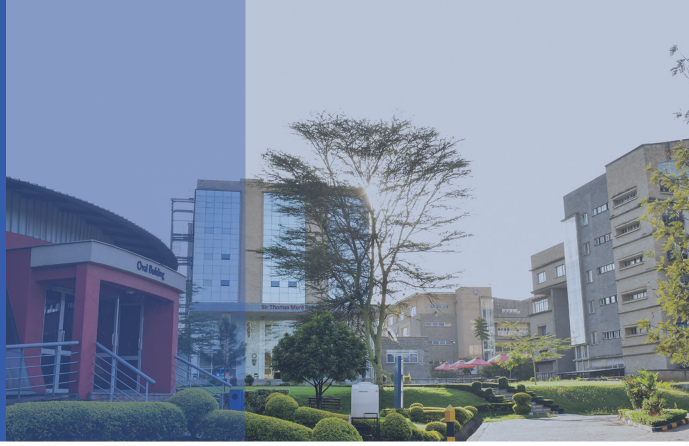
Strathmore UNIVERSITY

POLICY BRIEF

POLICY BRIEF NO. 11 (2026)



STRENGTHENING CHILDCARE SYSTEMS FOR CHILDREN UNDER THREE IN KENYA: POLICY OPTIONS FOR QUALITY, INCLUSION, AND SUSTAINABLE CARE DELIVERY

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Executive Summary

Despite progressive national policies such as the Children's Act (2022), the Integrated Early Childhood Development Policy (2017), and the National Care Reform Strategy (2022–2032), Kenya's childcare system for children under age three remains fragmented. While approximately 4.7 million children under three require care, the current care arrangements are primarily informal, with high dependence on parental care and extended family members. Only 10% to 15% are enrolled in formal centres, and nearly 10% to 12% are unsupervised, highlighting a serious gap in access and safety.

Weak coordination between national and county levels, inadequate funding, and limited recognition of diverse childcare models constrain the sector. Kenya can draw lessons from Ghana, South Africa, Rwanda, and Ethiopia to strengthen its childcare system. One of the ways is developing a comprehensive national childcare policy and framework law to harmonise fragmented instruments such as the Children's Act (2022) and the Integrated Early Childhood Development Policy (2017).

The country should integrate childcare financing and service delivery into national and county planning frameworks through dedicated budget lines and co-financing mechanisms. Additionally, there is need to recognise and regulate home-based and workplace childcare models through proportionate licensing, caregiver training, and employer-supported care to enhance quality, inclusion, and sustainability.

This policy brief draws on a comparative review of childcare laws, policies, and governance frameworks in Kenya, Ghana, South Africa, Rwanda, and Ethiopia to identify key gaps and policy lessons for strengthening childcare systems in Kenya.

Keywords: Childcare governance, early childhood Development , childcare financing, county childcare systems, child welfare and protection, workplace and home-based childcare

Background

Globally, childcare is recognised as a vital part of sustainable development, supporting the achievement of Sustainable Development Goal (SDG) 3 (Good Health and Well-being), SDG 4 (Quality Education), SDG 5 (Gender Equality), and SDG 8 (Decent Work and Economic Growth). Several international and regional conventions emphasise the need for integrated and publicly supported care systems to achieve these goals.

In Kenya, most young children are cared for either at home or in informal and unregulated arrangements that offer poor-quality services. The absence of reliable care contributes to poor child outcomes. For instance, an estimated 60,000–65,000 under-five children die annually from preventable diseases as low-income parents rely on unsafe and unsupervised arrangements. Lack of access to quality and affordable care may also account for rising cases of child neglect reported across counties. In Nairobi County, child neglect cases increased from 162 reported incidents in 2014 to 8,705 in 2018.

With Kenya's urbanisation rate projected to surpass 50% by 2025, 23% of households headed by women, and approximately 380,000 adolescent mothers annually, inadequate access to quality childcare poses risks to children's welfare, while constraining women's economic participation and undermining national productivity and economic growth.

Problem Statement

Kenya's childcare system faces significant structural and policy challenges. Despite constitutional guarantees to children's rights, access to quality childcare for children aged 0–3 remains underdeveloped. Only about 10% to 15% of children are enrolled in formal centres, with most relying on informal or unregulated providers.

Counties are mandated to provide

or facilitate provision of childcare facilities and develop policies on the same. However, county-level childcare frameworks remain uneven. Of 13 counties reviewed, only one county has enacted a dedicated Childcare Policy and Act. Most counties rely on general children's policy and Early Childhood Development laws, while others lack framework.

County differ significantly in how childcare is defined, licensed, regulated, financed, and institutionally anchored. These variations could be due to the absence of national childcare frameworks such as a national childcare model policy and Act, national childcare standards, and financing guidelines. The result is limited access to quality childcare, especially for children with disabilities and families in vulnerable conditions.

Rising urbanisation, high poverty rates, informal employment, single-headed households, and adolescent motherhood amplify the urgency for coherent childcare governance that bridges national policy and county-level service delivery.

Policy Options

Kenya can strengthen childcare systems for children under three through a combination of legal reform, sustainable financing, and expanded service delivery models. The following policy options present practical pathways for strengthening childcare governance, improving access, and enhancing quality and inclusion across counties.

Option 1: Establish a comprehensive National Childcare Policy and Framework Law

This option involves developing and enacting a dedicated national childcare policy and framework law to consolidate the fragmented legal and policy environment governing childcare. It would harmonise provisions across existing instruments such as the Children's Act (2022), the Integrated Early Childhood Development Policy (2017), the Draft Integrated Early Childhood Development Policy (2024), the Draft Care Policy (2024), Draft Children Policy (2025), and the National Care Reform Strategy (2022–2032).

