



THE REPUBLIC OF KENYA
MINISTRY OF EDUCATION

**KENYA PRIMARY EDUCATION EQUITY IN LEARNING
PROGRAM
(IPF Component)
(PEELP)
P176867 and P179670**

**REVISED
ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)**

**DRAFT
October 2022**

1. The Republic of Kenya (the Recipient) is implementing the Investment Project Financing components of the **Primary Education Equity in Learning Program** (the Project), with the involvement of the Ministry of Education (MoE) and the Teachers Service Commission (TSC). The International Development Association (the Association) has agreed to provide: (a) the original financing (P176867) as set out in the Financing Agreement for the Project; and (b) acting as administrator or the Multi-Donor Trust Fund for the Education for all Fast Track Initiative Education Program Development Fund, the additional financing (P179670) (AF) as set out in the Grant Agreement for the Project. This ESCP supersedes previous versions of the ESCP for the Project and shall apply both to the original and the additional financing for Project referred to above.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Association. The ESCP is a part of the Financing Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreements.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring, and reporting arrangements, and grievance management. The ESCP also sets out the Environmental and Social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the Association. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Association.
4. As agreed by the Association and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient, through the MoE, and the TSC, and the Association agree to update the ESCP to reflect these changes through an exchange of letters signed between the Association and the Recipient, through the Principal Secretary of the MoE. Recipient, through the MoE, and the TSC shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS -		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Association regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism(s).</p>	<p>Submit quarterly and annual reports to the Association throughout Project implementation, commencing after the Effective Date. Submit each report to the Association no later than 14 days after the end of each reporting period.</p>	<p>Responsibility: MoE/TSC</p>
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the Association of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the Association’s request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the Association no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent report to the Association within a timeframe acceptable to the Association and include in quarterly reports throughout Project implementation.</p>	<p>Responsibility: MoE/TSC</p>
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>Establish and maintain a Project Coordination Unit (PCU) with qualified staff and resources to support management of ESHS risks and impacts of the Project including experienced Environmental Specialist and an experienced Social Specialist, each with more than five (5) years of experience in carrying out environmental and social assessments of Projects.</p> <p>Carry out capacity assessment and mobilize additional staff on short term or long term in accordance with institutional capacity assessment needs, including: (a) specialists with expertise on health and safety matters to cover safety risks from biogas units as well as fire safety adequacy for the schools; (b) a Gender Based Violence (GBV)/Sexual Exploitation Abuse and harassment (SEA-SH) specialist; (c) labour conditions (Occupational Health and Safety) (OHS) specialists; and (d) social inclusion specialists.</p>	<p>E&S specialists already in place. The staff for the original financing continue to be responsible for the AF and shall be maintained throughout Project implementation.</p> <p>Capacity assessment shall be completed within sixty (60) days after the Effective Date for the AF. Additional staff shall be engaged as required in accordance with the capacity assessment and as agreed with the Bank, and thereafter maintained throughout Project implementation</p>	<p>Responsibility: MoE/TSC</p>

1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>Prepare and implement an Environmental and Social Impact Assessment (ESIA), and corresponding Environmental and Social Management Plan (ESMP) for identified downstream activities under IPF Component 2 on key technical assistance and capacity building activities as required and consistent with the relevant ESSs. Said technical assistance shall, <i>inter alia</i>, assess the outcomes of the biogas pilots and analyze existing practices on use of biogas in schools. Terms of Reference on the assessments of the biogas pilots shall cover an analysis of health and safety considerations including guidance and recommendations on siting for pilots implemented under the AF.</p>	<p>Adopt ESIA/ESMP before launching the bidding process for the respective Project activity and implement throughout Project implementation.</p>	<p>Responsibility: MoE/TSC</p>
1.3	<p>MANAGEMENT OF CONTRACTORS</p> <p>Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant E&S instruments, the Labor Management Procedures, and code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter ensure that the contractors and supervising firms comply and cause subcontractors to comply with the ESHS specifications of their respective contracts.</p>	<p>Incorporate relevant provisions as part of the preparation of procurement documents and respective contracts. Supervise contractors throughout Project implementation.</p>	<p>Responsibility: MoE /TSC</p>
1.4	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project including, the Environment and Social Management System (ESMS) operational manual are carried out in accordance with terms of reference acceptable to the Association, that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p>	<p>Prior to call for Bids/ Request for proposal for the technical assistance activities and implement outputs of such activities throughout Project implementation.</p>	<p>Responsibility: MoE /TSC</p>
<p>ESS 2: LABOR AND WORKING CONDITIONS</p>			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Update, adopt and implement the Labor Management Procedures (LMP) for the Project, including, inter alia, provisions on working conditions, management of workers relationships, occupational health, and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, and supervising firms.</p> <p>PCU shall be required to update, adopt and implement OHS measures based on the World Bank EHS guidelines and GIIP.</p>	<p>Update and adopt the updated LMP no later than Appraisal for the AF, and thereafter implement the updated LMP throughout Project implementation.</p> <p>Adopt no later than Appraisal for the AF and implement throughout project implementation</p>	<p>Responsibility: MoE /TSC</p>
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Adopt and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.</p>	<p>Adopt grievance mechanism prior to engaging Project workers and thereafter maintain and operate it throughout Project implementation.</p>	<p>Responsibility: MoE /TSC</p>

ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>Technical assistance activities shall be undertaken in line with the ESS3 and in a manner acceptable to the Association.</p> <p>Necessary measures for the Project identified by the Technical Assistance above to be included in the ESIA/ESMPs under Section 1.2 above.</p>	<p>Requirements shall be included in terms of reference for technical assistance and outputs implemented throughout Project implementation.</p> <p>Same timeframe as Section 1.2 above.</p>	Responsibility: MoE /TSC
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	<p>COMMUNITY HEALTH AND SAFETY</p> <p>Technical assistance activities shall assess and manage specific risks and impacts to the community arising from Project activities including, development of measures through the verification of the adequacy of existing schools in terms of infrastructure standards, fire safety standards, resilience to natural disasters and emergency response procedures, and mitigation of community health and safety risks from biogas units.</p>	<p>Requirements shall be included in terms of reference for technical assistance and outputs implemented throughout Project implementation</p>	Responsibility: MoE /TSC
4.2	<p>SEA AND SH RISKS</p> <p>Update, adopt and implement a SEA/SH Action Plan as part of the labor management procedures, to assess and manage the risks of SEA and SH.</p>	<p>Adopt the SEA/SH Action Plan no later than the Effective Date for the AF and thereafter implement throughout Project implementation.</p>	Responsibility: MoE /TSC
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	The requirements of ESS5 is not considered relevant.		
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	<p>Technical assistance activities shall be undertaken in line with the requirements of ESS6 and in a manner acceptable to the Association.</p> <p>Necessary measures for the Project identified by the Technical Assistance above to be included in the ESIA/ESMPs under Section 1.2 above.</p>	<p>Requirements shall be included in terms of reference for technical assistance and outputs implemented throughout Project implementation</p> <p>Same timeframe as Section 1.2 above.</p>	Responsibility: MoE /TSC

ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	<p>The activities under the Project shall focus on building systems to identify and exploit opportunities for inclusion of vulnerable and marginalised groups and the indigenous peoples in Project design and implementation.</p> <p>Project design has taken equity considerations based on culture and Vulnerable and Marginalized Groups (VMG’s) targeting including the roll out of Competency-based Curriculum (CBC) and Competency-based Assessment (CBA) reforms in basic education through the support in development and printing of materials for indigenous languages for grades 1 to 6. The MoE will also develop guidelines for inclusion of refugee children in National Education Management Information System (NEMIS) and other education services. Data management includes categorization and registration of refugee learners, incorporating those located in hard to serve areas.</p> <p>To address systemic exclusion the TA activities of the IPF will include a social assessment and focus on the need to tap traditional indigenous knowledge and to adapt schedules and curricula to the cultural and livelihood needs and preferences of VMGs.</p>	Throughout Project implementation	Responsibility: MoE/TSC
7.2	<p>GRIEVANCE MECHANISM</p> <p>Maintain and implement the existing arrangements for the grievance mechanism for indigenous people as detailed in the SEP following the ESS10 requirements.</p>	Throughout Project implementation.	Responsibility: MoE/TSC
ESS 8: CULTURAL HERITAGE			
8.2	<p>CHANCE FINDS</p> <p>Technical Assistance Activities shall be undertaken in line with the requirements of ESS8 and in a manner acceptable to the Association.</p> <p>Chance finds procedure will be considered as precautionary measure.</p>	Throughout Project implementation, including implementation of outputs of Technical Assistance.	Responsibility: MoE /TSC
ESS 9: FINANCIAL INTERMEDIARIES			
9.1	This standard is not relevant, as the Project has no financial intermediaries		
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	<p>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</p> <p>Maintain and implement the Stakeholder Engagement Plan (SEP) for the Project, as updated in October 2022 consistent with ESS10, which shall include measures to, inter alia, provide stakeholders with timely, relevant, understandable, and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination, and intimidation.</p>	Implement the updated SEP throughout Project implementation.	Responsibility: MoE /TSC

10.2	<p>PROJECT GRIEVANCE MECHANISM</p> <p>Maintain, and operate an accessible grievance mechanism, to receive and facilitate resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.</p> <p>The grievance mechanism shall be equipped to receive, register, and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner.</p>	Maintain and operate the existing mechanism throughout Project implementation.	Responsibility: MoE /TSC
CAPACITY SUPPORT			
CS1	<p>Capacity Building trainings for PCU and relevant stakeholders including teachers, students and communities shall be required, in accordance with the scope and schedule defined in the ESMS capacity building plan approved by the Association, in:</p> <ul style="list-style-type: none"> • E&S Specialists and PCU members training on the ESF. • Implementation of the Stakeholder Engagement Plan. • Occupational and Community Health and Safety. • Emergency preparedness and response. • Gender-Based Violence /SEA-SH prevention and response measures. • Grievance Redress Management. • Labor Management Procedures. • Capacity building on the PforR ESMS. • Training to female students on the appropriate disposal of feminine hygiene products. • Training on guidelines and procedures on operation of mobile science labs. • Training on climate-resilient education infrastructure and standards (infrastructure standards, and quality assurances processes). • Training on disaster mitigation plans. 	Submit capacity assessment and capacity building plan for non-objection of the Association by sixty (60) days after the Effective Date for the AF thereafter implement throughout Project implementation	Responsibility: MoE /TSC
CS2	<p>Training for Project workers on;</p> <ul style="list-style-type: none"> • occupational health and safety including on emergency prevention and preparedness and response arrangements to emergency situations. 	Throughout Project implementation.	Responsibility: MoE /TSC

	<ul style="list-style-type: none"> • Gender-Based Violence SEA-SH prevention and response measures. • Workers Grievance Management. • Labor Management Procedures. • Training to school support staff on the appropriate disposal of feminine hygiene products. • Training on installation, management of human waste and associated risks (health and safety) with bio-digesters. • Training on clean energy initiatives (energy saving cooking stoves or steam cooking stove system) and use • Training on guidelines and procedures on operation of mobile science labs. • Training on climate-resilient education infrastructure and standards (infrastructure standards, and quality assurances processes). 		
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