

Approved for tabling ^{Bett} ~~SWA~~



SWA
15/6/17
Paper laid



By Hon. Geoffrey Odanga, M
Member of dept Committee on
Education, Research & Tech
on Thursday, 15/6/2017



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - FIFTH SESSION - 2017

DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND
TECHNOLOGY

REPORT ON THE PETITION BY MRS. SALLY BETT ON ALLEGED NEGLIGENCE
OF LATE EMILY CHELAGAT (HER DAUGHTER) AND A FORMER STUDENT OF
OUR LADY OF MERCY SECONDARY SCHOOL, NAIROBI

Directorate of Committee Services,
Clerk's Chambers
Parliament Buildings,
NAIROBI

JUNE, 2017

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1.0 CHAIRPERSON'S FOREWORD

On behalf of the Departmental Committee on Education, Research and Technology and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the alleged negligence of the late Emily Chelang'at by the Management of the Our Lady of Mercy Secondary School. The petition was tabled before the House pursuant to Standing Order No. 225 (2)(a) by the Hon. Sunjeev Birdi, MP, on behalf of Ms. Sally C. Bett on alleged negligence of her daughter the late Emily Chelang'at who was a student at the Our Lady of Mercy Secondary School. The Committee wishes to thank the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to Committee Members for their devotion and commitment to duty during the consideration of this Petition.

On behalf of the Committee, I now wish to table this report for consideration and passage by the House.

HON. SABINA CHEGE, M.P

2.0 MANDATE OF THE COMMITTEE

The Committee on Education, Research and Technology is one of the Committees of the National Assembly established under Standing Order 216 and mandated to,

1. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
2. study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
3. study and review all legislation referred to it;
4. study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
5. investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;
6. vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
7. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

3.0 COMMITTEE MEMBERSHIP

3.1 Committee Members

Chairperson	Hon. Sabina Chege, M.P
Vice Chairperson	Hon. Julius Melly, MP
Members	Hon. Yusuf Chanzu, M.P
	Hon. (Dr) Christine Ombaka, M.P
	Hon. (Dr.) Wilber Ottichillo, M.P
	Hon (Dr.) Susan Chebet, M.P
	Hon. (Prof) Helen Sambili, M.P
	Hon. Cecilia Ng'etich, M P
	Hon. Muriuki Njagagua, M.P
	Hon. Eric Keter, M P
	Hon. Joseph Meruaki, M.P
	Hon Joseph Manje, M P
	Hon. Kenneth Okoth, M P
	Hon. Halima Warc Duri, M.P
	Hon. Silverse Lisamula Anami, M.P
	Hon. Richard Makenga, M.P
	Hon. Opiyo Jared Odhiambo, M P
	Hon Geoffrey Makokha Odanga, M.P
	Hon. Anthony Kimaru, M.P
	Hon. Banticha Abdullahi, M.P
	Hon. Moses Injendi, M.P
	Hon. Mohamed Adan Huka, M.P
	Hon Harrison Kombe, M P
	Hon. Rose Rwamba Mitaru, M P
	Hon. Mary Seneta, M P
	Hon. Michael Kisoj Munyao, M.P
	Hon Ibren Nasra Ibrahim, M.P
	Hon. Zuleikha Juma Hassan, M.P
	Hon Andrew Mwadime, M.P

3.2 Committee Secretariat

Leah Wanjiru	First Clerk Assistant
John Mugoma	Third Clerk Assistant
Abdiaziz Shobay	Third Clerk Assistant
Doireen Karani	Legal Officer
Annceta Gaacheri	Research Officer
Eric Kanyi	Fiscal Analyst

4.0 BACKGROUND

4.1 Committal of the Petition to the Committee

Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Education, Research and Technology for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227 (1) and (2).

The Petition was praying that the Committee carries out an investigation on the circumstances that led to the death of Emily Chelagat Bett who was a student at the Our Lady of Mercy Secondary School. In addition the Committee was expected to look into the grounds of compensation for the emotional, financial and psychological distress caused on the family as a result of the death of the Emily Chelagat. Finally, the Committee was expected to also investigate the circumstances under which Mrs. Sally Bett (mother of the deceased) being an employee under the Ministry of Lands, was transferred from Namanga to Nairobi and her salary suspended.

The Committee proceeded with the consideration of the petition by holding meetings to set up terms of reference and scheduling meetings on diverse dates.

In considering the petition, the Committee invited and held meetings with the petitioner, Hon Sunjeev K. Birdi, M.P, the parents of the deceased and the representatives of Our of Mercy Secondary School. The meetings were aimed at responding to issues raised by the petitioners.

4.2 Consideration of the Petition

In considering the Petition, the Committee was guided by the Provisions of Standing Order 227 (2) and (3). The Committee held meetings with the Petitioners and the Management of Our Lady of Mercy Secondary school. During the meetings, written and oral evidence was adduced as recorded hereunder:-

4.2.1 Submissions by the Petitioner, Hon. Sunjeev K. Birdi, M.P

Hon. Sunjeev K. Birdi, M.P appeared before the Committee on 16th February, 2017. She was accompanied by the parents of the deceased among others. She informed the Committee that;

1. The late Emily Chelangat of admission No. 8143 was a form three student at Our Lady of Mercy Secondary School, Nairobi. She fell sick while in school and was released from school on closing day while she was very weak and could hardly walk. Her parents later on took her to a clinic in Namanga for urgent medical care;
2. Despite the doctors' efforts to treat her, the condition deteriorated and she slipped into semi-coma and was rushed to Nairobi West Hospital where she was diagnosed with meningitis upon arrival and was admitted to the intensive care unit for five weeks. Unfortunately, she succumbed to the death on 4th March, 2016. At the time of her demise, she had accumulated a huge medical bill. The doctors observed that the student would have survived had medical attention earlier been sort earlier.
3. The school matron abdicated her responsibility and obligation by failing to heed to the girls desperate plea to seek medical attention or inform her parents on time. During the said period, the mother of the deceased, Mrs. Sally Bett, a civil servant at the Ministry of Lands in Namanga had her Salary suspended following a dispute with a senior official and was transferred to Nairobi despite appeals that her daughter was ill.
4. The matter was raised with the relevant government agencies but no step was been taken to ensure that the family gets justice.

4.2.2 Submissions by the Mrs. Sally Bett, the Mother to the deceased

As the mother of the late Emily Chelagat, Mrs. Selly Bett the Chairperson requested her to make a personal account on the death of her daughter. She informed the Committee that:-

5. Ms. Emily Chelagat was a form three student at Our Lady of Mercy Secondary School in Nairobi. She died due to deliberate negligence by the school Deputy Principal Mrs. Kiruja T.K and the Matron.
6. She fell sick while in school and informed the matron promptly. She complained of severe headache, spinal pains but the matron ordered her to get into the dormitory and sleep instead of taking her for medical checkup.
7. For the three weeks she was sick, no medical care was given to her despite the fact that there is a nearby Police Band Dispensary where she could have been taken for medical checkup.

8. In April, 2015 during closing day, she found her daughter in a critical condition. She sought an explanation from the school matron who in turn informed her that the school lacked a dispensary and that she came in at the right time to take her daughter to the hospital. It was illogical that despite the school having cell phone numbers to the parents of the deceased, the matron made no effort to inform the parents.
9. Ms. Emily Chelagat was taken to Namanga for urgent medical care and despite of the doctors effort in nursing Ms. Emily Chelagat, her condition deteriorated until she slipped into semi-coma and was rushed to Nairobi West Hospital in an ambulance upon doctors recommendation. The medical bill amounted to Kshs. 3.2 million. The family still owes the hospital Kshs. 1.8million.
10. She was diagnosed with meningitis upon her arrival at the Nairobi West Hospital. She was admitted to the ICU for five weeks. Doctors expressed fears of high degree of negligence by the management of Our Lady of Mercy Secondary School.
11. While in the ICU, Ms. Emily Chelagat became blind and paralyzed. On doctor's recommendations, she was taken for homecare medical services and was attended to by two qualified medical personnel; a nurse and a physiotherapist but due to accumulated huge medical bills, they stopped attending to her in December, 2015.
12. Ms. Emily Chelagat died on 4th March, 2016. The school was informed of her demise but the school Principal adamantly refused to let her willing classmates attend her burial that was on a Sunday.
13. The parents visited the school after the burial of their daughter where they were met with hostility when they made a follow up to get sufficient information to events and circumstances that led to the school denying Ms. Emily Chelagat a well deserved medical care given her state of health.
14. The Principal then wrote a letter referring them to Nyayo House and ordered them to leave the school compound. The principal called police officers and ordered the watchman to lock the school gate intently to block their exit. The school principal and the matron told the deceased parents that they were pursuing a wild goose since a form two student had died at the same school and her single parent never made it an issue.
15. The failure by the school matron to heed to her daughter's desperate frantic efforts at her hour of greatest need, the school abdicated its supreme responsibilities and obligations

thereby harming Ms. Emily Chelagat emotionally and psychologically; thus went against children's Act which explicitly states that the best interests of a child are always paramount.

