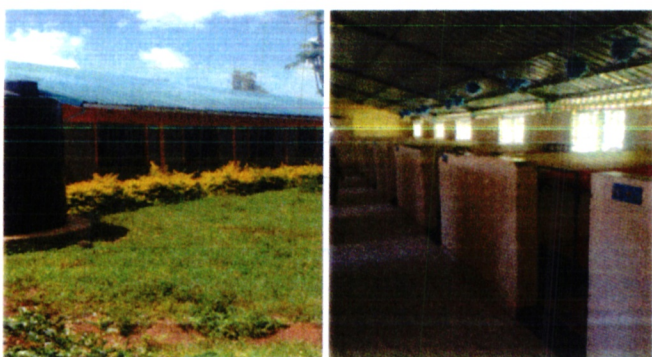
Source: OAG analysis of the institutions AIE's

Table 3: Escapees Data

Institutions	Totals
Kirigiti Reception	22
Kirigiti Rehab	26
Wamumu Rehab	5
Getathuru Rehab	243
Nairobi remand	0
Likoni remand	176
Likoni rehab	187
Kisumu Remand	68
Kisumu Rehab	1
Kericho Remand	12
Kericho Rehab	10
Total	750
Average number of escapees	68.18

Source: OAG analysis of escapees' data from the institutions from 2010/2011 to January 2016

- 4.10 In addition, interviews with the management of Kericho RH and RS disclosed that there was a case of burglary at the institution which resulted to loss of property and information.
- 4.11 Physical inspection of facilities in the two reception centres, four remand homes and seven rehabilitation schools showed that boarding facilities in Wamumu RS, Kirigiti Reception Centre and RS, Kisumu RS and Nairobi RH were well maintained as shown in the sample pictures below.



Photos of Wamumu dormitory (outside and inside) as at 2 December 2015

b) Inadequate basic amenities

- 4.12 According to the UN Rules for Protection of Juveniles, every child should be provided with sufficient bedding and clothing for the climate, which should be kept clean and in good order. The National Standards and Regulations for Statutory Children Institutions also stipulates that the rehabilitation schools shall make all efforts so that children can achieve sound development and rehabilitation in accordance with their needs, by settling them in a comfortable, supportive and educative environment and by making them lead constructive lives.
- 4.13 However, interviews and physical inspection of facilities in the SCIs visited revealed that there was inadequacy of basic amenities even though none of the rehabilitation schools had children exceeding the capacity of the institutions at the time of the audit. In Dagoretti RS, Likoni RS and Kericho RS there was inadequacy of beds, beddings and mosquito nets. Some children in Likoni RS and Wamumu RS did not have shoes. In addition, interviews with the rehabilitees in Wamumu RS and Kisumu RS revealed that the food was inadequate.
- 4.14 Wamumu RS, Likoni RS and Kisumu RS did not have adequate clean water supply. Both Likoni RH and RS shared the same borehole which belonged to Likoni RH while Kisumu RS relied on harvested rain water and sometimes bought from water vendors. Wamumu relied on water from the rice fields in Mwea irrigation scheme which was dirty.
- 4.15 The inadequacy of basic amenities in the SCIs was due to inadequate funding, fluctuation in number of children received especially in remand homes, varying prices of food items and vandalism by children. The effect of inadequate facilities in the SCIs is that it may

interfere with the sound development and rehabilitation of children.

c) Use of unacceptable disciplinary measures

4.16 The Children Act (2001) revised 2010, section 17 (6) stipulates that children shall not be subjected to any form of corporal punishment, any punishment relating to the consumption or deprivation of food, intentional deprivation of sleep or the punishment of a group of children for the behavior of an individual child among other measures. Interviews with the rehabilitees in rehabilitation schools revealed that counseling was used as a disciplinary measure in Wamumu, Likoni, Kisumu and Kericho RSs while manual work/labour was used as punishment in Kirigiti, Wamumu, Likoni, Kisumu and Kericho RSs. However, children were caned in Kericho, Likoni and Wamumu RSs. Food rations were halved at Wamumu RS while punishments were sometimes conducted at night in Likoni RS.

4.17 The effect of subjecting children to unacceptable forms of punishment may instill fear in them thereby making it hard for them to open up to counsellors who offer psychosocial support which helps in uncovering the children's problems.

