



REPUBLIC OF KENYA

MINISTRY OF LABOUR AND SOCIAL PROTECTION

REGULATORY IMPACT STATEMENT

ON

**THE CHILDREN (NATIONAL COUNCIL FOR CHILDREN SERVICES)
REGULATIONS**

PREPARED BY:

NATIONAL COUNCIL FOR CHILDREN'S SERVICES

P.O. BOX 6446-00100

NAIROBI

APRIL 2025

This Regulatory Impact Assessment (RIA) has been prepared by the Ministry of Labour and Social Protection pursuant to Section 6 and 7 of the Statutory Instruments Act (CAP 2A).

TABLE OF CONTENTS

ABBREVIATIONS	2
A. INTRODUCTION.....	3
Regulatory Making Authority and the legal mandate.....	3
B. BACKGROUND AND CONTEXT OF THE PROPOSED REGULATIONS	5
Domestic context	5
C. REQUIREMENT FOR REGULATORY IMPACT STATEMENT	7
Requirements of the Statutory Instruments Act	7
What is a Regulatory Impact Statement?	8
D. REGULATIONS UNDER THE ACT	9
E. PURPOSE OBJECTS AND OVERVIEW.....	9
General objective	9
Specific objectives	9
F. PUBLIC PARTICIPATION.....	9
Engagement with key stakeholders	10
Selection of Clustered Regions and Rationale.....	10
Collection of Public Memoranda.....	11
Modes of Public Engagement.....	12
G. APPROACHES AND METHODOLOGIES.....	12
The Alternatives	13
Cost-Benefit Analysis	15
Risk Identification and Mitigation Strategies	19
H. COMPLIANCE AND IMPLEMENTATION.....	21
I. CONCLUSION	23
J. RECOMMENDATION	23

ABBREVIATIONS

Act	Children Act (Cap 141) Laws of Kenya
ACRWC	The African Charter on the Rights and Welfare of the Child
CACs	Children Advisory Committees
Council	National Council for Children's Services
DCS	Directorate of Children's Services
SDG	Social Development Goals
UNCRC	United Nations Convention on the Rights and Welfare of the Child

A. INTRODUCTION

Regulatory Making Authority and the legal mandate

The National Council for Children Services is a State Corporation established under the Children Act (Cap 141) Laws of Kenya, and performs its mandate within the State Department for Social Protection & Senior Citizen Affairs in the Ministry of Labour and Social Protection. Its mandate can be summarised as oversight, regulation, coordination, and advisory on all matters relating to children's affairs in Kenya.

The Council has a multi-faceted board of directors that includes experts, government representatives, and stakeholders from various sectors, working together to protect and promote the rights of children in Kenya. It also has the Secretariat which is responsible for implementing programs, managing child protection services, conducting research, coordinating capacity-building initiatives, and supporting the Council in fulfilling its mandate.

In executing its mandate as outlined in section 42 of the Act, the Council is charged with the following responsibilities:

- (a) promotion and protection of children's rights which entails—
 - (i) ensuring that children's rights are promoted, protected, and fulfilled in accordance with national and international laws.
 - (ii) providing guidance on policy matters related to children's welfare, ensuring that children's rights are respected in various sectors, including education, health, and social protection.
- (b) policy development and coordination that encompasses—
 - (i) formulating and coordinating national policies and strategies concerning children's rights and welfare.
 - (ii) providing technical support and advice to the government, counties, and other stakeholders involved in the implementation of these policies and strategies.
- (c) regulation and monitoring which focuses on monitoring and regulating the implementation of child protection programs and services of organizations as well as residential children welfare institutions to ensure they comply with the provisions of the Children Act.