16. Due consideration was not given to the general interests of Ms Emily Chelagat and that the school deliberately refused to safeguard her constitutional right to medical care, privacy, dignity development and protective learning development to the deceased.
17. The form of injustices and verbal abuse against the deceased impacted negatively to her survival, development that further impeded the full realization of her rights
18. During the same period, she was removed from the payroll and transferred to Nairobi by the head of Human Resource Personnel, Mr Githu for not giving kickbacks. This was done despite the fact that she was nursing her ailing daughter in Namanga She was however later on readmitted to the payroll but transferred to Ministry of works and later on returned back to Ministry of lands but in different department.

4.2.3 Submissions by the Management of Our Lady of Mercy Secondary School

In order to investigate the culpability of the school, the Principal, Our Lady of Mercy Secondary School, Mrs Jane Kiruja appeared before the Committee on 14th March, 2017 She was accompanied by the Chairman of the Board of Management, the Deputy Principal and the school matron among others She informed the Committee that -

19. The late Emily Chelagat was admitted to the school in form one on 27th February, 2013,
20. The student was well until the school closed in April, 2015 when the school received a call from a former teacher, Mr Cheluget informing them that she had been admitted at Nairobi West Hospital and diagnosed with Meningitis;
21. She became unwell during the April holiday and was admitted to the Nairobi west hospital. The class teacher informed the teachers who took turns to visit the girl in hospital. One of the teachers named Mrs. Akali was in contact with the parents throughout the period she was in hospital.
22. Mrs. Akali at some point organized with the staff who contributed some money for the bills When she pulled through the ICU, the hospital recommended a wheel chair to aid in her movement, the then Principal Mrs Oyao requested one from Songa Mbele na

Masomo Children Centre and the wheel chair was delivered to the Hospital by Mrs. Bucha;

23. When she was due for discharge, the hospital recommended that she uses clutches to aid her mobility. Consequently, Mrs. Oyao requested for assistance from Songa Mbele Na Masomo Children's Centre. The girl was discharged and visited the school with her parents, the mother picked some of her items and informed the class teacher that her healing progress was positive;
24. The school lost contact with the parents when Mrs. Akali retired but later called the school to inform of Emily's demise. The school Management could not attend the fundraising of her burial since they were informed a day to the event. The school Board however met and gave the family Kshs. 40,000 (Forty thousand shillings) which was collected by Emily's mother on 14th March, 2016;
25. The mother's wish was that her classmates were the pallbearers during her burial but due to logistics involved in travelling, two students attended the burial accompanied by two teachers. Further, her class teacher was also present for the burial. The Teachers and students contribution of Kshs 22,000 (Twenty two thousand shillings) was given to the mother on the burial day by Mrs. Oloo;
26. The mother mentioned that the school had not done anything and that it had not even sent representatives for the burial. In total the school released 79,865 (Seventy nine thousand eight hundred and sixty five) including the travel expenses for the teachers and students;
27. The parents claimed the school was responsible for the death of the child but apparently even the class teacher was not aware that the girl was unwell while in school. On 4th April 2016, the parents came to school accompanied by Mr. Peteron Githaiga from the Standard Media Group who wanted to confirm the report given to them by the parents and was directed to the CDE'S office;
28. On 10th May, 2016 the parent again came back with Mr. Stanley N. Abdalla from the Nation Media Group's TV Kajiado, they were given a letter of introduction to the CDE which she made a copy but she tore and threw the pieces at the reception. The parent threatened the school Principal who later called the police to get them out of the school compound since the lady was screaming;

29. The former Principal Mrs. Oyao Francisca was the head of the institution at the time and she was the one who handled the matter of Emily until August 2015. The student left school in April 2015 when school closed and was picked by her parents. Ms. Emily Chelagat didn't return to school on 4th May, 2015 when schools opened for second term as indicated in the class register;
30. The school wrote to the Ministry of Education, Legal Unit and forwarded Emily's file for legal advice since the case was highlighted in the Media,

4.2.4 Submissions by Ms. Patricia Obiero, Matron

In order to adduce evidence on the condition of late Emily before her death and being responsible for the housekeeping at the school, the Committee allowed the school matron, Ms. Patricia Obiero. She informed the Committee that.

31. She was a house keeper and not a trained nurse but she could administer students with first aid including painkillers
32. In discharging her duties as school matron she was based in the school and her role included being aware of their individual health problem, looking after students with minor illness and giving out non-prescription medicines i.e. panadol, taking pupils to medical and dental appointments and calling for emergency treatment if necessary and keeping pupils records up to date,
33. That she was never trained on first aid and does not have a certificate in administering first aid,
34. The late Emily Chelagat was admitted 2013 in form one and she had known her since then;
35. The school closed first term for April holiday and according to school customs the students were picked by their parents or guardians from the school, whenever they break for midterm or end term. Emily did her exams till the last day and received her report forms before she was picked by her parents from the school,
36. Emily was picked by both parents on that day and was in good health since there was no complaint brought to her that she was unwell, but while on holiday, she was called by the then boarding mistress Sister Violet, telling her that the girl was unwell and had been admitted in Nairobi West Hospital;

37. When the school opened for second term herself and Mrs. Kiruja who was now the school Principal went to the hospital to visit her;
38. After she was discharged from the hospital, towards the end of second term she passed by the school accompanied by both her parents and left since she was still healing and thereafter heard of her death on 4th March, 2016;
39. During the funeral arrangement she was informed to release two students who were her classmates namely Bosibori Brenda and Audrey Akinyi. The two girls accompanied some teachers who also went to the funeral;

4.2.5 Submissions by the Chairman of the Board of Management

As the Chairman of the School's Board of Management, Mr. L.C.O Membo was invited to appear before the Committee to adduce evidence on the circumstances that led to the death of late Emily Chelagat . He informed the Committee that;-

40. The board came into office after the incident and was concerned about the death of the child and immediately commenced investigation into the incident;
41. The report was forwarded to the parent, the Ministry of Education and the Teachers Service Commission but didn't receive feedback on the same;
42. The school was still in custody of the items of the deceased and the parents were free to collect them at their will.
43. The parent reported the matter to industrial area police station but there was no case before court and that the legal department in the Ministry of Education advised not to respond to the Media on the matter;

5.0 COMMITTEE OBSERVATIONS

Having held meetings and considered the submissions presented on the petition, the Committee observed that;

1. Despite there being two reported incidences where students had died, the school had not attempted to employ trained personnel to ensure matters to do with health are handled with the utmost care
2. It was not possible to determine whether the late Emily had been unwell for a long time. However, had the school employed a qualified nurse, it may have been possible to detect the deteriorating health
3. The school matron was not trained on first aid and school had not made any efforts to recruit a nurse to be able to look into the medical well being of the students while at the school.

6.0 COMMITTEE RECOMMENDATIONS

Arising from the oral and written evidence taken, submissions received and findings and observations made, the Committee makes the following recommendations:

- 1 **THAT** pursuant to the Petitioner's first prayer, the Committee investigated the circumstances that led to the unfortunate death of Emily Chelangat by holding meetings with the petitioner and the school's administration and submits its findings as contained in this report
2. **THAT** pursuant to Article 22(2) of the Constitution, the Petitioner may seek redress through the available judicial mechanisms, noting that in accordance with Article 165, the High Court is the relevant body with original jurisdiction to hear and determine applications for redress for infringement of a human right and empowered to grant appropriate orders including an order for compensation
- 3 **THAT** the Kenya National Commission on Human Rights investigates the complaint of negligence by the School and takes steps to assist the petitioner to secure appropriate

redress where it is found that human rights have been violated. *The Chairperson, Kenya National Commission on Human Rights should report back to the National Assembly not later than ninety days after the adoption of this report on the status of implementation of this recommendation.*

4. **THAT** the Commission on Administrative Justice reviews the matter in consultation with the Ministry of Education, Science and Technology and take steps to assist the petitioner secure appropriate legal redress. *The Chairperson, Commission on Administrative Justice should report back to the National Assembly not later than ninety days after the adoption of this report on the status of implementation of this recommendation.*
5. **THAT** the Teachers Service Commission investigates the conduct of the Principal and the Deputy Principal with respect to the deaths of students in the school and take appropriate action if the Principal or Deputy Principal are found to have breached the teachers code of conduct or to have been negligent or both. *The Chairperson, Teachers Service Commission should report back to the National Assembly not later than ninety days after the adoption of this report on the status of implementation of this recommendation.*
6. **THAT** the Ministry of Education, Science and Technology formulates or reviews its policy on matters relating to health of pupils and students in schools and to ensure that by 1st January 2018, every institution of basic education in the country shall at all times have a registered nurse or a registered medical practitioner who shall be an employee of the school whether directly appointed by the school or seconded to the school. Further, the Ministry should ensure that every school has well equipped basic first aid kits and basic first aid medical supplies. *The Cabinet Secretary, Ministry Education, Science and Technology should report back to the National Assembly not later than six months after the adoption of this report on the status of implementation of this recommendation.*
7. **THAT** the Ministry of Education, Science and Technology carries out investigations to ascertain the circumstances surrounding the reported deaths of other students in the

school and the actions taken by the school administration in regard to those deaths *The Cabinet Secretary, Ministry Education, Science and Technology should report back to the National Assembly not later than ninety days after the adoption of this report on the status of implementation of this recommendation*

- 8 **THAT** the Cabinet Secretary responsible for matters relating to land carries out investigations to ascertain the circumstances leading to the alleged transfer of the petitioner from the office of the Ministry of Lands and Physical Planning based in Namanga to the Ministry's office based in Nairobi and the alleged suspension of her salary. *The Cabinet Secretary, Ministry of Lands and Physical Planning should report back to the National Assembly not later than ninety days after the adoption of this report on the status of implementation of this recommendation*

Signedfor..... Mutemara..... Date.....15th - 06 - 2017.....