B. Insufficient training for effective rehabilitation

4.18 According the UN Rules for Protection of Juveniles, every child of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. It also states that every child should have the right to receive vocational training in occupations likely to prepare him or her for future employment. Further, the National Standards and Regulations for Statutory

Children's Institutions, states that the courses to be provided at the rehabilitation schools are formal education (primary and secondary), behavior/attitude change and vocational training. However, the audit revealed insufficient training in the following aspects;

a) Lack of continuity in education

4.19 During period between 2010/2011 to 2016, 10 secondary school going children were committed to Dagoretti RS, eight to Kirigiti RS, two to Wamumu RS and one to Kabete RS. However, document review and interviews with staff in the seven RSs showed that there was no secondary education being offered and as such child offenders and children in need of care and protection who were pursuing secondary education before their committal were forced to repeat either class seven or eight therefore falling behind their peers. This contravenes the set standards by the department and the MoLSS&S with regard to formal education.

b) Partial coverage of the syllabus

4.20 Interviews and document review in the seven RSs visited, disclosed that they use the Ministry of Education (8:4:4) syllabus. Out of the seven rehabilitation schools, it is only in Likoni RS where the staff indicated that the syllabus was completed. The remaining six rehabilitation schools indicated to have covered the syllabus partially due to the fact that they had few trained teachers to cater for pupils right from class one to class eight as shown in **Table 4**

Table 4: Number of teachers against number of children per class in rehabilitation schools

Rehabilitation School	Number of children per class									Number of teachers	Remarks
	1	2	3	4	5	6	7	8	Total		
Dagoretti		2	4	4	3	17	4	25	59	4	The institution has 4 teachers against 7 classes. Class 2 to 4 are combined and taught by one teacher.
Kabete					25	30	42	30	127	3	The institution has 3 teachers against 4 classes. Therefore it is probable that some classes are not taught at one point in time
Kirigiti	1	1	0	6	5	19	16	16	64	4	The institution has 4 teachers against 8 classes. Therefore it is probable that some classes are not taught at one point in time
Wamumu				17	25	25	21	11	99	6	
Likoni			14	18	13	11	11	5	72	4	
Kisumu	11	16	14	15	9	5	7	5	82	None (New, yet to build classes)	
Kericho	7	21	15	7					50	5	

Source: OAG analysis of the number of teachers against number of children per class as at June 2016

4.21 In addition, the partial coverage of syllabus was attributed to limited hours allocated to cover each subject considering the rehabilitation schools were required to offer other programs namely; vocational skills training, guidance and counselling, life skills training, games and sports, clubs and cultural activities among others. In all the rehabilitation schools formal education was offered less than five days a week except for class 8 in Likoni RS which is contrary to the practice in regular schools that offer formal education five days a week. **Table 5** shows time allocated for various programs and activities in the rehabilitation schools.

Table 5: Allocation of time for programs and activities in rehabilitation schools

Institution	Time allocated for formal education	Time allocated for vocational training and other activities
Dagoretti	<ul style="list-style-type: none"> •Class 7 and 8 - half day 3 days a week •Other classes - half day 5 days a week 	<ul style="list-style-type: none"> •Class 7 & 8 – vocational training 2 days a week •The other activities are conducted in the afternoons
Kericho	<ul style="list-style-type: none"> •Class 1-3 – half day 5 days a week •Class 4 – full day 5 days a week 	<ul style="list-style-type: none"> •One life skills lesson per week per class
Wamumu	All classes - 3 days a week	All classes - 2 days a week
Likoni	<ul style="list-style-type: none"> •Class 8 – 5 days a week •Other classes – 3 days a week 	<ul style="list-style-type: none"> •Class 8 – None •Other classes – 2 days
Kirigiti	All classes – half day 4 days a week	One day per week per class
Kabete	All classes – 3 days a week	All classes - 2 days a week

Source: OAG analysis of time allocated for programs and activities at the rehabilitation schools

4.22 The effect of non-completion of syllabus is that, the rehabilitees will not be well prepared to sit for their exams which may have a negative impact on their performance as shown in **Table 6**. Once the children sit for their Kenya Certificate of Primary exams they are released and subjected to the same selection criteria for joining secondary school as the rest of the candidates in the country and therefore poor performance may deny them a chance to join good secondary schools.

Table 6: Students academic results for 2013/2014

School	Mean score out of 500 marks					
	2010	2011	2012	2013	2014	2015
Kabete	211.3	191.9	232	212.3	223.4	212.4
Likoni	218.9	220.8	188	222.7	245	239.7
Dagorretti	162.6	117	176.4	182	181.8	167.1
Wamumu	218.57	217.33	206.86	205.07	217.00	211.75
Kirigiti	245	224.1	194.5	190.84	188.3	200.3

Source: OAG analysis of KCPE results from the institutions

c) Rehabilitees do not complete trade tests

4.23 Vocational training entails skills training and

is meant to equip children with relevant skills for future employment. For the children to be fully qualified in the various vocational courses, they must sit for three trade tests (Grade III to I). However, interviews with vocational instructors in Dagoretti, Kabete, Kirigiti, Wamumu and Likoni RSs (the five rehabilitation schools that offer vocational training) revealed that the rehabilitees do not complete trade tests while in rehabilitation because of the three years limit set for them. Therefore, the rehabilitees do not get the certification that is required for

their absorption in the job market. In addition, there are no instructors for dress making, carpentry and bakery at Likoni RS. Further, Kisumu and Kericho RSs do not offer vocational training because the former is a new institution and the latter is only mandated to offer life skills training.

d) Lack of professional counselling

4.24 The DCS Reform Program Guidelines stipulates one of their priority issues for an ideal

rehabilitation is having professional programs that critically analyze and address issues of behavior, and that strike a balance between behavior modification and continued learning. Therefore professional counselling is meant for this purpose. It further states that the ratio of psychologists to children should be 1:80 in the rehabilitation schools. It also states that one of the priority issues for an ideal children's remand home is enhancing facilities including staffing and general infrastructure to carry effective assessment and counselling of children.