The framework would define childcare as a distinct service, clarify institutional responsibilities between the national and county governments, and establish mechanisms for coordination, accountability, and financing. Implementation would require collaboration between the Ministry of Labour and Social Protection, the National Council for Children's Services, and county departments responsible for education, health, and social services.

Pros

A unified policy and legislative framework would eliminate overlaps, strengthen institutional coordination, and ensure consistency in standards and funding. It would enable counties to design aligned policies while ensuring national oversight and equity. Legal recognition of childcare as a standalone service would elevate its priority in public planning and budget allocation.

Cons

Developing and passing a new policy and law could be time-consuming and resource-intensive. Without sustained political commitment, coordination across ministries and counties may remain weak. There is also a risk of duplicating existing mandates if the framework is not clearly defined.

Option 2: Integrate childcare financing and service delivery into national and county planning frameworks

This option emphasises embedding childcare within public financing and development planning systems. It would operationalise provisions of the IECD Policy (2017) by introducing dedicated budget lines, per-capita subsidies for registered centres, and co-financing mechanisms with private sector and community actors.

Counties would be supported to include childcare in Annual Development Plans and budgets, guided by national financing and service delivery standards. Development partners could supplement funding through targeted grants or matching schemes.

Pros

Integration into public budgets enhances the sustainability and predictability of funding, reducing overreliance on donor or private contributions. Per-capita subsidies would improve affordability for low-income families and incentivise registration and compliance among providers. Shared financing aligns with Kenya's inclusive development and social protection goals while fostering multi-sectoral participation.

Cons

Fiscal constraints and competing development priorities may limit budgetary allocations. Weak financial accountability and unclear cost-sharing arrangements between national and county governments could undermine implementation. Counties with limited administrative capacity may struggle to manage subsidies effectively.

Option 3: Scaling Modular Capacity-Building Models with Embedded Action Projects

This option seeks to expand access by formally recognising and regulating home-based and workplace childcare models, which currently operate largely outside formal oversight. Implementation would involve developing proportionate licensing requirements, establishing caregiver certification and training programmes, and linking these models to county inspection and support systems.

Employers, especially those with over 20 employees, would be required or incentivised to provide or contract childcare services.

Pros

Recognition of home-based and workplace childcare would extend coverage to underserved informal and urban populations, supporting working parents, particularly women. It would enhance quality assurance, safety, and inclusion while leveraging existing community and employer infrastructure. Such models reflect successful practices from Rwanda and South Africa, where flexible and workplace-integrated care has improved access.

Cons

Monitoring and enforcing standards across dispersed home-based providers may strain county capacities. Without adequate incentives, employers may be unwilling to incur additional costs for providing childcare, while informal caregivers may resist regulation. Ensuring consistent quality while maintaining affordability could also be challenging.

Recommendations

To address the structural, financing, and coordination gaps within Kenya's childcare system, this policy brief proposes the following recommendations aimed at strengthening governance, expanding access, and improving the quality and sustainability of childcare services for children under three.

1. Develop and enact a national childcare policy and framework law to harmonise existing childcare laws, clarify national and county responsibilities, and strengthen accountability.
2. Implement national childcare standards and financing guidelines to ensure consistent quality, affordability, and equitable service delivery across counties.
3. Create dedicated childcare budget lines at both national and county levels to secure predictable and sustainable funding for childcare services.
4. Strengthen county-level coordination and technical capacity to improve planning, regulation, and delivery of childcare services.
5. Recognise and regulate home-based and workplace childcare models through flexible licensing, caregiver certification, and quality assurance mechanisms.
6. Promote employer-supported childcare services for workplaces with significant employee populations to support working families and improve productivity.
7. Strengthen childcare research, data collection, and innovation systems to support evidence-based policy and continuous sector improvement.
8. Adopt adaptable childcare models and coordination approaches informed by experiences from Ghana, South Africa, Rwanda, and Ethiopia.

Conclusion

Kenya has made important policy commitments toward the protection and development of young children through instruments such as the Children's Act (2022), the Integrated Early Childhood Development Policy (2017), and the National Care Reform Strategy (2022–2032). However, the current childcare system for children under three remains fragmented, underfunded, and unevenly regulated across counties. As a result, many families continue to rely on informal, unregulated, and often unsafe childcare arrangements.

The findings presented in this brief demonstrate that childcare is not only a social welfare issue, but also a critical economic and development concern linked to women's participation in the labour market, child well-being, public health, and long-term national productivity. The increasing pressures of urbanisation, informal employment, single parenthood, and adolescent motherhood further highlight the urgency of building a coherent and accessible childcare system.

Kenya now has an opportunity to strengthen childcare governance through a comprehensive national framework that harmonises policy, financing, regulation, and service delivery across national and county levels. Integrating childcare into public planning and budgeting, while recognising flexible models such as home-based and workplace childcare, can significantly expand access and improve quality of care for vulnerable families.

Lessons from countries such as Ghana, Rwanda, South Africa, and Ethiopia demonstrate that coordinated childcare systems are achievable when supported by clear legislation, sustainable financing, and strong institutional coordination. Strengthening childcare systems in Kenya is therefore an investment in children, families, gender equality, and inclusive national development.

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Acknowledgement

This policy brief forms part of ongoing policy engagement and research activities by the Strathmore Tax Research Centre (STRC), supported through the Hewlett Grant to advance childcare legislation and women's economic empowerment initiatives in Kenya.

Published by: Strathmore University Press, Research and Innovation Department

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