HON. SABINA CHEGE, M.P

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY

APPENDIX I

COPY OF PETITION

Approved
BN
NA
15/11/16



What please
please
over
15/11/16

THE NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT
(FOURTH SESSION)

PUBLIC PETITION
BY MS. SALLY C. BETT ON ALLEGED NEGLIGENCE OF HER DAUGHTER
'THE LATE EMILY CHELANGAT' A FORMER STUDENT AT THE OUR LADY
OF MERCY SECONDARY SCHOOL, NAIROBI

I, the UNDERSIGNED, on behalf of concerned parents and residents of Namanga, Kajiado County,

DRAW the attention of the House to the following;

1. THAT, the late Emily Chelangat of Admission No. 8143 was a form three student at Our Lady of Mercy Secondary School, Nairobi;
2. THAT, the late Emily Chelangat fell sick while in school. The late student was released from school on closing day, while she was very weak and could hardly walk. On arriving home the parent took her to a private clinic in Namanga for urgent medical care;
3. THAT, despite the doctors efforts to treat her the condition deteriorated and she slipped into semi-coma and was rushed to Nairobi West Hospital where she was diagnosed with meningitis upon arrival and was admitted at Intensive Care Unit for five weeks where she accumulated a huge medical expense; later the girl succumbed to the ailment and passed away on 4th March 2016.
4. THAT, the doctors observed that had she sort medical attention earlier she would have survived;
5. NOTING THAT, the failure by the school matron to heed to the girls desperate plea to seek medical attention or inform her parents, the school abdicated its supreme responsibilities and obligations;

PUBLIC PETITION
BY MS. SALLY C. BETT ON ALLEGED NEGLIGENCE OF HER DAUGHTER
THE LATE EMILY CHELANGAT A FORMER STUDENT AT THE OUR LADY
OF MERCY SECONDARY SCHOOL, NAIROBI

6. FURTHER THAT, during the said period the mother of the deceased, Mrs. Sally Bett's a civil servant at the Ministry of Lands in Namanga had her salary suspended following a dispute with a senior official and was transferred to Nairobi despite appeals that her daughter was ill;
7. THAT, the matter has been raised with the relevant government agencies but no step has been taken to ensure this family gets justice; and
8. THAT, the issues in respect of which this Petition is made are not pending before any court of law or any constitutional or legal body.

THEREFORE your humble Petitioners PRAY that the National Assembly through the Departmental Committees on Education, Science and Technology and Labour and Social Welfare-

- i. investigates the circumstances that led to the unfortunate death of Emily C. Bett;
- ii. recommends compensation of the family for the emotional, financial and psychological torture they went through as they sought treatment as well as justice for the child;
- iii. investigates the circumstances under which Mrs. Sally C. Bett the mother of the deceased was transferred from Namanga Ministry of Lands office and her salary suspended and taken to Nairobi work station; and
- iv. Ensures that the Petitioners' plight is addressed.

And your PETITIONERS will ever pray.

PRESENTED BY,



HON. SUNJEEV K. BIRDI, MP
NOMINATED MEMBER

Date

HER DAUGHTER THE LATE EMILY CHELANGAT A FORMER STUDENT AT
THE OUR LADY OF MERCY SECONDARY SCHOOL, SOUTH B

On Behalf of Mrs. Sally C. Bett and residents of Namanga, Kajiado County.

S/No	Name	Designation	I/D No.	Signature
1.	Jimmy GITHARI	B/ma	279817116	[Signature]
2.	MOSHERO MESHAM	B/ma	25251105	[Signature]
3.	PETER KIMANI		08921900	[Signature]
4.	JOSEPH KINUTHIA	Driver	23372390	[Signature]
5.	Felix Madi		52011005	[Signature]
6.	JACKSON Mbaria	Lawyer	23940992	[Signature]
7.	Auna Jackson		N/A	[Signature]
8.	Vincent Mbaria	B/ma	26540551	[Signature]
9.	Nelly Wangari		21016259	[Signature]
10.	John KIBE		1201104521	[Signature]
11.	Sammi Chege	Kingom	24265398	[Signature]
12.	GATIBA EMMI	POLICE (W/M)	2663054	[Signature]
13.	BERNARD KAMAU	CHIEF (Company)	11527522	[Signature]
14.	PETER (JAMBO)	Driver	0088124	[Signature]
15.	Daniel Mbaria Mwangi	DRIVER	22252222	[Signature]
16.	Daniel KINUTHIA Mbaria	Truckali	11526722	[Signature]
17.	NAHASHON NIROGGE	DERE	27845702	[Signature]
18.	SARITI SATIAM	Truckali	27270604	[Signature]
19.	John M. Sirogi	B/M	22411115	[Signature]
20.	JUEL KISHIL	B/M	26516248	[Signature]
21.	MUHAMMAD KIBECU	STUDENT	32021935	[Signature]
22.	MOREGE John		2705018311	[Signature]
23.	FACONIA Mbaria		2722110	[Signature]
24.	Shackel Mbaria	N/A	0715362590	[Signature]
25.	JAMBU MBRICH	29315211		[Signature]
26.	MOSES Mbaria Mbaria	Truck Driver	21464011	[Signature]

HER DAUGHTER THE LATE EMILY CHILANGAT A FORMER STUDENT AT
 THE OUR LADY OF MERCY SECONDARY SCHOOL, SOUTH B

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APPENDIX II

COMMITTEE MINUTES

**MINUTES OF THE 8TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION, RESEARCH AND TECHNOLOGY HELD ON TUESDAY, 14TH MARCH,
2017 IN BOARDROOM, 9TH FLOOR, HARAMBEE SACCO PLAZA AT 10.00 AM**

PRESENT

- | | |
|--------------------------------------|-------------------|
| 1. Hon. Sabina Chege, M. P | -Chairperson |
| 2. Hon. Julius Melly, MP | -Vice Chairperson |
| 3. Hon. (Dr.) Wilber Ottichillo, M.P | |
| 4. Hon. Yusuf K. Chanzu, M.P | |
| 5. Hon. Harrison Kombe, M.P | |
| 6. Hon. Mary Seneta, M.P | |
| 7. Hon. Mohamed Adan Huka, M.P | |
| 8. Hon. Moses Injendi, M.P | |
| 9. Hon. Silverse Lisamula Anami, M.P | |
| 10. Hon. Andrew Mwadime, M.P | |
| 11. Hon. Richard Makenga, M.P | |
| 12. Hon. Muriuki Njagagua, M.P | |
| 13. Hon. (Dr.) Cecilia Ng'etich, M.P | |
| 14. Hon. Joseph Manje, M.P | |
| 15. Hon. Jared Odhiambo Opiyo, M.P | |

ABSENT WITH APOLOGY

1. Hon. (Dr.) Susan Chebet, M.P
2. Hon. (Dr.) Christine Ombaka, M.P
3. Hon. Rose Rwamba Mitaru, M.P
4. Hon. Joseph M'eruaki, M.P
5. Hon. Eric Keter, M.P
6. Hon. Kenneth Okoth, M.P
7. Hon. Ibren Nasra Ibrahim, M.P
8. Hon. Geoffrey Makokha Odanga, M.P
9. Hon. Halima Ware Duri, M.P
10. Hon. Michael Kisoi Munyao, M.P
11. Hon. Zuleikha Juma Hassan, M.P

ABSENT

1. Hon. (Prof.) Hellen Sambili, EGH, M.P
2. Hon. Anthony Kimaru, M.P
3. Hon. Banticha Abdullahi, M.P

In attendance

Non Committee Members

Hon Sunjeev K. Birdi, M P

Committee Secretariat

- | | | |
|-------------------------|---|-----------------------|
| 1. Ms. Leah Wanjiru | - | First Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | - | Third Clerk Assistant |
| 3. Mr. John Mugoma | - | Third Clerk Assistant |
| 4. Ms. Anneceta Gacheri | - | Research Officer III |
| 5. Mr. Robert Rop | - | Audio Officer |

