



MINISTRY OF EDUCATION  
STATE DEPARTMENT  
FOR VOCATIONAL AND  
TECHNICAL TRAINING

ETHICS AND COMPLIANCE

# RPL (KENYA) PRACTITIONERS' **CODE OF CONDUCT**

SUBTLETY MAY DECEIVE YOU; INTEGRITY NEVER WILL





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## DEFINITIONS

- i. **Disadvantaged groups** include persons living with disability, migrants, women, refugees and pockets of poverty.
- ii. **RPL Coordinator** means an RPL practitioner in charge of an assessment center tasked with the RPL administrative and logistical support.
- iii. **RPL Advisor/Counsellor** means RPL practitioner accredited to guide the candidate about RPL procedure and requirements, and their suitability for an assessment. Note: Advisor and Counsellor will be used interchangeably in this document.
- iv. **RPL Assessor** means an accredited RPL practitioner who carries out assessment to ascertain the claimed competencies based on evidence submitted and/or observed against set standards.
- v. **RPL Expert** means a person well versed in RPL assessment process as well as the legal frameworks of RPL stakeholders.
- vi. **RPL Practitioner** is a person involved in RPL assessment process.
- vii. **RPL Verifier** is an accredited RPL practitioner responsible for authentication of assessment process and results.
- viii. **Qualification** means a formal expression of the professional or vocational abilities of a worker that are recognized at international, national or sectoral levels as defined in the KNQF
- ix. **Qualifications Awarding Institution (QAI)** is an institution accredited in accordance with section 5 of KNQF Act to award national qualifications.

# 1.0 INTRODUCTION

## 1.1 CITATION

This Code may be cited as the Kenya RPL Code of Conduct.

## 1.2 WHY THE CODE OF CONDUCT

A Code of conduct states the principles, values and standards that clearly outline the expected behaviour. They provide instructions on what is and is not considered as good practice. This may include behaviour in the workplace, work related events or anytime an RPLP is representing RPL related activities.

This Code of Conduct helps improve and clarify to all key stakeholders the expected shared values, attitudes and practices of an RPLP. It is modelled along similar codes in other jurisdictions, principally the Code of Ethics For Assessment Centres in South Africa published in 2018 by the SA Assessment Centre Study Group.

It will:

- a. Provide clear guidelines of expected behaviour of an RPLP;
- b. Outlines the RPL values and principles; and
- c. Communicate to RPLP what is expected of them from an ethical perspective.

## 1.3 OBJECTIVES OF THE CODE OF CONDUCT

The objectives of the Code of Conduct are to:

- i. benchmark against RPL assessment performance standards;
- ii. protect the interests of the clients;
- iii. maintain professionalism of the RPLPs;
- iv. protect the public and the profession
- v. Ensure compliance to Quality Assurance practices; and
- vi. reduce the risk of ethical misconduct while undertaking the RPL assessment process.

## 1.4 THE ROLE OF QAIs

Codes of conduct are pivotal instruments to translate core values into behavioral norms. They do not only have to be inspirational in nature but should also show the best path to resolve ethical dilemmas. They must also be effectively implemented in practice. This Code of conduct applies to all RPLPs to promote compliance and efficiency.

Qualification Awarding Institutions provide oversight of the RPL assessment process by accrediting RPL Practitioners (RPLPs) as well as building their capacity to ensure effective delivery of services. To advance best practice in RPL, Kenya requires ethical guidelines for RPLPs and anyone involved in the RPL process. The QAIs expect RPL Practitioners to act ethically while conducting assessment with both members of the public and their clients.

By carrying out ethical practices, the wider society is positively impacted by basing their choices on valid and reliable RPL assessment results. When RPLPs make recommendations and decisions based on unethical conduct, the RPL process may lose its credibility in addition to wastage of resources. The RPL Practitioners will be encouraged to continuously and deliberately work on their professional growth.

The QAIs view ethics as a system of conduct that prescribes RPLP behavior and responsibility. It includes a commitment to do what is right and implies that being ethical means that one's conduct should serve the welfare of all stakeholders involved with and directly impacted by the RPL process.

The RPL Code of conduct derives from best practices and is intended to supplement the legal environment within which RPL takes place. The Code is intended to be both aspirational, identifying what RPL Practitioners should aspire to and to guide the minimally acceptable ethical standards for RPL practice in Kenya. It should assist with both the 'why' and the 'how' of expected behavior when carrying out the RPL process.