4.25 Document review and interviews with staff in the seven rehabilitation schools and four remand homes, disclosed that all the institutions did not have psychologists to offer professional counselling instead all the institutions relied on staff with basic skills in counselling. The effect of this is that there is a probability of lack of behavior change in children.

C. Non adherence to classification and placement criteria

4.26 Children are committed to rehabilitation schools through court order and should be classified before they are transferred to various categories of rehabilitation schools suitable to their needs. However, there was non-adherence to classification and placement criteria as indicated below;

a) Children of different risks committed to the same institution

4.27 According to the National Standards for Statutory Children Institutions, children are supposed to be committed to institutions that match their risk level, that is, a high risk offender should be committed to a high risk institution, medium risk offender to a medium risk institution and low risk offender to a low risk institution. However, document review

in six out of the seven rehabilitation schools visited revealed that children of different risk levels (low risk, medium risk and high risk) were mixed together as shown in **Table 7**.

Table 7: Children of different levels of risk mixed together

Institution	ADM No.	Score (Low 0-7, Medium 8-16, High 17-42)	Risk level of the child	Risk level of the institution
Dagoretti RS	-	23	High	Medium / Low
		20	High	Medium/ Low
Kirigiti RS	4223	14	Medium	High
	4589	16	Medium	High
	4405	14	Medium	High
Wamumu	24959	14	Medium	High
Likoni	24642	23	High	Medium
	24935	22	High	Medium
	24866	20	High	Medium
	24435	21	High	Medium
	24624	19	High	Medium
Kisumu RS	25341	17	High	Medium/ Low
Kericho RS	24830	18	High	Low
	25265	14	Medium	Low
	25367	11	Medium	Low
	24812	19	High	Low

Source: OAG analysis of the data obtained from children's files

4.28 The effect of committing children of different risks to the same institution is that there is a high likelihood of bad influence of character among the rehabilitees.

a) Mixing of child offenders and children in need of care and protection in the same institution

4.29 According to section 48 of the Children's Act, 2001, a rehabilitation school shall have separate sections for different sexes, and age categories, and separate sections for child offenders and children in need of care and protection. In addition, the DCS Reform Program Guidelines states that for rescue purpose only, all children's remand homes shall have a special unit for children in need of care and protection. Further, children in need of care and protection are not considered criminals as per the Children Act section 119 (1) while child offenders are considered to have committed crimes.

4.30 However, in all the seven rehabilitation schools and four remand homes visited, child offenders and children in need of care and protection were mixed and shared all the facilities. Therefore, mixing the two categories of children undermines the objective of rehabilitation because of probability of bad influence of character.

D. Failure to carry out effective reintegration and follow up of child offenders and children in need of care and protection

4.31 After completion of rehabilitation, the rehabilitees are supposed to be reintegrated back to the community and supervised for some time. However, interviews and document review at the sub county offices of the DCS and the rehabilitation schools revealed that both reintegration and follow up of rehabilitees was not carried out as expected

as discussed below.

a) Reintegration is not carried out as required

4.32 Throughcare and Aftercare Procedures for Children in Statutory Children Institutions in Kenya, states that reintegration is the process aimed at disengaging children from rehabilitation schools and reuniting them with their families and communities through interventions, programs and services designed to assist them settle back into their families and communities. It begins when the child is admitted to the statutory children institution whereby at least three home visits are supposed to be done with the aim of ascertaining the child's background and preparing the environment for their return. Once a child has completed his stay in the rehabilitation school he is supposed to be escorted and handed over to DCO's office near his home by a staff from the rehabilitation school. The officers from the DCO's office should then escort him to his home. Once the child is back in the community after care should be conducted and it entails supervision, sponsorship for education, provision of basic tools and counselling of the child through the DCO's office for duration related to risks level of relapse.

4.33 In contrast, interviews with staff at the six sub county offices and seven rehabilitation schools disclosed that the steps to family reintegration (refer to par. 3.8) were not followed and some children were not escorted to their homes from the rehabilitation schools. In addition, interviews and document review in Likoni, Kirigiti, Wamumu and Kericho RSs revealed that the children officers delayed to prepare Environmental Adjustment Reports (EARs) which are a prerequisite for reintegration of children back to the community. According to

the Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya, the Environmental Adjustment Report (EAR) is a document prepared by the children's officers indicating the progress they have made in working with the child's environment and are remitted to the institutions where the child is admitted. Review of documents in rehabilitation schools revealed low response to EARs as illustrated in **Table 8**.