Our Lady of Mercy Secondary School

- | | | |
|----------------------------|---|--------------------------------------|
| 1. Ms. Jane Kiruja | - | Principal |
| 2. Mr L C O Membo | - | Chairman Board of Management |
| 3. Ms. Teresa Muthoni (SR) | - | Legal Counsel |
| 4. Ms Lydia W Njeru | - | Deputy Principal |
| 5. Sr Rose Macharia | - | Vice Chairperson Board of Management |
| 6. Ms Patricia Obiero | - | Matron |
| 7. Ms. Mercy Soko Ibrahim | - | TSC Sub County Representative, |
| 8. Mr Anthony M Mbası | - | RCE's Representative Nairobi, MOE |

Petitioners

- | | | |
|------------------------|---|-----------------------|
| 1. Mr Stephen K. Bett | - | Late Emily's Father |
| 2. Ms Sally Bett | - | Late Emily's Mother |
| 3. Mr. Charles Kimutai | - | Late Emily's Brother |
| 4. Mr Felix Ruto | - | Late Emily's Cousin |
| 5. Mr. Daniel Kimiti | - | Late Family Friend |
| 6. Mr Ambrose Kois | - | Late Emily's Neighbor |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda

- (v) Confirmation of Minutes from the previous sittings (1st and 2nd Sittings)
- (vi) Matters Arising
- 2. **Meeting with the Principal of Our Lady of Mercy Secondary School on the Petition by Hon. Sunjeev Birdi, MP on behalf of Ms Sally C. Bett regarding the alleged negligence of her daughter, the late Emily Chelang'at a former student at the Our Lady of Mercy Secondary School, Nairobi**
- 3. Any Other Business
- 4. Adjournment/ Date for the Next Sitting

MIN.NO.DC.D/048/2017: PRELIMINARIES

The Chairperson called the meeting to order at 10.50 am and thereafter a prayer was said. She proceeded to welcome the witnesses to the proceedings of the Committee. This was followed by a round of introductions.

MIN.NO.DC.D/049/2017: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed and seconded by Hon. Harrison Kombe, M.P and Hon. Yusuf Chanzu, M.P respectively.

MIN.NO.DC.D/050/2017: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC.D/051/2017: CONSIDERATION OF THE PETITION BY HON. SUNJEEV BIRDI, MP

The Petition was presented to the House by Hon. Sunjeev Birdi, M.P on behalf of Ms Sally C. Bett on alleged negligence of her daughter the late Emily Chelang'at who was a student at the Our Lady of Mercy Secondary School, South B in Nairobi. The Petition was presented to the House on 23rd November, 2016 and subsequently committed to the Committee.

The Committee met with the Hon. Member and the petitioners on 16th February, 2017 and upon receipt of submissions the Committee resolved to invite the Principal and the matron on 14th March, 2017.

The Chairperson invited the Principal Our Lady of Mercy Secondary School, Ms. Jane Kiruja to make her submission to the Committee. She informed the Committee that: -

- (i) Emily Chelagat was admitted to Our Lady of Mercy Secondary School in form one on 27th February, 2013;
- (ii) Emily sat for her first term examinations till the last paper and received her report form before being picked by her parents from the school at the end of the term;

- (iii) She was of good health while in school closed for first term. However, in April, 2015 the school received a call from a former teacher, Mr. Cheluget informing them that she had been admitted at Nairobi West Hospital and had been diagnosed with Meningitis,
- (iv) The class teacher identified as Mrs Akali informed the other teachers who took turns to visit the girl in hospital, further Throughout the whole period while she was admitted in hospital, Mrs Akali was in contact with Emily's parents;
- (v) In order to help in offsetting the huge medical bill, Mrs. Akali organized other staff members who contributed some money towards the hospital bill,
- (vi) Emily managed to go through ICU where the hospital recommended that her mobility be aided by a wheel chair. The Principal Mrs. Oyao got in touch with Songa Mbele na Masomo Children's Centre (informal centre dealing with children with disabilities) who donated a wheel chair which was delivered to the hospital by Mrs. Bucha;
- (vii) When she was due for discharge, the hospital recommended for her clutches, Mrs Oyao requested for assistance from Songa Mbele Na Masomo Children's Centre,
- (viii) When Emily was discharged from the hospital, she visited the school with her parents to pick some of her personal belongings. She informed her class teacher that her healing progress was positive;
- (ix) Unfortunately, the school lost touch with Emily's parents when Mrs Akali retired only for her to later inform the school of Emily's demise on 4th March, 2016;
- (x) The school's management could not attend the fundraising of her burial since they were informed a day to the event. However, the school's Board of Management gave the family Kenyan shillings forty thousand (40,000) which was collected by Emily's mother on 14th March, 2016,
- (xi) Due to the logistics involved in travelling the school appointed a small team including Emily's class teacher and two other teachers to attend her burial. The school also sent two students to attend the burial.
- (xii) On the day of the burial, Kenyan shillings twenty two thousand (22,000) was handed over to Emily's mother as contribution from the teachers and students
- (xiii) The school released a total of Kenyan shillings seventy nine thousand eight hundred and sixty five (79,865) including the travel expenses for the teachers and students;
- (xiv) Emily's mother had misled the Committee by informing it that the school did not send any representative to attend the burial
- (xv) On 4th April 2016, the parents came to the school accompanied by Mr Peteron Githaiga from the Standard Media Group who wanted to confirm the report given to them by the parents and was directed to the CDE'S office;
- (xvi) On 10th May, 2016 the parent made another visit to the school accompanied by Mr Stanley N Abdalla from the Nation Media Group's TV Kajiado. During this incidence Emily's mother was so infuriated that she tore apart the letter of introduction issued by the CDE. This prompted the school Principal to call in the local police to intervene in the situation,

- (xvii) In the said period, the then Principal was Mrs. Oyao who was being deputized by her (Ms. Jane Kiruja) until August, 2015; and
- (xviii) The school had written to the Ministry of Education, Science and Technology forwarding Emily's file for advice when the case was highlighted in the Media i.e. NTV and QTV news;

Submissions by the School Matron

Ms. Patricia Obiero appeared before the Committee together with the school Principal and other staff of the school. She informed the Committee that: -

- i. She was the house keeper in the said period, a position she was still holding at that time. She had not been a trained nurse despite administering painkillers whenever students fell sick before being transferred to a neighboring clinic;
- ii. Emily Chelang'at was admitted 2013 in form one and was known to her;
- iii. The school closed first term for April holiday and according to school customs the students were picked by their parents or guardians from the school, whenever they break for midterm or end term;
- iv. Emily sat for her exams till the last day and received her report forms before she was picked by her parents from the school with no sign of any illness whatsoever;
- v. Emily was picked by both parents on that day and was in good health since there was no complain brought to her that she was unwell;
- vi. While on holiday, she was called by the then boarding mistress Sister Violet, telling her that the girl was unwell and had been admitted in Nairobi West Hospital;
- vii. When the school opened for second term she and Mrs. Jane Kiruja went to the hospital to visit her;
- viii. After she was discharged from the hospital, towards the end of second term she passed by the school accompanied by both her parents and left since she was still healing and thereafter heard of her death on 4th March, 2016;
- ix. During the funeral arrangement she was informed to release two students who were her classmates namely Bosibori Brenda and Audrey Akinyi. The two girls accompanied some teachers who also went to the funeral;

Mrs. Patricia Obiero further informed the Committee that:-

1. In discharging her duties as school matron she was based in the school and her role included being aware of their individual health problem, looking after students with minor illness and giving out non-prescription medicines i.e. Panadol, taking pupils to medical and dental appointments and calling for emergency treatment if necessary and keeping pupils records up to date;
2. That she was never trained on first aid and does not have a certificate in administering first aid

Submissions by School Board Chairman

The School's Board Chairman, Mr. L.C.O Membo appeared before the Committee and informed the Committee that;

1. The Board came into office after the incident and was concerned about the death of the child and immediately commenced investigation into the incident;
2. The report was forwarded to the parent, the Ministry of Education, Science and Technology and the Teachers Service Commission but didn't receive feedback on the same;
3. The school was still in custody of Emily's personal belongings and the parent were at liberty to collect them whenever they wished.
4. The school had an agreement with a taxi operator to offer transport services to hospital.

Members Observations and Resolutions

1. The Committee observed that the matron had no basic training on first aid skills and as such her role should not have been in a position to offer any emergency treatment if a student fell sick.
2. The Committee had no competent and qualified resident nurse in school to attend to students during emergency.
3. The Committee noted that the role of the school matron should only be limited to housekeeping as per training and therefore not responsible for any health related issue.
4. The Committee observed that by the time the girl left school in April 2015 she stayed home for over ten days before being taken to hospital and hence it was not certain that the girl had been unwell by the time she left the school.

Way forward

The Committee resolved that the school should submit the following information in regards to the school matron:-

- a. The level of Education of the matron
- b. Employment records
- c. Original class register
- d. Report Form
- e. Copy of the sick sheet (if any)
- f. Copy of the school clearance form
- g. Minutes of the School Board of Management resolving to in regards to the 2 girls case
- h. Copy of the statement recorded with the industrial area police station

Further, the Committee requested the parent of the late Emily to furnish the Committee with details/hospital records of the clinic in Namanga where Emily was initially treated.

MIN.NO.DC.D/052/2017: ANY OTHER BUSINESS

No any other business arose

MIN.NO.DC.D/053/2017: ADJOURNMENT

The Chairperson adjourned the meeting at 1:10 pm.