- (d) data collection and research: The Council seeks to establish and operationalise an integrated National Children Database for data collection and analysis to inform interventions. Conducting research on issues affecting children and using the findings to inform policies and interventions is key in ensuring that the rights and welfare of children are protected and enhanced.
- (e) capacity building and training: The Council has a mandate to build the capacity of various stakeholders, including government agencies, civil society organizations, and child protection workers, in child protection and rights issues. It ensures that professionals working with children are adequately trained in matters related to child rights, safety, and welfare.
- (f) advisory role: The Council provides expert advice to the government and all other relevant stakeholders on matters affecting children.
- (g) establishment and management of a National Child Protection Framework: The Council is mandated to oversee the establishment and management of the national child protection framework, which includes setting up structures and systems for the protection of children.
- (h) advocacy and awareness: The Council is mandated to advocate for the rights of children, raising awareness about issues such as child abuse, neglect, exploitation, and child labour and encourage the national and local governments to integrate child protection measures into their planning and programming
- (i) collaboration with stakeholders: The Council works closely with other government departments, local authorities, non-governmental organizations, and international bodies to improve the welfare and coordination of child protection services in Kenya.

Thus, the mandate of the Council can be summarized as oversight, regulation, coordination, and advisory on all matters relating to children's affairs in Kenya. In furtherance of the above, section 53 of the Act grants the Cabinet Secretary responsible for matters relating to children's affairs the power to make regulations for the effective discharge of its functions.

B. BACKGROUND AND CONTEXT OF THE PROPOSED REGULATIONS

Background of the children sector

The Children Act, 2001 (now repealed) provided for the creation of the National Council for Children's Services. The Council was administratively placed under the Directorate of Children's Services, with the Director of Children's Services serving as its secretary. Despite its role in coordinating child welfare services, the Council lacked institutional independence, as it was directly linked to the DCS. It had the authority to co-opt members and appoint committees for specialized aspects of its functions; however, it remained structurally dependent on the Directorate.

In 2015, Mwongozo the Code of Governance for State Corporations was developed and all State Corporations directed to conform to the guidelines on board membership. To comply with these governance reforms, the Children Act 2001 Following the amendments, the Council members were formally appointed in 2018, reinforcing structured governance within the Council.

In 2022, the Children Act, 2001, underwent a complete overhaul, leading to the enactment of the Children Act (Cap 141) Laws of Kenya. Under the Children Act (Cap 141):

- The Council was detached from the DCS, giving it institutional autonomy.
- The Council transitioned from being a service provider to a purely regulatory body, with an oversight role on children's affairs.
- The Council of Governors was incorporated into its membership.
- The Ministry of Health, which was previously represented, was omitted from the representation in the Board.

With these reforms, the Council emerged as the national coordinating body for children's matters, ensuring that policies and frameworks are effectively implemented across Kenya.

Domestic context

i. The Constitution of Kenya ,2010.

Article 53 of the Constitution sets out the rights of children in Kenya and states that the best interest of the child is of paramount importance in all matters concerning them. It bestows parental responsibility upon the father and mother of a child in the first instance, in recognition of the family as the natural and fundamental unit of society.

ii. The Children Act (Cap 141)

In line with the international and regional legal instruments for children that Kenya is party to and the Constitution, the Children Act makes provisions for safeguarding children in Kenya. The Act establishes the National Council for Childrens Services under section 41 which shall be the central authority on matters pertaining to children in line with the best interest principle. Section 42 of the Act further provides for the functions of the Council. These functions include:

- (a) collaborate with relevant state departments, state and non-state agencies to monitor and evaluate the efficiency and effectiveness of all social programmes, adoption matters, established in the interests of children;
- (b) facilitate, monitor and evaluate the enforcement of the principles of international law and treaty instruments binding on Kenya in respect of matters relating to children;
- (c) develop policy, codes of conduct regulating good practice relating to child protection and child welfare;
- (d) monitor and evaluate implementation of public education programs on the rights and welfare of children;
- (e) advice on technical and support services to state and non-state agencies participating in child welfare programmes;
- (f) regulate, register, approve, evaluate and monitor implementation of child welfare programmes proposed by charitable children's institutions in accordance with this Act;
- (g) advice the Cabinet Secretary on establishment of children rescue centers or designation of children's institutions to operate as children rescue centers;
- (h) accredit and license duly registered adoption and child protection agencies in order to facilitate domestic and inter-country adoption and maintain a database for domestic and intercountry adoptions;
- (i) establish panels of persons from whom guardians ad litem appointed by the court in matters relating to children including adoption regulated under this Act and maintain a register of guardians ad litem;
- (j) establish, regulate and manage the activities of County Children Advisory Committees to advise on matters relating to the rights, welfare and protection of children;