Table 8: Low response of EARs by the sub county offices

Institution	Number of EARs requested	Number of EARs responded to	Percentage response
Wamumu	367	23	6.3%
Kabete	900	450	50%
Kisumu	25	0	0%

Source: OAG analysis of reintegration data from rehabilitation schools

Note: This information was not availed by the other four rehabilitation schools

4.34 Delay in the response to EARs was caused by inadequate staff in the sub county offices who are also involved in other duties such as carrying out home visits, rescue children in need of care and protection, attending court sessions, cash transfer to orphans and vulnerable children among others. In addition, the officers at the sub county offices and rehabilitation schools were not involved in the budgeting process and no budgets for reintegration were available for review in both. Review of the funding schedules at the sub county offices and rehabilitation schools showed that there was no specific allocation for reintegration although the funding schedules for rehabilitation schools had allocation for repatriation.

4.35 Failure to follow all the required steps to family reintegration especially environmental adjustment may cause the child to reoffend or relapse. Environmental adjustment examines family conditions, social conditions of the neighborhood, attitude of the community with regard to the misconduct or incident of the child, child's relationship with friends and acquaintances, causes of the incident that led to the committal and motives for and causes of misconduct, before reintegrating a child back to the community.

b) Failure to carry out effective follow up as expected

4.36 The DCS Reform Program Guidelines, 2009, indicate that follow up of the rehabilitees should take three years after their reintegration back to the community. It entails supervision of the children by the receiving office after they are reintegrated back to the community. The duration between exit and complete disengagement is determined by the risk level of the individual case, on how long the child had been away, and responsivity of the child and the family and is illustrated in **Table 9**.

Table 9: Criteria for follow-up

SCHEDULE OF FOLLOW UP VISITS			
RISK LEVEL	DURATION OF VISITS		
	YEAR ONE	YEAR TWO	YEAR THREE
HIGH	<ul style="list-style-type: none"> - Two visits monthly in the first three months - One monthly visit the rest of the year 	One visit bimonthly	One quarterly visits
MEDIUM	<ul style="list-style-type: none"> - One visit monthly in the first three months - One bimonthly visit for rest of the year 	One quarterly visit for the year	One quarterly visit for the year
LOW	<ul style="list-style-type: none"> - One visit monthly for the first three months - One quarterly visit for the rest of the year 	One visit per six months	One visit per six months

Source: Reform document for DCS

4.37 However, interviews with management of the DCS, probation officers, staff at the six sub county offices and seven rehabilitation schools disclosed that there was minimal or no follow up after reintegration of rehabilitees. The staff at the Westlands and Kiambu sub-counties admitted not to have conducted any follow-ups for the period 2010/2011 to January 2016. While staff at the other four sub-counties stated that they conducted follow-up either with the help of partners or volunteer children’s officers, however this could not be verified as no follow-up reports were availed for review. Further, three out of the four offices that conduct follow-up stated that children report to the office for supervision. It is only in Kericho sub county office that the children officer said they conduct follow-up by visiting the children at their homes. This could not be verified either as no follow-up reports was availed for review.

4.38 During the period 2010/2011 to June 2016, over 2818 children were reintegrated back to the community after going through rehabilitation in the seven rehabilitation schools visited during the audit yet there was no prove of a

single follow-up that was conducted.

4.39 Failure to effectively follow-up is mainly attributed to lack of prioritization of follow-up by the Ministry and DCS. Secondly, there was a weak communication link between the committing officers, parents and the rehabilitation schools which contributed to the problem. Sometimes the rehabilitation schools reintegrated children directly to the community without informing the sub county office making follow-up a challenge. Human and financial resources were also not adequate. For example, the sub county funding schedules did not contain specific allocations for follow up and as such the field officers were left to apportion the funds to their various activities.

4.40 The effect of not carrying out follow up as expected is that it is probable for the rehabilitees to revert to their bad behavior and even graduate to adult criminals because of lack of supervision and guidance. It is also difficult for the ministry to measure the success or failure of the programs being offered to rehabilitees due to lack of information/data on follow-up.