Signed.....for Sabina Chege.....

Hon. Sabina Chege, M.P
(CHAIRPERSON)

Date.....15th-06-2017.....

MINUTES OF THE 3RD SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON THURSDAY, 16TH FEBRUARY, 2017 IN COMMITTEE ROOM 11TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.30 AM

PRESENT

1. **Hon. Sabina Chege, M. P** -Chairperson
2. Hon. Kenneth Okoth, M.P
3. Hon. Ibren Nasra Ibrahim, M.P
4. Hon. Mary Seneta, M.P
5. Hon. (Dr.) Susan Chebet, M.P
6. Hon. Joseph M'ruaki, M.P
7. Hon. Silverse Lisamula Anami, M.P
8. Hon. Andrew Mwadime, M.P
9. Hon. Yusuf K. Chanzu, M.P
10. Hon. Richard Makenga, M.P
11. Hon. Eric Keter, M.P
12. Hon. Geoffrey Makokha Odanga, M.P
13. Hon. Muriuki Njagagua, M.P
14. Hon. Rose Rwamba Mitaru, M.P
15. Hon. Jared Odhiambo Opiyo, M.P
16. Hon. Mohamed Adan Huka, M.P
17. Hon. Harrison Kombe, M.P

ABSENT WITH APOLOGY

1. **Hon. Julius Melly, MP** -Vice Chairperson
2. Hon. (Dr.) Wilber Ottichillo, M.P
3. Hon. Halima Ware Duri, M.P
4. Hon. Moses Injendi, M.P
5. Hon. Michael Kisoi Munyao, M.P
6. Hon. Cecilia Ng'etich, M.P
7. Hon. Joseph Manje, M.P
8. Hon. Zuleikha Juma Hassan, M.P

ABSENT

1. Hon. Anthony Kimaru, M.P
2. Hon. (Prof.) Hellen Sambili, EGH, M.P
3. Hon. Banticha Abdullahi, M.P
4. Hon. (Dr.) Christine Ombaka, M.P

In attendance

Non Committee Members - Petitioners

1. Hon. Sunjeev K. Birdi, M P
2. Hon CPA Charles Nyamai, M P
3. Hon Irungu Kangata, M P

National Assembly Secretariat

- | | | |
|------------------------|---|-----------------------|
| 1. Ms Leah Wanjiru | - | First Clerk Assistant |
| 2. Mr Abdiaziz Shobay | - | Third Clerk Assistant |
| 3. Mr John Mugoma | - | Third Clerk Assistant |
| 4. Ms Anneceta Gacheri | - | Research Officer III |
| 5. Ms Fatuma Abdi | - | Audio Officer |

Petitioners

1. Mr Stephen K Bett
2. Ms. Sally C Bett
3. Mr. Charles Kimutai
4. Mr. Ambrose Lelei Korir
5. Ms. Tecla Butia
6. Ms Millicent Mwololo

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda
 - (v) **Confirmation of Minutes from the previous sittings (1st and 2nd Sittings)**
 - (vi) Matters Arising
2. **Consideration of the following Pending Petitions: -**
 - (i) **Petition by Hon. Irungu Kang'ata, MP regarding suspension of five students from Meru University of Science & Technology**
 - (ii) **Petition by Hon. Moses Lessonet, MP on closure of Kisii University Eldama Ravine University by the Commission for University Education**
 - (iii) **Petition by Hon. CPA Charles Nyamai, MP on behalf of the parents and Board of Management of ST. Augustine Kanyangi boys Secondary School, Kitui County on loss of school funds**

- (iv) **Petition by Hon. Sunjeev Birdi, MP on behalf of Ms Sally C. Bett on alleged negligence of her daughter the late Emily Chelang'at a former student at the Our Lady of Mercy Secondary School, Nairobi**
 - (v) **Petition by Hon. Esther Gathogo, MP on behalf of a former School Principal on unlawful interdiction by the Teachers Service Commission**
3. Any Other Business
 4. Adjournment/ Date for the Next Sitting

MIN.NO.DC.D/014/2017: PRELIMINARIES

The Chairperson called the meeting to order at 10.55am and thereafter a prayer was said. She proceeded to welcome the Petitioners to the proceedings of the Committee. This was followed by a round of introductions.

MIN.NO.DC.D/015/2017: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed and seconded by Hon. Geoffrey Odanga, M.P and Hon. Muriuki Njagagua, M.P respectively.

MIN.NO.DC.D/016/2017: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC.D/017/2017: CONSIDERATION OF THE PETITION BY HON. SUNJEEV BIRDI, MP

The meeting had been called to consider several Petitions including the Petition presented by Hon. Sunjeev Birdi, M.P on behalf of Ms Sally C. Bett on alleged negligence of her daughter the late Emily Chelang'at who was a student at the Our Lady of Mercy Secondary School, South B in Nairobi. The Petition was presented to the House on 23rd November, 2016 and subsequently committed to the Committee.

The Chairperson invited Hon. Sunjeev Birdi to make her submission to the Committee. She informed the Committee that:-

- (i) The late Emily Chelang'at of admission No. 8143 was a form three student at Our Lady of Mercy Secondary School, Nairobi;
- (ii) She fell sick while in school and was released from school on closing day while she was very weak and could hardly walk. Her parents later on took her to a clinic in Namanga for urgent medical care;
- (iii) Despite the doctors efforts to treat her, the condition deteriorated and she slipped into semi-coma and was rushed to Nairobi West Hospital where she was diagnosed with meningitis upon arrival and was admitted to the intensive care unit for five weeks where

- she accumulated a huge medical bill; Unfortunately, she succumbed to the death on 4th March, 2016;
- (iv) The doctors observed that the student would have survived had medical attention earlier been sort earlier;, she;
 - (v) The school matron abdicated its supreme responsibility and obligation by failing to heed to the girls desperate plea to seek medical attention or inform her parents on time;
 - (vi) During the said period, the mother of the deceased, Mrs. Sally Bett, a civil servant at the Ministry of Lands in Namanga had her Salary suspended following a dispute with a senior official and was transferred to Nairobi despite appeals that her daughter was ill.
 - (vii) The matter was raised with the relevant government agencies but no step has been taken to ensure that the family gets justice.

The Hon. Member further informed the Committee that the petitioner's prayers were that the Committee should;

1. Investigate the circumstances that led to the unfortunate death of Emily C. Bett;
2. Recommend compensation of the family for emotional, financial and psychological torture they went through as they sought treatment as well as justice for the child;
3. Investigate the Circumstances under which Mrs. Sally C. Bett the mother of the deceased was transferred from Namanga Ministry of Lands office and her salary suspended and taken to Nairobi work station.

Submissions by Mrs. Selly C. Bett, the mother to the deceased

Mrs. Selly Bett informed the Committee that;

- (i) Ms. Emily Chelagat was a form three student at Our Lady of Mercy Secondary School in Nairobi;
- (ii) She died due to deliberate negligence by the school Deputy Principal Mrs. Kiruja T.K and the Matron.
- (iii) She fell sick while in school and informed the matron promptly. She complained of severe headache, spinal pains but the matron ordered her to get into the dormitory and sleep instead of taking her for medical checkup.
- (iv) For the three weeks she was sick, no medical care was given to her despite the fact that there is a nearby Police Band Dispensary where she could have been taken for medical checkup.
- (v) In April, 2015 during closing day, she found her daughter in a critical condition. She sought an explanation from the school matron who in turn informed her that the school lacked a dispensary and that she came in at the right time to take her daughter to the hospital.
- (vi) It was illogical that despite the school having cell phone numbers to the parents of the deceased, the matron made no effort to inform the parents.

- (vii) Ms. Emily Chelagat was taken to Namanga for urgent medical care and despite of the doctors effort in nursing Ms. Emily Chelagat, her condition deteriorated until she slipped into semi-coma and was rushed to Nairobi West Hospital in an ambulance upon doctors recommendation. The medical bill amounted to Kshs. 3.2 million medical bill. The family still owes the hospital Kshs. 1.8million.
- (viii) She was diagnosed with meningitis upon her arrival at the Nairobi West Hospital. She was admitted to the ICU for five weeks. Doctors expressed fears of high degree of negligence by the management of Our Lady of Mercy Secondary School.
- (ix) While in the ICU, Ms. Emily Chelagat became blind and paralyzed. On doctors recommendations, she was taken for homecare medical services and was attended to by two qualified medical personnel; a nurse and a physiotherapist but due to accumulated huge medical bills, the duo stopped attending to her in December, 2015.
- (x) Ms. Emily Chelagat died on 4th March, 2016. The school was informed of her demise but the school Principal adamantly refused to let her willing classmates attend her burial that was on a Sunday.
- (xi) They visited the school after the burial of their daughter to they were met with hostility when they made a follow up to get sufficient information to events and circumstances that led to the school denying Ms. Emily Chelagat a well deserved medical care given her state of health.
- (xii) The Principal then wrote a letter referring them to Nyayo House and ordered them to leave the school compound. The principal called police officers and ordered the watchman to lock the school gate intently to block their exit.
- (xiii) The school principal and the matron told the deceased parents that they were pursuing a wild goose since a form two student had died at the same school and her single parent never made it an issue.
- (xiv) That when Ms. Emily Chelagat insisted that she deserved medical care and failure by the school matron to heed to her desperate frantic efforts to the parents at her hour of greatest need, the school abdicated its supreme responsibilities and obligations thereby harming Ms. Emily Chelagat emotionally and psychologically; thus went against children's Act which explicitly states that the best interests of a child are always paramount.
- (xv) Due consideration was not given to the general interests of Ms. Emily Chelagat and that the school deliberately refused to safeguard her constitutional right to medical care, privacy, dignity development and protective learning development to the deceased.
- (xvi) The form of injustices and verbal abuse against the deceased impacted negatively to her survival, development that further impeded the full realization of her rights.