- (k) receive, record and report from Charitable Children Institutions, adoption societies, parents and guardians, authorised officers and other relevant persons particulars of children available for adoption; and
- (l) promote co-operation between state agencies, local and non-state agencies concerned with matters relating to adoption with central adoption authorities in other countries including tracing and repatriation of children in need of care and protection;

These proposed Regulations therefore seek to guide the conduct of the Council business and operations as well as those of its structures such as the Children Advisory Committees at various levels of administrative units.

C. REQUIREMENT FOR REGULATORY IMPACT STATEMENT

Requirements of the Statutory Instruments Act

The Statutory Instruments Act (Cap 2A) is the legal framework governing the conduct of Regulatory Impact Statement in Kenya. Sections 6 and 7 require that *if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation-making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument.*

The Statutory Instruments Act further sets out certain key elements that must be contained in the Regulatory Impact Statement namely:

- (a) a statement of the objectives of the proposed legislation and the reasons;
- (b) a statement explaining the effect of the proposed legislation;
- (c) a statement of other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options;
- (d) an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives; and
- (e) the reasons why the other means are not appropriate.

Section 5 of the Statutory Instruments Act, requires that a regulation-making authority to conduct public consultations drawing on the knowledge of persons having expertise in fields relevant to

the proposed statutory instrument and ensuring that persons likely to be affected by the proposed statutory instrument are given an adequate opportunity to comment on its proposed content.

What is a Regulatory Impact Statement?

Regulatory Impact Statement is a systematic policy tool used to examine and measure the likely benefits, costs, and effects of new or existing regulations. A RIS is an analytical report to assist decision makers to arrive at an informed policy decision. As an aid to decision making, RIS includes an evaluation of possible alternative regulatory and non-regulatory approaches with the overall aim of ensuring that the final selected regulatory approach provides the greatest net public benefit. Typically, the structure of a RIS should contain the following elements:

- (a) title of the proposal;
- (b) the objective and intended effect of the regulatory policy;
- (c) an evaluation of the policy issue;
- (d) consideration of alternative options;
- (e) assessment of all their impacts distribution;
- (f) results of public consultation;
- (g) compliance strategies, and
- (h) processes for monitoring and evaluation.

The regulatory impact assessment is usually conducted before a proposed statutory instrument is passed, to provide a detailed and systematic appraisal of the potential impact of the new regulations and to assess whether the regulations are likely to achieve the desired objectives. The Regulatory Impact Statements promotes evidence-based policymaking as new regulations typically lead to numerous impacts that are often difficult to foresee.

From a societal viewpoint, the Regulatory Impact Statement should confirm whether a proposed regulation is welfare-enhancing, in that, the benefits will surpass costs. It therefore has objectives of improving understanding of the real-world impact of regulatory action, including both the benefits and the costs of action, integrating multiple policy objectives, improving transparency and consultation and enhancing governmental accountability.

D. REGULATIONS UNDER THE ACT

The Act under section 53 delegates regulation making powers to the Cabinet Secretary to for the effective discharge of the functions of the Council. Therefore, an impact assessment of the proposed Regulations has been made in addition to carrying out extensive consultations with stakeholders.

E. PURPOSE OBJECTS AND OVERVIEW

General objective

The objective of these proposed Children (National Council for Children Services) Regulations, is to provide a framework for the conduct of the Council business and operations as well as those of its structures such as the Children Advisory Committees at various levels of administrative units.