E. Lack of Monitoring and Evaluation of Facilities and Programs at the SCIs

- 4.41 The DCS Reform Program Guidelines, 2009, states that the division of institutional services shall monitor the implementation of programs, training of staff, disseminate policy issues, and carry out routine inspections of statutory institutions and charitable children institutions. In addition, the MOLSS&S strategic plan 2013-2017, states that it is the responsibility of the Heads of Departments and officers in charge of projects and programmes to monitor the performance of their areas of jurisdiction.
- 4.42 Interviews conducted in 11 SCIs visited during the audit revealed that monitoring was not conducted regularly. Out of the 11 SCIs, it was only Kericho RS and RH that had one monitoring and evaluation report for the financial year 2011/2012. Interviews with staff at Wamumu RS also disclosed that no monitoring had been conducted for the period 2010/2011 to December 2015. Staff at Kisumu RH, Kisumu RS and Kirigiti Reception and RS stated that feedback on the inspections conducted was not communicated to them while staff at Getathuru Reception Centre, Likoni RH and RS said feedback was communicated to them verbally.
- 4.43 Monitoring and evaluation is essential to assess successes and challenges of an organization and it aids in determining what needs to be improved. If monitoring is not regularly carried out in these institutions the Department of Children Services may not know if the rehabilitation and reintegration programs are effective. Regular monitoring is also important in that, issues that need to be addressed are noted during these visits and acted upon as early as possible.

F. Lack of an Effective Management Information System

- 4.44 The DCS Reform Program Guidelines, 2009, states that the division of institutional services shall maintain and manage data on institutional services and seek quarterly reports on the management of SCIs.
- 4.45 However, interviews and document review at the DCS revealed that the department had no comprehensive and up to date data on the management of SCIs and children matters. For instance, the department did not have comprehensive data on the number of children that had been rehabilitated and reintegrated from 2010/2011 to 2014/2015. Further, it had no monitoring and evaluation reports and only one annual report for 2013/2014 was availed to the audit team for review. The six sub county offices and SCIs also did not have all the annual reports and AIE's for the period under review
- 4.46 In addition, there was no uniform reporting structure since the sub county offices and SCIs had their reports in different formats. The effect of lack of effective management information system is that the department does not have accurate information for planning.

5. CONCLUSIONS

- 5.1 The audit concludes that the measures put in place by the DCS have not ensured effective rehabilitation and reintegration of child offenders and children in need of care and protection. Specifically;
- 5.2 There was no clear policy or guidelines on maintenance and refurbishment of the statutory children institutions. Thus, the institutions were not up to standard in terms of condition of the facilities and adequacy of the resource in the facilities. This is against the national standards and the reform document which is put in place by the department as a guide for the environment that children are supposed to be rehabilitated in.
- 5.3 The training and counselling offered at the rehabilitation schools does not meet the standards of the ministry and international good practice since there were inadequate resources in terms of staff and funds to offer them in all the institutions. Therefore, there is risk of the children not being effectively rehabilitated.
- 5.4 Classification and placement criteria for the ministry was not adhered to since there were no separate sections for children in need of care and protection and child offenders in the rehabilitation schools. Children were also placed in institutions that did not match their levels of risk. Therefore, there is a high risk of bad influence of character among the children which may interfere with their rehabilitation.
- 5.5 The DCS has failed to follow all the steps to family reintegration especially environmental adjustment. Therefore, the reintegrated children are taken back to the same environment they came from which may still have the factors that drove these children to commit crime in the first place and this poses a risk for them to reoffend.
- 5.6 The DCS does not know the progress of the children after their release from the SCIs because follow-up after their reintegration back to the community is not carried out; as a result, there is a risk of the rehabilitees going back to unlawful practices and even graduating to adult criminals.
- 5.7 There was no regular monitoring and evaluation by the DCS on the activities and programs relating to rehabilitation and reintegration of child offenders and children in need of care and protection

6. RECOMMENDATIONS

- 6.1 To ensure conducive environment for rehabilitation of child offenders and children in need of care and protection, the Ministry of East African Community, Labour and Social Protection should formulate a clear policy for maintenance, refurbishment and construction of facilities within the existing institutions and new institutions. The ministry should also ensure equitable and adequate distribution of utilities to these institutions.
- 6.2 For adequate training and behavior change, the Ministry should ensure that all statutory children institutions have personnel with relevant skills to attend to the needs of all children including those with special needs. It also should introduce a transitional program for rehabilitees interested in continuing with vocational training to enable them complete their courses and acquire full certification relevant for the job market.
- 6.3 The Ministry should establish a clear communication link between the staff of the DCS, SCIs, county and sub-county offices so as to enhance collaboration between them in the delivery of their mandate as far as rehabilitation and reintegration is concerned and timely reporting.
- 6.4 The Ministry should encourage participatory budget preparation between itself, the DCS, SCIs, county and sub-county offices so as to ensure all their needs are captured which will support their request for funding from treasury.
- 6.5 The Ministry should ensure that child offenders and children in need of care and protection are placed in separate sections of the SCIs to avert bad influence of character amongst them.
- 6.6 For timely corrective action of the challenges affecting rehabilitation and reintegration, the Ministry should enforce regular monitoring and evaluation of activities and programs in the SCIs, county and sub county offices.
- 6.7 To ensure security of the children, staff of SCIs and containment of the children within the institutions, the Ministry should construct perimeter walls or put in place proper fences.
- 6.8 For adequate training and behavior change, the Ministry should ensure that all statutory children institutions have personnel with relevant skills to attend to the needs of all children including those with special needs. It also should introduce a transitional program for rehabilitees interested in continuing with vocational training to enable them complete their courses and acquire full certification relevant for the job market.
- 6.9 The Ministry should prioritize follow-up of rehabilitees after reintegration since it will provide information on the success or failure of the rehabilitation programs provided. This realization will enable the Ministry to make improvements on the programs offered to ensure they are more effective.