Mrs. Selly Bett further informed the Committee that;

1. During the same period, she was removed from the payroll and transferred to Nairobi by the head of Human Resource Personnel, Mr. Githu for not giving kickbacks. This was done despite the fact that she was nursing her ailing daughter in Namanga.

2. She was later on readmitted to the payroll but transferred to Ministry of works and later on returned back to Ministry of lands but in different department

Members Observations and Resolutions

1. Members noted with concerns the misfortune that befell the family and observed that there was negligence on the part of the school management
2. That the Committee can't order for compensation but will make recommendations to other government departments like labour and lands that were mentioned in the petition to ensure that justice is done to the family of the deceased student
3. The country has witnessed many injustices meted against students in schools and that serious disciplinary action should be taken against such schools

Way forward

- (i) **The Committee should visit the school and hear from the staff and the school community;**
- (ii) **The Committee should invite the Principal Secretary; Basic Education, Teachers Service Commission, the school Principal, Deputy Principal and the Matron for a meeting to deliberate on the petition.**

MIN.NO.DC.D/018/2017: CONSIDERATION OF THE PETITION BY HON. CPA. CHARLES NYAMAI, MP

The Petition was presented to the House by the Hon. Charles Nyamai on behalf of Parents and Board of Management of St. Augustine, Kanyangi Boys Secondary School on loss of school funds. The Petition was presented to the House on 25th January, 2017. The Petition was seeking the Committee's intervention to investigate and recommend for an audit of the accounts of the school and recommend appropriate disciplinary measures for those found capable. In addition to this request the Petition was praying that the Committee investigates the circumstances that led to the transfer of the former Principal Mr. Nyagah (TSC. 333600.)

The Chairperson invited the Hon CPA Nyamai, MP to make his submission to the Committee. He informed the Committee as follows that -

- (i) St. Stephen Kanyangi Boys Secondary School was a public secondary school sponsored by the Catholic Church,
- (ii) In 2016 the School lost Kshs 10 million through misappropriation occasioned by the then Principal. Mr Nyagah TSC No. 333600.
- (iii) Mr Nyagah was later on transferred from Kanyangi Boys Secondary School under unclear circumstances and the Board of Management was not consulted on the transfer exercise and immediately after a new Principal was posted on August 29th, 2016;

- (iv) It had been impossible for any audit to be carried as then current Principal has not cooperative.
- (v) Due to the alleged misappropriation of funds, the school was unable to effectively implement its proposed projects as well as complete existing development projects,
- (vi) The efforts to have the grievances addressed by the Ministry of Education have not yielded satisfactory action.

Way forward

1. **The Committee directed the Secretariat to write to the Ministry of Education, Science and Technology requesting for a detailed audit report of Kanyangi Secondary school.**
2. **The Committee directed the Secretariat to write to the Teachers Service Commission to submit a status report on the circumstances that led to transfer of Mr. Nyagah TSC No. 333600.**
3. **The Committee directed that the current Principal of Kanyangi Principal and the Board of Management be summoned to appear before the Committee as soon as possible.**

MIN.NO.DC.D/019/2017: CONSIDERATION OF THE PETITION BY HON. IRUNGU KANGATA, MP

The Petition was presented by the Hon. Irungu Kangata, M.P on behalf of five suspended students from Meru University of Science and Technology. The Petition was presented on 10th August, 2016.

The Chairperson invited Hon. Irungu Kangata, M.P to make his submission to the Committee. He submitted as follows that: -

- (i) In June 2014, students of Meru University raised grievance relating to living conditions at the university including lack of water, increased hostel fee among others. The Office of the Dean of Students and the entire management didn't address the concerns raised by the students;
- (ii) The students' council was under pressure by the students and therefore resolved to call for student demonstrations to force the management to listen to their grievances;
- (iii) Following the student demonstrations and destruction of property, the management resolved to close the university indefinitely,
- (iv) In February 2015, the management recalled students to resume their classes. However, five students namely Robinson Kihara, Stanely Nderitu, Samuel Muiiu, Mike Mundasia and John Miano did not receive any communication to that effect,
- (v) The above students were asked to report back to Meru University on 26th July, 2015 following which they were suspended indefinitely by the University Administration.
- (vi) The five students proceeded to court and the High Court of Meru granted them orders for re-admission to University, the students were not readmitted despite the Court order,

- (vii) The Students withdrew the case before presenting the petition to Parliament;
- (viii) The five students were seeking the intervention of the Committee to ensure that they were readmitted to continue their pursuit for education.

Way forward

The Committee resolved to invite the Vice Chancellor and the University Management to discuss the Petition.

MIN.NO.DC.D/020/2017: ANY OTHER BUSINESS

Retreat with the Ministry of Education, Science and Technology on Curriculum Reform

The meeting was informed that the Committee was scheduled to undertake a retreat with the Ministry on curriculum reform agenda from 19th to 21st February, 2017 at Windsor Golf Hotel and Country Club. The retreat would discuss the progress made in the curriculum review process as well as the schedule for implementation of the same. The Chairperson urged the Members to confirm attendance with the Secretariat.

MIN.NO.DC.D/021/2017: ADJOURNMENT

The Chairperson adjourned the meeting at 1:10 pm.

Signed.....for.....Sabina Chege.....

Hon. Sabina Chege, M.P
(CHAIRPERSON)

Date.....15th - 06 - 2017.....

APPENDIX III
SUBMISSIONS BY THE PETITIONER

THE NAIROBI WEST HOSPITAL LTD.

16.02.2016
Tabled 16.

TEL: 6002461 / 6002684/5
6003492 / 6003723
FAX: 254-20-6003963 / 254-20-6009726
E-Mail: enquiry@nairobiwesthospital.com
marketing@nairobiwesthospital.com



P.O. BOX:
43375-00100,
GANDHI AVENUE,
NAIROBI WEST,
NAIROBI, KENYA.

30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

DISCHARGE SUMMARY

2593

PATIENT'S NAME Emily Chelangat IP NO. 2573
 AGE: 15 SEX: F
 D.O.A. 19/4/05 D.O.D. 19/6/15
 ATTENDING DOCTOR(S) Dr Matuo / Dr Dano / Dr Buore
 FINAL DIAGNOSIS Meningo encephalitis / Hydrocephalus
 OTHER ILLNESS _____
 COMPLICATIONS Hospital acquired infection.
 OPERATIONS DONE VP - shunt

CLINICAL SUMMARY

- Headache, altered mental status, fever
 - Treated for TBM, Bacterial meningitis, Fungal infection
 - CT scan - Hydrocephalus - VP shunt inserted
 - On the way, acquired hospital acquired infection which resolved

INVESTIGATION

- White in hospital had persistent hyponatremia which also resolved
 - On discharge not fully conscious but feeding & talking sometimes
 - urethral catheter in situ - to be removed

RX GIVEN

After bladder training
 Discharge Rx: / Folate 5mg od x 1/2, Parfen Syr 200mg PRN,

DISCHARGE TREATMENT

PO Xarelto 10mg PO od x 1/2, (omit it!)
 50mg PO bid x 1/2, Pufair 100mg IV nocte (prn own),
 Pyridoxine 25mg PO od x 1/2, Incheval 20mg PO bid x 1/2,
 Escoprasele 40mg co x 1/2,

RECOMMENDATIONS FOR FOLLOWUP

1. One month - Dr Matuo

DOCTOR'S SIGNATURE

[Signature]
19/6/15

NAME

Dr Hassan

DATE

DOCTOR'S COPY

Sally C. Bett
Ministry of Lands
P.O BOX 130
Kajiado

27th May 2016

The Cabinet Secretary,
Ministry of Education,
P.O BOX 30040-00100-GPO
Nairobi

Dear Sir,

Re: High degree of negligence that resulted in demise of our daughter, by Our Lady of Mercy Secondary School South B- Nairobi.

I wish to draw your attention pertaining to the high degree of arrogance, rudeness, and deliberate negligence by this school, resulting in the demise of our daughter Emily Chelagat.

As the parents, we are pained by the ill treatment meted on us by the School's Acting Deputy Head mistress Mrs. Kiruja T.K and her matron.