Specific objectives

Specifically, the implementation of the regulations is intended:

- (a) To regulate the operations of the Council by defining clear guidelines for the internal functioning and management of the Council, ensuring that it carries out its responsibilities effectively in the protection and promotion of children's rights.
- (b) To guide the Children Advisory Committees by setting out the roles, responsibilities, and operational procedures for the Children Advisory Committees so as to contribute meaningfully to child protection efforts and the implementation of child welfare policies.
- (c) To streamline the operations of child welfare programs and services by providing mechanisms for monitoring to ensure they are done in compliance with the Children Act and other legal provisions and standards.
- (d) To enhance child rights and welfare by ensuring that all activities undertaken by the Council and its committees as well as other stakeholders are centered around improving the protection, rights, and well-being of children across Kenya.

F. PUBLIC PARTICIPATION

Article 10 of the Constitution provides that public participation is a principle of national governance. This constitutional power entitles the people of Kenya to unfettered access to the process of making public decisions through their involvement.

Section 6 of the Statutory Instruments Act (Cap 2A) provides that the regulation making authority shall undertake consultations before making the statutory instrument particularly where the proposed instrument is likely to have a direct, or a substantial indirect effect on a community or part of the community.

As part of the efforts to ensure an inclusive development of the proposed Regulations, a Technical Working Group was constituted with membership drawn from the Council and key stakeholders with varied expertise. The Council engaged in extensive consultations with various stakeholders and the public. This participatory approach enabled the Technical Working Group to gather diverse perspectives and insights for a comprehensive and effective policy framework.

Engagement with key stakeholders

Pursuant to section 5 of the Statutory Instruments Act (Cap 2A), Consultative engagement was conducted with the Directorate of Children’s Services for invaluable inputs and views. The input was important in understanding the best practices, and areas requiring interventions.

Selection of Clustered Regions and Rationale

To ensure a balanced and representative consultation process, strategic selection of specific regions based on key factors was done, including:

1. Clustering regional boundaries to ensure comprehensive coverage of all counties in Kenya, while optimizing available resources and addressing financial constraints effectively. This strategic approach enhanced accessibility, promoted equitable service delivery, and maximized impact within the allocated budget.
2. Accessibility and Stakeholder – Locations that could accommodate both in-person and online participation were considered to maximize engagement.

The clustered regions ensured a broad and inclusive consultation process, reflecting diverse views from different parts of the country. Below is the schedule that was put up in the different websites and newspapers.

REGION (CLUSTERED COUNTIES)	VENUE	DATE	TIME
Cluster 1 – (Uasin – Gishu, west- Pokot, Turkana, Trans – Nzoia, elgeyo-Marakwet, Nandi, Bungoma	Eldoret - <i>Home Craft Centre</i>	29 th – 30 th May, 2024	9am – 4pm
Cluster 2 – Isiolo, Marsabit, Samburu, Meru, Tharaka – Nithi & Embu	Meru – <i>Kamunde Hall</i>	29 th – 30 th May, 2024	9am – 4pm
Cluster 3 – Migori, Kisumu, Homabay, Vihiga, Busia, Siaya, Nyamira, Kisii & Kakamega	Kisumu - <i>Mama Grace County Hall</i>	29 th – 30 th May, 2024	9am – 4pm
Cluster 4 – Narok, Bomet, Nyandarua, Nyeri, Nakuru, Baringo, Laikipia, Kericho & Nairobi	Nakuru - <i>Shaabab Social Hall</i>	29 th – 30 th May, 2024	9am – 4pm
Cluster 5 – Taita –Taveta, Kwale, Kilifi, Lamu, Tana- River, Kitui, Makueni, & Mombasa	Mombasa – <i>Tononoka Social Hall</i>	29 th – 30 th May, 2024	9am – 4pm
Cluster 6 – Kiambu, Muranga, Kirinyaga, Machakos, Kajiado, Garissa, Wajir & Mandera	Murang’a - <i>ACK Mother’s Union</i>	29 th – 30 th May, 2024	9am – 4pm
Cluster 7: Other Stakeholders, CSOs, ACIK, Adoption Societies	Nairobi – <i>Kariokor Social Hall</i>	29 th – 30 th May, 2024	9am – 4pm

Collection of Public Memoranda

The advertisement for public participation was published on *My Gov.* newspaper, the Ministry of Labour and Social Protection website and the National Council for Children’s Service website,

running for 14 days from 14th May 2024 to 27th May 2024. The Notice was additionally circulated on various social media platforms.