This RPL Code of conduct is organized around major ethical principles and written from the RPL Practitioner's perspective. Since the RPL Coordinator and the RPL Verifier play integral parts in the RPL process, they are also included in this Code's application. Therefore, this RPL Code of Conduct focuses on the RPL Counsellor, RPL Assessors, RPL Coordinator and RPL Verifier.

## 2.0 STRUCTURE OF THE CODE

Six ethical principles are presented to be considered and balanced in ethical decision-making in the RPL process. Each principle is followed by a statement of those values that are included in and give definition to the principle. Each value statement is followed by a list of ethical standards that illustrate the application of the specific principle and values to the activities of the RPL practitioners.

## 3.0 USE OF THE CODE

This Code applies to all RPL Counsellors, RPL Assessors, RPL Coordinators and RPL Verifiers.

It is intended to guide RPL Practitioners in their everyday conduct, in thinking about and planning RPL assessments and in the resolution of ethical dilemmas that may arise. The Code advocates the practice of both proactive and reactive ethics in the RPL process. In addition, the principles and values focus on standards that are specific to the field of RPL assessment.

The Code provides an ethical framework in which the values embodied in this Code can be applied during the RPL process. It is also meant to be helpful in determining whether a complaint is of enough concern to warrant action either at the level of the individual RPLP or at the level of the profession as a whole. In determining corrective action for an individual RPL Practitioner, one of the judgments the adjudicating body needs to make is whether an individual conscientiously engaged in an ethical decision-making process and acted in good faith or whether there was a negligent or wilful disregard of ethical principles.

This Code of conduct will be applied in addition to the QAI's rules and regulations pertaining to assessment.

## 4.0 RESPONSIBILITY OF THE RPL PRACTITIONERS

The responsibility for ethical action depends foremost on each RPLP's commitment to behave ethically. Accordingly, the RPL Practitioners commit to:

- a. adhere to the RPLP's Code of conduct in all RPL activities; apply the ethical principles, values and standards of the Code of Conduct conscientiously;

- b. assess and discuss ethical issues and practices with RPL Practitioners on a regular basis;
- c. bring ethical issues that require clarification or the development of new guidelines or standards to the attention of the QAs;
- d. bring concerns about possible unethical actions by RPLP directly to the QAs; and
- e. bring concerns about possible unethical actions of a more serious nature or actions that are considered misconduct to the person(s) or relevant body(ies) e.g. QAs or Regulators, best suited to investigate the situation and to stop or offset the harm.

## 5.0 CODE OF CONDUCT PRINCIPLES, VALUES AND STANDARDS

The Code of Conduct consists of six principles, each consisting of values which in turn give rise to standards. These principles have been adopted from the South African Code of Conduct.

Principles		<b>Principle 1:</b> Respect for Participant's Dignity	<b>Principle 2:</b> Respect for Participants' Diversity	<b>Principle 3:</b> Respect for Participant's Freedom	<b>Principle 4:</b> Respect for Client And Client's Organization	<b>Principle 5:</b> Professional RPLP Competence	<b>Principle 6:</b> Professional Accountability
Values	1	Integrity	Procedural fairness	Clearly informed	Deliver effective assessments	Be knowledgeable about the RPL process and exhibit understanding of the RPLP skills	Maintain professional standards
	2	Honesty	Interactional fairness	Participate freely	Deliver value-adding assessment	Design assessment with scientific rigor	Accept accountability
	3	Respectfulness	Distribute fairness	Free to withdraw from process	Deliver what was marketed and contracted	Acknowledge own RPLP skill level	Maintain professional conduct and integrity
	4	Sensitivity	Equal opportunity	Provide / withhold informed consent	Deliver fit-for purpose Assessment	Ensure competent RPLP	Respect the RPL process governance
	5	Privacy	Equal treatment	Receive feedback upon request after the Assessment	Deliver practical assessments (fitting into learning outcomes)	Ensure continual RPLP professional development	Comply with Assessment design and implementation science
	6	Confidentiality	Objectivity	Have access to own information	Deliver context focused assessment		Maintain standardization
	7	Dignity	Acceptance of diversity		Provide appropriate feedback		Promote RPL process use
	8						Control RPL process data management
	9						Ensure proper protection of intellectual property

## 5.1 PRINCIPLE 1: RESPECT FOR PARTICIPANT DIGNITY

### 5.1.1 Values statement

RPL Practitioners acknowledge that the RPL candidates have a right to have their worth as human beings appreciated and that this is not dependent upon their race, religion, gender, national origin, disability, age, marital status, sexual orientation, physical or mental abilities, socio-economic status or any other legally protected status.