Our daughter felt sick at the aforesaid School, and informed the matron promptly. She complained of severe headaches, spinal pains to her utter shock, instead of heeding to her lamentations on deteriorating health, the schools matron ordered her to dash to the dormitory and sleep and further challenged her to admit whether she was an old woman suffering from back pains, spinal pain, and headaches. My daughter's insistence throughout the three (3) weeks period, that she urgently deserved medical care, the matron resorted to telling her that sick people do not eat and asked her why she was eating and eventually cautioned my daughter that she stood accused before the school's principle for disturbance and that, she was not a nurse to attend her.

If indeed the matron was serious that she was not a nurse to attend her and given that within South B area, laboratory tests and services are available free of charge to the public at south B Police Band Dispensary, why couldn't the school take my daughter at this fully fledged free medical facility that has doctors?

^{21/4} I was shocked to meet my daughter in horrific state of health on schools closing day of April 2015. She complained bitterly that despite her pleading many times to the schools matron to promptly inform her parents of her state of health, now that the matron was not taking any action to treat her persistent headaches and spinal pains, the matron ignored her pleas and advised to be patient since end term was due and true to her words, my daughter was very very weak and was asked why her hair was uncombed, her response was that she was weak to even comb her hair.

Requested to explain why my daughter was deliberately denied medical attention and well deserved care, the matron retorted that, the school lacks a dispensary adding that; I came at the right time to take her to the hospital.

Upon questioning her as to why they refused to comply with my daughter's persistent requests that we her parents be accessed through mobile phone to get to know her predicament, the matron evaded my questions and vanished. It's illogical that despite the school keeping all parents mobile numbers, the school made no efforts whatsoever to call us to respond to my daughter's urgent critical state of health. What a matron! What a principal! What a school is this!

Upon leaving the school with my daughter on the said closing day, I took her straight to a private clinic in Namanga for urgent medical care and despite of the doctors great efforts in treating and nursing my daughter, her condition continued to deteriorate until she slipped into semi-coma; and was rushed to Nairobi West Hospital in an ambulance upon doctors recommendation out of the 3.2 million medical bill, we still owe the hospital Ksh 1.8 million.

She was diagnosed with Meningitis upon her arrival at above hospital and rushed to I.C.U where she stayed for five (5) weeks. Doctors lamented that, had she been given earlier medical care while at school, meningitis would have been detected on time especially at Nairobi South B Police Band Dispensary that is well equipped with laboratory and doctors.

Doctors also expressed fears of high degree of negligence by Our Lady of Mercy Secondary School management given the above dispensary offers free medical services to the public of which the school is aware of. In fact this school's bus often passes past this DISPENSARY on the way to town.

In I.C.U my daughter became blind and one part of her body became paralyzed and on doctors recommendations, she was taken for homecare medical services and was attended to by two qualified medical personnel namely a nurse and a physiotherapist but due to accumulated huge medical bills, the duo stopped attending to our beloved daughter in December 2015.

On her demise on 4th March 2016, when the school was informed The School Principle adamantly refused to let her willing classmates attend Emily's Funeral Cum burial that was on a Sunday. After the burial, our presence at the school was met with hostility when we made a follow up to get sufficient information to events and circumstances that led to the school negligence to the extended of denying our beloved daughter, a well deserved medical care given her then horrible state of health; especially as to why the school never bothered to call us at a **CRITICAL TIME, HOUR OF NEED, WHEN OUR DAUGHTER BADLY AND PERSISTENTLY REQUESTED THE SCHOOL TO TALK TO AND CALL US PARENTS. WHEN HER HEALTH WAS DETERIORATING FROM BAD TO WORSE.**

Shockingly, when approached to give us (parents) a hearing the school's principle pretended not to know us and in a fit of anger she wrote a letter referring us to Nyayo House. She smashed the door behind us and ordered us to leave the school's compound. Our complains of being refused information, explanations and being treated like lost kids. Infuriated her to call the police and ordered the watchman to lock the school's gate intently to block our exit but when the police dashed in, upon seeing us and learning about our sad predicament, they apologized to us for having been given wrong information about our presence at that school.

During that juncture the Matron and Principle told us that we were pursuing wild goose since a form two student had died at same school and her single parent never made it an issue the way we were determined to pursue it and make it an issue.

When our daughter insisted that she deserved medical care and failure by the school matron to heed her desperate frantic efforts to reach me at her hour of greatest

need, the school abdicated its supreme responsibilities and obligations, thereby harming my child emotionally and psychologically; thus went against children's Act which explicitly states that the best interests of a child are always paramount.

The matron's act pinching of my daughter's cheek to dash to the dormitory to sleep if she was sick instead of bothering her with urgent medical care and verbal abuses to Emily that she is not an old woman who suffers from backache and spinal pain, matrons behaviour towards her pain and grief in that traumatizing event .

Sadly, we note with great concern that due consideration was not given to the general interests of my child and the school deliberately refused to safeguard her constitutional right to medical care, privacy, dignity development and worse still the school refused to provide safe and protective learning development to my daughter. Had they done so, she would be alive today.

We deplore in the strongest terms this school's management cruel and crude methods of repeatedly subjecting my beloved daughter to ridicule regarding her deteriorating health. The form of injustices and verbal abuse against my child impacted negatively to her survival, development that further impeded the full realization of her rights as a child.

Sir, we trust in your efficiency and effectiveness in diligently and prudently tackling your esteemed ministry issues that led to the untimely negligence and eventual death of my beloved daughter Emily Chelangat will be highly appreciated.

Attached please find a letter the school' principal referred us to Nyayo House, and other documents for your perusal and reference.

Yours Faithfully,



Stephen K. Bett – 0720 882 732 (Father)

Selly C. Bett - 0723 802510 (Mother)

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NAIROBI, KENYA



30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

MRI SCAN REPORT

Patient Name : EMILY CHELANGAT BETT
Op Number : 2015/264126
Doctor :
MRI SCAN No. : 826



2015/000287

Report Date : 08/05/2015

Age & Sex : 15 YEARS / FEMALE

MRI BRAIN

Clinical summary Meningo encephalitis, vasculitis infarcts.

Procedure and findings

Pre and post IV contrast multiplanar multisequential MRI scans are acquired. Cerebro cerebellar brain volume is normal. T2 and FLAIR bright signal both thalami and brainstem do not enhance. Some have restricted diffusion suggestive of infarcts. There is diffuse meningeal and brain parenchymal increased contrast uptake. Entire ventricular system displays early dilatation. Sphenoid sinus and both mastoids air cells are opacified. Calvarium, globes are normal.

Conclusion

- MRI features of meningo encephalitis.
- Early communicating hydrocephalus.
- Thalami and brainstem infarcts.
- Florid mastoiditis.
- Sphenoidal sinusitis.
- NG tube insitu.


Dr : NGOLOLO .
CONSULTANT RADIOLOGIST

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30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

CT SCAN REPORT

Patient Name : EMILY CHELANGAT BETT

Op Number : 2015/264126

Doctor :

CT SCAN No. : 2399



2015/003373

Report Date : 14/05/2015

Age & Sex : 15 YEARS / FEMALE

CT PULMONARY ANGIOGRAM

Clinical Summary:

Post VP shunt - ? PTE

Procedure and findings

Serial axial CT pulmonary angiogram images are assessed with thick slab 3D MIP images.

The main pulmonary trunk, right and left main pulmonary arteries are normal. No filling defects are seen within them.

The branches of pulmonary arteries are normal bilaterally and no filling defects are seen.

The lungs show right upper lobe linear atelectasis.

No pleural effusions are seen.

No hilar or mediastinal adenopathy is seen.

Conclusions:

- Normal CT pulmonary angiogram.
- Right upper lobe subsegmental atelectasis - ? inflammatory / ? occult pulmonary embolism.

Dr : WAJIHI MUFADDAL
CONSULTANT RADIOLOGIST

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30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

MRI SCAN REPORT

Patient Name : EMILY CHELANGAT BETT
Op Number : 2015/264126
Doctor :
MRI SCAN No. : 1731



2015/001222

Report Date : 14/09/2015

Age & Sex : 15 YEARS / FEMALE

MRI ORBITS

Clinical summary:

On Rx for TBM/tuberculoma. Loss of vision.

Procedure and findings:

Correlation is done with previous contrast enhanced MRI brain of 10/9/2015.

Image degradation is seen due to artefacts caused by the ventriculoperitoneal shunt.
Multiplanar multisequential pre-and post IV contrast MRI scans of the orbits are assessed.

Optic globes, extra-ocular muscles, optic nerves and retrobulbar fat appear normal.

No evidence of intraorbital mass or collection is seen.

Pre-septal soft tissues are normal.

Lacrimal apparatus are normal.

Orbital apices are normal.

Sella and parasellar structures are normal.

The visualized brain parenchyma shows previously mentioned resolving basal cisterns leptomeningeal enhancement.

Impression:

Normal MRI scan of the orbits, in patient with basal cistern meningitis.