To facilitate public participation effectively, written submissions were invited from individuals, institutions, and organizations. Members of the public were encouraged to share their views, feedback, and recommendations through the email address provided. This approach allowed stakeholders to provide detailed input at their convenience, ensuring that as many voices as possible were heard in the Regulations review process.

Modes of Public Engagement

The consultation process utilized both online platforms and physical public forums to ensure accessibility for all stakeholders.

1. **Online Engagement** – Virtual meetings and email submissions allowed participants from different locations to contribute their views without geographical limitations. This method facilitated broader participation, especially for those unable to attend physical meetings.
2. **Public Forums** – Physical meetings were held in select regions to engage directly with community members, local leaders, and adoption stakeholders. These forums provided an opportunity for in-depth discussions, clarifications, and firsthand accounts of adoption experiences.

The employment of this hybrid approach ensured that participation was inclusive, accommodating both digital and in-person engagements.

G. APPROACHES AND METHODOLOGIES

This Part considers whether these proposed Regulations are the best form of government action pertaining to matters relating to the National Council for Children’s Services. The Statutory Instruments Act (Cap 2A) requires a regulator to carry out, early in the regulatory process, an informed comparison of a variety of regulatory and non-regulatory policy measures, considering relevant issues such as costs, benefits, distributional effects and administrative requirements.

Regulation should be the last resort in realizing policy objectives. There are alternatives, which could come in handy in dealing with certain aspects of social security. The options considered under this part are as follows:

- (a) maintaining the status quo where there are no regulations;
- (b) application of administrative measures or non-regulatory measures; and
- (c) regulatory measure through the adoption of the proposed Regulations

The impact assessment involved evaluating the costs and benefits of implementing the Regulations based on the policy options outlined above. A policy change is considered desirable if it will result in real or potential improvement. This is determined by accumulating its direct and indirect benefits and costs. Based on this philosophy, policy guideline options present strengths and weaknesses and therefore may result in ineffective implementation of the Act. For instance, issuing policy guidelines or administrative measures without regulations would certainly occasion a sub-optimal result because of limited options for enforcement.

Providing a regulatory option is more practical and sounds effective. However, it is worth noting that all the options were considered and it was found necessary that the regulations to oversee conduct of business and affairs of the Council and the Children Advisory Committees and execution of the functions of the Council be formulated in order to effectively implement the Act as enacted in 2022.

The Alternatives

1. Option One: The Status Quo

Maintaining the status quo means that there are no formal regulations for the National Council for Children's Services. This means that the Council will continue to operate as established in the Act. The Children Act (Cap 141) which came into force in 2022 requires that Regulations for the Council be developed for effective discharge of its functions.

2. Option Two: Application of administrative measures

This is a non-regulatory measure which, if applied, will depend on the goodwill of public officers to implement the provision of the Act. Administrative measures involve issuance of directives and circulars to the various departments hoping that they will be implemented. Administrative measures do not have the force of law and may be challenged in court of law. These Regulations seek to streamline the operations of the Council and the Children Advisory Committees.

3. Option Three: Adopting the Proposed Regulations

The development and adoption of these proposed Regulations will ensure full implementation of the Act and more so to regulate the conduct of business and affairs of the Council and the Children Advisory Committees and execution of the functions of the Council provided under the Act.