7. ANNEXURES

Annexure 1: List of offices and institutions visited Sub-county offices

1. Kiambu
2. Kirinyaga South
3. Nairobi Westlands
4. Likoni
5. Kisumu East
6. Kericho

Reception, Assessment and Placement Centres

1. Kirigiti
2. Getathuru

Remand Homes

1. Nairobi
2. Likoni
3. Kisumu
4. Kericho

Rehabilitation Schools

1. Kirigiti
2. Wamumu
3. Likoni
4. Kisumu
5. Kericho
6. Dagoretti
7. Kabete

Annexure 2: List of Documents Reviewed

Entity	Type of document reviewed	Reason for review
Ministry of Labour, Social Security and Services	The Children's Act 2001 revised 2010	To understand the legal provisions for rehabilitation and reintegration of child offenders and children in need of care and protection
	Ministry of Labour, Social Security and Services Strategic Plan for 2013-2017	To understand the role of the Ministry, mandate and functions of the Department of Children Services with regard to rehabilitation and reintegration of child offenders and children in need of care and protection
	National Standards and Regulations for Statutory Children Institutions	To understand the programs and activities that are carried out in the Statutory Children Institutions
	Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya	To understand the procedures for rehabilitation, reintegration and follow up of children
	The Department of Children Services Program Reform Guidelines, 2009	To understand the reforms made with regard to rehabilitation, reintegration and follow-up of child offenders and children in need of care and protection
Sub County Offices	Annual reports and AIEs	To obtain information on the programs, population, activities and funding for rehabilitation and reintegration
Statutory Children Institutions	Children's files at the institutions	To obtain information on the children (age, education background, offence etc.)
	Annual reports and AIEs	To obtain information on the programs, population, activities and funding for rehabilitation and reintegration

Annexure 3: List of Interviewees

Entity	Official Interviewed	Reason
Ministry of Labour, Social Security and Services	<ul style="list-style-type: none"> • Acting Director, Department of Children Services • Assistant Director Children's Service from NCCS Secretariat • Finance and Administration Officers • Head of Alternative Family Care and institutional service • Children Officers • Probation Officers 	<ul style="list-style-type: none"> • To understand the roles of the Ministry, Department of Children Services and the Probation Department with regard to rehabilitation, reintegration and follow up of child offenders and children in need of care and protection • To understand and obtain information on rehabilitation, reintegration and follow-up of rehabilitees
Sub County Offices	Field officers	<ul style="list-style-type: none"> • To understand their roles and the activities that relate to rehabilitation, reintegration and follow-up of rehabilitees • To find out how supervision is undertaken as regards the activities and programs for rehabilitation, reintegration and follow-up • To find out the level of involvement of the children officers in follow-up of the reintegrated rehabilitees and reports kept • To find out the documentation kept
Statutory Children Institutions	<ul style="list-style-type: none"> • Managers • Welfare Officers • Technical instructors • Teachers • Security wardens • Cooks 	<ul style="list-style-type: none"> • To understand their roles and the activities for rehabilitation, reintegration and follow-up of rehabilitees • To find out the rehabilitation programs offered • To find out the documents kept • To obtain information on the offenders for the period under review (2010-2015) • To obtain information on the budgeting process • To obtain information on monitoring and evaluation • To find out the successes and challenges
	Rehabilitees	<ul style="list-style-type: none"> • Interview the rehabilitees at the rehabilitation schools to get their views on the rehabilitation and reintegration programs offered to them and the facilities in which they are rehabilitated in

Annexure 4: Sources of Audit Criteria

1. Children Act (revised 2010)
2. Ministry of Labour, Social Security and Services Strategic Plan for 2013-2017
3. National Standards and Regulations for Statutory Children's Institutions
4. Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya
5. The Department of Children Services Program Reform Guidelines, 2009
6. UN Rules for Protection of Juveniles
7. Constitution of Kenya
8. Kenya Vision 2030

Annexure 5: Ministry of East African Community, Labour and Social Protection, State Department for Social Protection- Management Comments on Audit Findings