### 5.1.2 Ethical standards

In adhering to the principle of respect for participant dignity of persons, the RPLP will treat participants respectfully.

#### 5.1.2.1 Integrity

- a. By ensuring that the same assessment conditions and norms apply to all RPL candidates and being impartial.
- b. By using the RPL results solely for purposes agreed with the candidates.

#### 5.1.2.2 Honesty

- a. By honestly and fully communicating the purpose of RPL and possible uses of the RPL assessment results.

#### 5.1.2.3 Respectful

- a. By treating all RPL candidates with respect and dignity throughout the RPL process.

#### 5.1.2.4 Sensitivity

- a. By making reasonable accommodations to the RPL candidates enhancing their ability to fully participate in the RPL process – especially with disadvantaged groups.
- b. By willingly and professionally answering questions that are asked by the RPL candidates that are within the RPLP's scope of practice.
- c. By endeavouring to create an appropriate atmosphere to elicit participant behavior linked to the focal constructs being assessed.

#### 5.1.2.5 Privacy

- a. By treating all information of an RPL candidate with care and restricting access to it in accordance with best practice guidelines and the Kenyan legislation.

- a. By taking appropriate reasonable action to enable the discussions with or about an RPL candidate during the RPL process to take place in private.

#### 5.1.2.6 Confidentiality

- a. By taking appropriate, reasonable, technical and organizational measures to secure the confidentiality of all RPL candidates' information.

#### 5.1.2.7 Dignity

- a. By taking reasonable steps to ensure that all RPL candidates are treated with dignity by all RPLP throughout the process.

## 5.2 PRINCIPLE 2: RESPECT FOR PARTICIPANTS DIVERSITY

### 5.2.1 Values statement

RPL practitioners demonstrate an active concern and respect for RPL candidates' diversity. RPL candidates diversity include race, religion, gender, national origin, disability, age, marital status, sexual orientation, physical and mental abilities, socio-economic status or any other legally protected status. Efforts are also made to minimize adverse impact on RPL candidates from disadvantaged groups. These concerns are relevant to those involved with RPL process directly and indirectly.

**5.2.2. Ethical standards** in adhering to the principle of respect for participant diversity of persons RPL Practitioners will provide.

#### 5.2.2.1 Procedural fairness

- a. By ensuring that the RPL process is standardized and complies with RPLP best practices guidelines. This includes ensuring standardized administration, scoring, interpretation and use of assessment results.

#### 5.2.2.2 Interactional fairness

- a. By treating all RPL candidates with courtesy, acknowledging candidates and encouraging the feeling by all, of being part of the RPL process.
- b. By ensuring that a code of conduct is followed by all RPL stakeholders contributing to interactional fairness.

### 5.2.2.3 Distributive fairness

- a. By considering moderating factors arising from the RPL candidates' social-cultural contexts (e.g. language factors) impacting on the RPL candidates' performance.
- b. By taking reasonable precautions to ensure that the RPL practitioners do not discriminate against any group of RPL candidates and that the candidates are evaluated fairly based on the learning outcomes.

### 5.2.2.4 Equal opportunity

- a. By taking reasonable actions to ensure that all RPL candidates have equal opportunities to experience, benefit and learn from the RPL process.
- a. By taking reasonable actions to ensure that all RPL candidates have equal opportunity to access RPL Learning outcomes / Performance Standards in preparation for the assessment.

### 5.2.2.5 Equal treatment

- a. By ensuring that all the RPL candidates are treated impartially and without prejudice by the RPL Practitioners.

### 5.2.2.6 Objectivity

- a. By ensuring that proper RPL assessment scoring mechanisms and norms and their competent use by the RPLP contribute to assessment objectivity.

### 5.2.2.7 Acceptance of diversity

- a. By ensuring that diversity related issues are accepted as important and relevant and are appropriately considered in the RPL process.

## 5.3 PRINCIPLE 3: RESPECT FOR PARTICIPANT FREEDOM

### 5.3.1 Values statement

Respect for RPL candidates' freedom refers to an absence of undue restrictions. The RPL Practitioners acknowledge that all persons have a right to be clearly informed, to participate freely, to be free to withdraw from the process, to provide or withhold informed consent, to receive feedback upon request after the process and to have access to their own information.

### 5.3.2 Ethical standards

In adhering to the principle of respect for participant freedom, RPL Practitioners will ensure that RPL Candidates:

#### 5.3.2.1 Are clearly informed and the process is transparent

- a. By explaining the process and criteria that will be used in the RPL process so that the RPL candidate knows what to expect during the assessment.
- b. By honestly and fully communicating to the RPL candidates how the assessment will be carried out.
- c. By including information about how the candidate can use the RPL assessment results – including possible career paths if need be.
- d. By including information about how long the RPL assessment results will take, how they are stored and can be accessed in the future.