The table below outlines the potential costs and implications associated with each option:

	Option	Possible costs	Possible direct benefits	Implication
1.	The Status Quo	Minimal costs (no changes required).	Continuity and maintaining existing structures without additional complexity.	Continued inefficiencies Lack of regulatory clarity Enforcement challenges Potentially missing opportunities for improvement.
2.	Application of administrative measures	Costs associated with administrative adjustments, enforcement and monitoring.	Improved compliance and accountability within the existing framework	Strengthened enforcement of NCCS Regulations but no structural changes and may address some issues but does not fully resolve systemic regulatory challenges

3.	Adopting the proposed regulations	High initial costs of implementation, training and enforcement	Enhanced service quality and alignment with best practices. Clear legal framework Improved child protection services	Comprehensive solution ensuring regulatory consistency and modernizing the Council.
----	-----------------------------------	--	--	---

Cost-Benefit Analysis

The impacts of the Proposed Regulations can be categorized as follows:

Gap / Problem/Issue	Proposed reform from regulations	Estimated costs (Kes)	Justification for costs	Estimated benefits (Kes)	Justification for benefits
Financial/Institutional					
Inefficient data collection, tracking, and sharing	Establish an Integrated National Children Database Regs. 20–22 – Establishment	Kes. 70M setup + 15M per year (software development, hosting, secure	Supports development and long-term operations	Real-time data for the all children in Kenya Evidence-based	Enables fast, evidence-based decisions

	and Management of Integrated Children Database	IT infrastructure)	Ensures data safety, integration and audits	planning and budgeting	
No funding mechanism for committee operations	Mandate Council to fund committee operations Regs. 12, 18 – Financing of Advisory Committees	Kes. 40M per year (meeting logistics, facilitation, travel reimbursements, admin support)	Covers operational continuity for counties and sub-counties CACs	Sustained, decentralized child welfare structures	Ensures coordination and reach across the country
Economic					
Inefficient budget use due to fragmented programming	Harmonize county-level planning through Council templates Regs. 8–10 – Mandate strategic planning by	Kes 7M (training 47 county teams, budgeting workshops, monitoring tools)	Improves resource use and reduces duplication	Optimized allocation of billions in child welfare budgets	Increases cost-efficiency and local ownership

	county advisory committees				
Lack of integration of child indicators in national economic planning	Integrate child-focused indicators in county/national Reg. 24 – Council’s role in integrating child indicators in planning plans	Kes. 6M (indicator framework design, policy briefs, integration tools)	Supports tracking of child outcomes in planning	Greater visibility and prioritization in budgeting	Supports Vision 2030 and SDG monitoring
Social/Institutional					
Lack of harmonized coordination for child services	Operationalize County and Sub-County Children Advisory Committees Regs. 8–19 – Structure and	Kes. 50M (setup and training for 47 counties + 290 sub-counties)	Training, recruitment, and coordination costs	Coordinated service delivery structure across Kenya	Enables timely, localized child protection responses

	Functions of County/Sub-County Advisory Committees				
Inadequate expert engagement in committees	Enable external expert participation in Advisory Committees Regs. 9(4), 13(3), 16(3) – Invitation of Experts	Kes. 5M per year (technical consultancy fees, honoraria, travel)	Brings professional and civil society voices into planning	Enhanced child protection strategy and decisions	Boosts innovation and sector responsiveness
Weak or irregular reporting from committees	Require quarterly and annual reporting Regs. 14–15, 19 – Reporting Requirements	Kes. 10M per year (data tools, staff, digital systems for M&E)	Builds consistency in evidence reporting	Standardized reports across all counties	Supports national policy tracking and learning

Insufficient public access to child protection data	Provide anonymized access to child data Reg. 23 – Public Access to Anonymized Child Data	Kes. 5M (open data portal, privacy filters, public dashboard)	Promotes transparency and civic oversight	Improved public engagement and accountability	Builds trust in child welfare efforts
---	--	--	---	---	---------------------------------------

Risk Identification and Mitigation Strategies

	Risk Identification	Risk Description	Mitigation Strategies	Expected Outcome of Mitigation Strategy
1.	Legal challenges	Potential legal disputes over the interpretation and implementation of Regulations	<ul style="list-style-type: none"> i. Create awareness on legal provisions ii. Establish dispute resolution mechanisms 	Reduced legal disputes and faster regulatory implementation