Audit Findings	Responses from Management	Auditors Comments
<p>1. Non- conducive environment for effective rehabilitation of children Offenders and Children in need of Care and Protection</p>		
<p>Conducive environment is very important for effective rehabilitation. However, audit findings indicate that the environment in which children are rehabilitated is not conducive because the facilities are old and poorly maintained, some of which were built between 1890 and 1910 and were originally detention camps for Mau Mau fighters but have never been renovated and upgraded to suit their current purposes of rehabilitating the child offenders and children in need of care and protection while others have since been condemned rendering them unfit for human habitation.</p> <p>Other observations that contribute to non- conducive environment include poor sanitation due to broken sewerage system and run down toilets, congestion in the dormitories, leaking roofs, lack of window panes to protect the children from harsh weather conditions and the fences did not ensure maximum containment of the children and security.</p> <p>Poor condition of the facilities were mainly attributed to lack of policy on regular maintenance, inadequate funding</p>	<p>The Ministry agrees that the challenge of conducive environment in their institutions is a major concern and though resources have been mobilized in the past to address the situation, historical factors such as conversion of buildings not initially meant for rehabilitation work, destructive nature of the children and funding that rarely match the ever increasing cost of living has not helped in improving the situation.</p> <p>The DCS has also been establishing Rescue Centers to cater for Care and Protection cases as well as upgrading infrastructure in some of the institutions but more need to be done.</p> <p>The Ministry concur that there is no discernable maintenance policy in DCS. However, funds for maintenance are allocated based on inspection reports and requests by institution management but to be more prudent, there is need to focus on a few institutions in order to have an impact instead of covering many with very little allocation such that the impact is not felt.</p>	<p>The Ministry seems to concur with the findings that the condition in which children are been rehabilitated is not conducive for effective rehabilitation and though they have been trying to upgrade the infrastructures, more need to be done.</p>

<p>2. Inadequate Basic Amenities</p>		
<p>The rules for protection of Juveniles require that every child should be provided with sufficient necessities including beddings and clothing which should be in good order. It also requires the children to be settled in a comfortable, supportive and educative environment. However, audit findings revealed that there was inadequacy of beds, beddings while in some institutions the students did not have shoes, food was not adequate and some did not have clean water. This may interfere with sound development and rehabilitation.</p>	<p>The Ministry in their response indicates that food ration is determined by scale but there is need to review the same to match the development stage of the children. It also indicates that some of the institutions have sunk boreholes to address the perennial water shortage</p>	<p>The Ministry response addresses only issues of inadequacy of water and food ration but does not address the other amenities. It does not also indicate the measures in place to address shortages of water in Wamumu RS, Likoni RS and Kisumu RS which were the main concern in the report.</p>
<p>3. Use of Unacceptable disciplinary measures</p>		
<p>According to the Children Act, children should not be subjected to any form of corporal punishment, consumption or deprivation of food or sleep among other measures. However, the audit revealed that in some of the institutions children were caned and in some cases their food halved as a way of punishment which has the effect of instilling fear making it hard for them to open up to the counsellors.</p>	<p>The Ministry attests that it is not its practice to mete out corporal punishment to children and those doing it are doing so as individuals and therefore should take responsibility for their action.</p>	<p>Though we understand that it is not the ministry's practice to mete corporal punishment, it has responsibility of the addressing the same when it happens.</p>

<p>4. Insufficient training for effective rehabilitation</p>		
<p>According to the UN Rules for Protection of Juveniles every child of school age has a right to education suited to their needs and abilities designed to prepare them for return to the society. The National Standards and Regulations for Statutory Children Institutions also state that the children should be provided with formal education, behavioral change and vocational training. However, the audit revealed insufficient training attributed to lack of continuity in education, partial coverage of syllabus, failure to complete the trade tests and lack of professional counselling all of which have a negative effect on effective rehabilitation of children.</p>	<p>According to Ministry part of insufficiency is attributed to the fact that both educational and vocational training has to be done at the same time which is beneficial to them, though the core mandate of DCS is not to offer education per se but to rehabilitate child offenders. Further, not all children in the rehabilitation schools sit for trade test due to age limit although effort is made to enable them acquire important skills within the allowable period as a way of facilitating their survival after release. With regard to professional counselling, the Ministry has prepared a cabinet memorandum to facilitate recruitment of skilled personnel.</p>	<p>Though the core mandate of DCS is not to offer education, it is part of rehabilitation process, thus the need to ensure it is done as expected. Otherwise the effort the Ministry is doing toward addressing the issue of professional counselling is a good move towards effective rehabilitation.</p>
<p>5. Non adherence to Classification and Placement Criteria</p>		
<p>According to the National Standards for Statutory Children Institutions, children are supposed to be committed to institutions that match their risk levels i.e. high risk offenders should be committed to high risk institutions, medium to medium and low risk to lower risk Institutions. However, the audit revealed that children of different risk levels are mixed together which has a risk of bad influence of character among the rehabilitees. Further, child offenders and children in need of care and protection were mixed in the same institutions contrary to the requirement of the Children Act.</p>	<p>Though assessment and classification are done in two institutions for all the children according to age, gender and risks level, it is not possible to satisfy all the criteria in placing the children and therefore the need to strike a balance that somehow fulfills most of the criteria in placing the children. The Ministry has also been trying to establish Rescue Centers to take care of children in need of care and protection.</p>	<p>The Ministry seems to be making efforts with regard to the children in need of care and protection but more needs to be done to ensure children are placed based on their risks levels for effective rehabilitation.</p>