#### 5.3.2.2 Participate freely

- a. By giving participants the right to choose to participate in the RPL process after the purpose of the assessment and consequences of the participation have been explained.

#### 5.3.2.3 Provide / withhold informed consent

- a. RPL candidates may decide to provide / withhold consent to participate in the RPL process after the RPLP has explained the process to them and the possible outcomes
- b. RPL candidates must give written consent to participate in the RPL process, through the application for the RPL assessment results to be used for the intended purposes (including future research). If a candidate does not provide informed consent, the RPLP may refuse the candidate an opportunity to participate in the RPL assessment.

#### 5.3.2.4 Free to withdraw from the process

- a. RPL candidates are free to withdraw from the RPL assessment process at any time after the process has been explained including the consequences of doing so by the RPLP.

#### 5.3.2.5 Receive feedback upon request after the process

- a. By providing valid, reliable and constructive feedback about their performance during the RPL assessment process has been finalized.

Responsibility of paying for the costs of the feedback will be clarified at the start of the RPL assessment process.

- b. By considering requests for specific personal follow-up feedback from the RPLP after receiving the initial feedback. The RPL candidate will have to pay for this additional feedback service.

#### 5.3.2.6 Have access to own information

- a. By providing RPL candidates with access to own RPL information in a contextualized format upon request after the process has been finalized. The RPLP will ensure that no raw, un-interpreted or non-contextualized data is shared with the RPL candidate. The candidate does not have access to material that may comprise the intellectual property of the RPLP or the Employer (if organization paid for and formed part of the agreement)

### 5.4 PRINCIPLE 4: RESPECT FOR THE CANDIDATE AND / OR THE SPONSOR

#### 5.4.1 Values statement

RPL Practitioners deliver the results of an RPL assessment firstly to a specific candidate and secondly to the candidate's sponsor (person / organization paying for the assessment).

Where a candidate is sponsored, the candidate and the RPLP specify what will be delivered in the RPL assessment in line with the sponsor's processes and procedures. Unless modified by mutual consent, the RPLP is obliged to deliver what was marketed and contracted.

The RPLP uses the RPL assessment in an effective, value adding, fit-for-purpose, practical, cost effective and that provides feedback.

#### 5.4.2 Ethical standards

In adhering to the principle of respect for the candidate and the candidate's sponsor, the RPLP will:

##### 5.4.2.1 Deliver effective assessment

- a. By ensuring that the RPL assessments adhere to the best practices for competence assessment including reliance on appropriate evidence for the validity and reliability of the assessment methods use.

#### 5.4.2.2 Deliver value-adding assessment

- a. By assuring at the outset that RPL assessment is the preferred assessment method given the specific candidate and / or sponsor requirement.

#### 5.4.2.3 Deliver what was marketed and contracted

- a. By only marketing to the candidate and / or sponsor what the specific assessment has been designed to deliver.

#### 5.4.2.4 Deliver fit-for-purpose assessment

- a. By using the RPL assessment only for the purpose(s) for which it was designed for – assessment for purposes of awarding / certifying / recognition of prior learning.

#### 5.4.2.5 Deliver practical assessments (fitting into organizational processes)

- a. By assisting the candidate to position the specific assessment with the candidate's organization's processes (e.g. talent management, succession planning, learning and development).
- a. By advocating for RPL assessments to be integrated in organizational Policies, Processes and procedures.

#### 5.4.2.6 Deliver context-focused assessments

- a. By doing contextual adaptation to the assessment based on job analysis in terms of economic, socio, political, institutional, linguistic and cultural differences.
- a. By implementing an assessment appropriate to organizational level, industry trends and technology use.

#### 5.4.2.7 Deliver cost effective assessment

- a. By sharing up-front all foreseeable costs related to the RPL assessment process to the candidate and / or sponsor.
- b. By agreeing up-front with the candidate how return on investment for the candidate and / or sponsor will be determined.

## 5.5 PRINCIPLE 5: PROFESSIONAL COMPETENCE

### 5.5.1 Values statement

The RPL Practitioner is competent in designing, implementing, evaluating and validating assessments. The competence expectation is all that anyone involved in the RPL process is equally competent in their specific roles as an Assessor and / or Subject Matter Expert.