2.	Limited resources for implementation	Insufficient financial and human resources may hinder effective enforcement of regulations	<ul style="list-style-type: none"> i. Conduct thorough cost analysis ii. Advocate for increased government funding iii. Establish public-private partnerships iv. Optimize resource allocation v. 	<ul style="list-style-type: none"> i. Strengthened regulatory enforcement ii. Improved service delivery iii. Optimized financial management.
3.	Data management and privacy risks	Risk of misuse or exposure of children's data collected under the new system (integrated national children database)	<ul style="list-style-type: none"> i. Implement strict data protection policies ii. Train staff on data confidentiality iii. Conduct regular vulnerability assessments. 	Enhanced data and cybersecurity and reduced risk of data breaches.
4.	Compliance Issues	Non-compliance with Regulations leading to legal penalties or	<ul style="list-style-type: none"> i. Conduct capacity-building programs 	Improved regulatory compliance and well-

		reputational damage.	ii. Training employees on compliance requirements.	regulated child protection system
5.	Stakeholder Resistance/ public awareness and accessibility issues	i. Opposition from stakeholders due to changes in operations or policies; ii. limited public knowledge may affect compliance and service accessibility	i. Engage stakeholders early. ii. Conduct nationwide awareness campaigns. iii. Use multiple communication channels	i. Greater stakeholder buy-in and smoother implementation of changes ii. Increased awareness and accessibility
6.	Gaps in monitoring and evaluation	Inadequate monitoring leading to lapses in compliance and service delivery	Develop a robust monitoring system.	Enhance oversight, accountability and quality child protection services

H. COMPLIANCE AND IMPLEMENTATION

It is crucial to establish how adherence to and execution of the proposed Children (National Council for Children's Services) Regulations will be ensured. The Council is responsible for evaluating the strength of the institutional framework that will enforce the regulation and for developing effective implementation strategies.

The enactment of the proposed Regulations should foster the coordination of all stakeholders both in the private and public sector. These Regulations will be carried out within the current national legal and institutional framework to streamline the regulation and management of the all parties and stakeholders related to children's matters and ensure that they guarantee the best interests of the children within these institutions. The Council, in consultation with the Cabinet Secretary for Labour and Social Protection will oversee the implementation. In developing the proposed Regulations in compliance with legal requirements based on the analysis above, the following points are evident:

1. The Regulations will govern the conduct of business and affairs of the Council and the County Children Advisory Committees (CACs), which serve as decentralized platforms for collaboration between national and county governments on children's matters. The proposed Regulations provide a structured framework that empowers the Council to coordinate child welfare services, promote collaboration across government levels, and uphold the rights and welfare of children throughout Kenya
2. The Council will manage the children's database efficiently in line with the data protections laws. This database will ensure transparency and accountability to all stakeholders in the implementation of projects and programmes under the Act; The Regulations outline a clear mechanism for establishing a proper database, which is intended to enhance the efficiency of the management of children in need of protection.
3. The Regulations will ensure clarity in governance, operational efficiency, and accountability in the Council's functions.
4. Regarding Regulatory-Making Authority and the legal mandate, section 53 of the Children Act (Cap141), authorizes the Cabinet Secretary to establish Regulations to implement the Act. Consequently, the Cabinet Secretary holds the necessary legislative power to propose these Regulations.

I. CONCLUSION

The proposed Regulations are necessary in the operationalization of the Children Act (Cap. 141) and the actualization of the best interests of the child and is therefore the preferred option. It is clear that the benefits and impact of developing these Regulations by far outweigh any estimated cost of its implementation.

J. RECOMMENDATION

In view of the assessment elucidated above and particularly that the proposed Regulations will facilitate effective implementation of the Children Act (Cap 141), it is recommended that the Children (National Council for Children's Services) Regulations be adopted.