<p>6. Failure to carry out effective reintegration and follow up of child offenders and children in need of care and protection</p>		
<p>After rehabilitations, children should be reintegrated back to the society through interventions, programs and services designed to assist them settle back to their families and communities. However, the audit revealed delays in preparation of Environmental Adjustment Reports (EARs) which is prerequisite for reintegration, as well as, low response of EARs by the children officers. Failure to follow all the required steps to family reintegration especially environmental adjustment may cause the child to reoffend or relapse.</p> <p>Further, follow-up should take place three years after the children have been reintegrated back to the community. However, there was no evidence that the follow-up is ever done. Without proper follow up there is possibilities of rehabilitees reverting back to their back to their bad behavior and even graduating to adult criminals.</p>	<p>According to the Ministry, funds provided to the institutions under this category are for repatriations as opposed to reintegration. The DCS mostly relies on partners who at times are not able to cope up. There is need for more funding to enable follow-up of cases after release. Children officers are not only few but are also not funded to make appropriate follow-up coupled with huge tasks which they are required to perform in their respective sub counties. Probation officers commit children in the institutions and are also tasked with aftercare.</p>	<p>Reintegration is very critical for effective rehabilitation therefore there is need that adequate measures are taken to ensure reintegration is carried out as expected if the intended purpose for rehabilitation is to be achieved. Further, in order to ensure the child offenders neither do nor revert back to crime and even graduate to adult criminals effective follow-up is very key though the ministry has not address this in its response.</p>
<p>7. Lack of Monitoring and Evaluation of Facilities and Programs at the SCIs</p>		
<p>According to the Reform Program Guidelines 2009, the division of institutional services is expected to monitor implementation of programs, training of staff, and also carry out routine inspections of statutory children institutions. However, interviews from the 11 SCIs visited revealed that monitoring was not conducted regularly. As such, the Department of Children Services may not be able to evaluate whether the rehabilitation and reintegration programs are effective.</p>	<p>The Ministry indicates that inspections have been few from headquarters but the county coordinators are tasked with that responsibility. However, inadequacy in funding has negatively affected this.</p>	<p>The ministry agrees that this is a problem which needs to be addressed.</p>

8. Lack of Effective Management Information System		
<p>The DCS Reform Program Guidelines requires the division of institutional services to maintain and manage data on institutional services and seek quarterly reports on the management of SCIs. However, interviews and documentary review that the department has no comprehensive and up to date data on the management of SCIs, there were also no monitoring and evaluation reports and there were no uniform reporting structures</p>	<p>According to the Ministry, management of statutory institutions in regard to data is one of the areas robustly being pursued by the Department which is currently piloting Child Protection Information Management System (CPIMS) and soon will be rolled out in all the counties. The exercise recognized the void pointed out in the audit hence the move to establish the CPIMS</p>	<p>The Ministry seems to be towards addressing the problem.</p>
Conclusion		
<p>The audit concludes that measures put in place by the DCS have not ensured effective rehabilitation and reintegration of child offenders and children in need of care and protection. This is mainly attributed to poor condition of the facilities due to lack of clear policy on maintenance and refurbishment of the Statutory Children Institutions, training and counselling do not meet the required standards which is a risk to effective rehabilitation, classification and placement criteria not adhered to which may affect effective rehabilitation due to possible bad influence of character among the children, failure to follow the required steps to family reintegration which poses a risk of reoffending, failure to carry out follow-up as required after reintegration thus posing a risk of the children reoffending again and failure by the ministry to carry out regular monitoring and evaluation of the program.</p>	<p>In its conclusion, the Ministry indicates that they have realized that reintegration is a critical function of the government for children exiting SCIs and yet DCS has to rely on partners for the same. Therefore, it recommends that a budget line for reintegration be created for the DCS to enable it undertake its mandate.</p> <p>On the whole, there is inadequate funding in critical intervention areas including aftercare and the personnel for the key rehabilitation programs. There is also need for the construction of modern buildings since the current ones were not meant for rehabilitation as some were meant for detention camps therefore do not comply with international standards.</p>	<p>The Ministry concurs with our conclusion in that the current environment is not conducive for effective rehabilitation, training and counselling do not meet the required standards, while reintegration and aftercare services do not guarantee total transformation of the child offenders being good citizen all which undermine the effectiveness of the program.</p>





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