### 5.5.2 Ethical standard

In adhering to the principle of professional assessment competence, RPL Practitioners are expected to:

#### 5.5.2.1 Be knowledgeable about RPL Assessment design and implementation

- a. By ensuring their own competence in RPL assessment design and implementation according to the current best practices for assessments.
- b. By providing support for claims about RPL Assessment design and implementation competence.
- c. By demonstrating an effective track recording the design and practical application of RPL assessments in different environments.

#### 5.5.2.2 Design assessments with scientific rigor

- a. By designing RPL assessments according to scientifically sound knowledge.
- b. By providing support for claims about the evidence-based foundation on which the assignment has been designed.
- c. Documenting the RPL assessment design process and the final RPL assessment reports.

#### 5.5.2.3 Acknowledge own RPL assessment skill level

- a. By being open and honest about RPL candidate skill level and consulting other more experienced RPLP when necessary to assure that the proper qualification levels are available during the Counselling and Facilitation process.

#### 5.5.2.4 Ensure competent RPLP and RPL support / administration staff

- a. By ensuring that all RPLP and supporting / administrative staff are competent in their specific RPL roles and duties as Counsellors, Assessors, Coordinators and Verifiers.

- b. By providing initial and ongoing training and oversight to all RPLPs to work on specific RPL assessment processes as part of their continuous professional development program.

#### 5.5.2.5 Ensure continual assessment related development

- a. By regularly attending RPL assessment related professional training and attending RPL conferences to uphold RPLP competence as part of their continuous professional development program.
- b. By accepting the ethical obligation to stay abreast of the relevant scientific and professional practice literature and to update professional practices as needed based on that literature.
- c. By adhering to the best RPL Assessment practices as highlighted in the RPL Tools and Guides as well as RPL Policy Framework and Implementation Guides.

## 5.6 PRINCIPLE 6: PROFESSIONAL ACCOUNTABILITY

### 6.6.1 Values statement

The RPLP accepts overall professional accountability for the RPL assessment related activities under their control. This encompasses the duty to act in a professional manner, to be aware of applicable legal issues as they apply for RPL Assessment work, to avoid conflicts of interest and to put the interest of candidates ahead of their own interests. It includes taking responsibility for actions and decisions, having high moral standards, being trustworthy, showing professional conduct and integrity and being able to remain professional despite undue pressure.

### 5.6.2 Ethical standards

In adhering to the principle of professional accountability in the Assessment process, the RPL practitioners will:

#### 5.6.2.1 Maintain professional standards

- a. By always exercising appropriate levels of care, diligence and skill.

#### 5.6.2.2 Accept accountability

- a. By being answerable for the RPL Assessment related actions and decisions.

### 5.6.2.3 Maintain professional conduct and integrity

- a. By always behaving professionally and with integrity during the entire RPL Assessment process even when experiencing pressures from the candidate and other stakeholders.

### 5.6.2.4 Respect for RPL assessment governance

- a. By adhering to the appropriate processes for making and implementing decisions about all aspects of an RPL assessment from the counselling phase to the final assessment.

### 5.6.2.5 Comply with RPL assessment design and implementation

- a. By following due diligence in RPL assessment design and implementation even when pressured by stakeholders to take unscientific or unprofessional short-cuts.

### 5.6.2.6 Maintain RPL assessment standardisation

- a. By addressing any reasonable exceptions to standardization in a manner consistent with professional standards and knowledge.

### 5.6.2.7 Protect RPL assessment use

- a. By taking reasonable pro-active action to ensure the objective and appropriate application of the RPL Assessment results by all stakeholders.

### 5.6.2.8 Control of RPL assessment data management

- a. By applying appropriate RPL Assessment data management practices for the safekeeping of RPL assessment materials and results.

### 5.6.2.9 Ensure proper protection of intellectual property

- a. By only using RPL assessment material for which they hold the intellectual property rights or have obtained documented permission to use.

## 6.0 RESPONSIBILITY FOR OBSERVANCE OF THIS CODE

The RPL Coordinator shall work closely with the QAI designate representative to ensure the Code is fully adhered to. It will also be their responsibility to educate the RPLP about this Code of conduct through appropriate explanation including training programs.

## 7.0 VIOLATION OF THE CODE OF CONDUCT

Violation of this Code shall be taken very seriously. Any RPLP violating this Code shall be dealt with in accordance with the respective QAI laws and regulations.

## 8.0 CODE OF CONDUCT REVIEW SCHEDULE

To maintain its relevance and responsiveness, this Code of Conduct for RPLP in Kenya will be reviewed regularly by the QAI and revised as needed. Interested parties are invited to forward comments and suggestions to the QAIs at any time.







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