Dr : WAJIHI MUFADDAL
CONSULTANT RADIOLOGIST

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30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

MRI SCAN REPORT

Patient Name : EMILY CHELANGAT BETT
Op Number : 2015/264126
Doctor :
MRI SCAN No. : 1710



2015/001212

Report Date : 09/09/2015

Age & Sex : 15 YEARS / FEMALE

MRI BRAIN

Clinical summary:

Seizures. TBM/tuberculomas. On anti-koch's treatment from 27.04.15.

Procedure and Findings

Comparison is made with previous scans of 29.07.2015.

VP shunt is noted insitu.

Ventricles are adequately decompressed.

Previous noted enhancing pre pontine cistern lesion show significant reduction in size with minimal residue.

Reduction of previously noted basal meningeal enhancement is demonstrated.

No parenchymal lesion is seen.

The sellar and pituitary gland appear normal.

Orbits and sinuses appear normal.

Circle of wills and basilar artery flow voids are within normal.

Impression

Resolving tuberculous meningitis.

Dr : JANE W MUGO
CONSULTANT RADIOLOGIST

NAIROBI WEST HOSPITAL LTD.



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30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE
MRI SCAN REPORT

Patient Name : EMILY CHELANGAT BETT

Op Number : 2015/264126

Doctor :

MRI SCAN No. : 1385



2015/000882

Report Date : 29/07/2015

Age & Sex : 15 YEARS / FEMALE

MRI BRAIN/ORBITS

Clinical summary VP shunt. Right oculomotor palsy on anti-kochs for TBM.

Procedure and findings.

Multiplanar multisequential MRI scans are acquired.

Comparison is made with previous films.

VP shunt is noted insitu.

Hyperintensity of the basal meninges and focal gyral hyperdensity are noted on gradient.

There is also soft tissue lesion noted in the prepontine cistern eccentric to the right.

It is isointense on T1W and T2WI. It shows intense enhancement after IV contrast.

It has encased the basilar artery but patency is maintained.

moderate basal meninges enhancement is noted.

Bilateral mastoiditis is noted but the nasopharynx appears normal.

The sellar and pituitary are within normal.

The optic nerves are of normal calibre but the chiasma is not clearly outlined.

Other orbital structures appear normal.

There is no restriction on DW1.

The craniovertebral is preserved.

Impression

- Meningitis.
- Prepontine cistern enhancing lesion.
- Ddx - Tuberculous granulomas.
- Tolosa hunt syndrome.

Dr : JANE W MUGO

CONSULTANT RADIOLOGIST

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30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

CT SCAN REPORT

Patient Name : EMILY CHELANGAT BETT

Op Number : 2015/264126

Doctor :

CT SCAN No. : 2233



2015/003204

Report Date : 28/04/2015

Age & Sex : 15 YEARS / FEMALE

CT BRAIN

Clinical summary:

Meningoencephalitis ? TBM.

Procedure and findings:

Serial axial pre-and post IV contrast CT scans of the brain are assessed.

There is no intracranial mass lesion or haemorrhage.

There is general fullness of cerebral volume with effacement of sulci and gyri, suggestive of raised intracranial pressure.

Ill-defined hypodensity is seen in the left temporal lobe, bilateral posterior internal capsules and superior aspects of the midbrain. No parenchymal enhancement is seen.

Post contrast scans reveal diffuse leptomeningeal enhancement, and enhancement of the basal cisterns.

The ventricular system is normal. There is no midline shift.

Cerebellum and remaining brain stem are normal.

Sella, orbits and paranasal sinuses are normal.

Calvarium and skull base are intact.

Conclusions:

- Meningitis - ? Tuberculous etiology is possible - correlation with other diagnostic markers is advised.
- Hypodensity in the left temporal lobe, internal capsules and midbrain may be due to associated leukoencephalopathy.

Dr : WAJIHI MUFADDAL
CONSULTANT RADIOLOGIST

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30 YEARS OF SERVICE IN THE DELIVERY OF HEALTHCARE

CT SCAN REPORT

Patient Name : EMILY CHELANGAT BETT
Op Number : 2015/264126
Doctor :
CT SCAN No. : 2028



2015/003094

Report Date : 20/04/2015
Age & Sex : 15 YEARS / FEMALE

CT BRAIN

Clinical summary

Stiff neck, drowsiness, confusion.

Procedure and finding

Serial axial pre and post IV contrast scans are provided in brain windows.

There is no intracranial space occupying mass lesion or haematoma.

Normal brain parenchymal attenuation is maintained.

Ventricles and the other extra-axial CSF spaces are normal.

There is no midline shift.

Contrast scans are unremarkable.

The sella, pituitary and orbits are within normal.

Imaged paranasal sinuses and mastoid aircells are well pneumatized.

Conclusion

A normal CT head examination may not exclude meningitis.

Dr : NGOLOLO .

CONSULTANT RADIOLOGIST

REPUBLIC OF KENYA



OFFICE OF THE DEPUTY PRESIDENT
(DIRECTOR OF OPERATIONS)

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Harambee House Annex
P. O. Box 74434-00200
NAIROBI
KENYA

When replying please quote

Ref. No. ODP/ADM/1

14th June 2016

The Principal Secretary
Ministry of Education
NAIROBI. (Att: Dr. Kipsang Belio)

*Seal and
newspaper
15/6/16*

Dear *Ps Dr Belio,*

RE: COMPLAINT AGAINST SCHOOL MANAGEMENT BY A PARENT

This office has received both a verbal and written complaint against the management of Our Lady of Mercy Secondary School, South B, Nairobi, from one parent identified as Mrs. Sally C. Bett ID.10402462, of P.O. Box 510, Turbo.

She is a resident of Kosachei Village in Turbo Constituency, Uasin Gishu County.

She has cited several grounds of gross neglect by the School Management on her daughter, the late **Emily Chelangat Bett, Adm. No.8143**, who was a student in **form 3M** in the same school, and was ailing. She eventually succumbed to her illness on 4th March 2016, in Namanga, where her family resides.

Owing to the gravity and nature of the complaint, I have forwarded it to you for your attention.

Your kind action that will result in the conclusion of this matter will be greatly appreciated.

NB: I have attached her letter to this Office for your perusal.

Yours

Kimutai A. Keitany

Kimutai A. Keitany
DIRECTOR OF OPERATIONS

Forwarded to PS.

M. O.E

14th June 2016.

Sally C. Betr

Sally C. Betr
Kosachei Village
P.O Box 510
Turbo
13th June 2016

Hon. William Ruto
Deputy President
Office of the Deputy President
P.O Box 74434 - 00200
Nairobi.

Dear Your Excellency,

RE: REQUEST FOR APPOINTMENT TO MEET YOU AND BRIEF YOU ON THE MOST CRUELEST DEMISE OF MY DAUGHTER DUE TO DELIBERATE NEGLIGENCE BY OUR LADY OF MERCY SECONDARY SCHOOL IN NAIROBI.

Your Excellency, with all humility, respect, and prayer, I beg you with utmost sincerity to allow my appointment with you on the aforementioned matter.

I would not be bothering you with this matter if, I had not exhausted the attention, intervention of those who failed to deliver in their supreme responsibilities and obligations that led to the most unfair and cruelest demise of my promising daughter a form four, a candidate who died in March this year.

I have attached the annexure to this matter that highlight a chronology of my efforts, struggles, frustrations, and disappointments in seeking for fair treatment and justice for my demised loving daughter Emily Chelangat.

Throughout the height of my desperation, I even sought your intervention when my daughter was still alive, through a Mr. Maiyo whom I requested to visit my daughter in ICU at Nairobi West Hospital, upon which he promised that he would try to secure an appointment for me to meet you, your Excellency.

In fact I consistently came to your office over twenty times when he eventually referred me to a Mr. Keittany who also having failed to secure an appointment

with you due to your very busy schedule; and by virtue of my working in Kajiado, he referred me to MCA Councillor Mzee Kipaika to enable me access you. Despite his great efforts to reach you he was not successful.

My determination to pursue appointment with you then was, my daughter had lost her eyes, memory and became paralyzed and upon her doctor's recommendation the last remedy was to get her flown to India for specialized treatment they believed would certainly reverse her health status.

We are your immediate neighbours in Kosachei - Turbo, only separated by a fence; even on burial day of my daughter we sent an invitation to you and found that you had a Harambee at Sugoi on the same day.

It is for all these reasons I have resorted to seek for your appointment, with immense humility I request you as my dear father begging and crying for your attention to allow me to see and enter your office and accept to listen to me even if it's just one minute; please grant me that chance and do not leave me, because by seeing and talking to you my heart will start healing. Since the demise of my beloved daughter I sleep outside my house crying.

I look forward to meeting you and mercifully positive response will be greatly appreciated.

Your neighbor and humble citizen,



Sally.C. Bett (Emily's mother)

Mobile: 0723 802 510

(Currently working in Kajiado)

Stephen.K. Bett

Mobile: 0720 882 732 (Father to Emily)

Sally C Bett

Kosacher
Village

P O Box 510
Turbo

13th June 2016

Hon William Ruto,
Deputy President,
Office of the Deputy President,
P O Box 74434 – 00100,
Nairobi

Your Excellency,

RE: High degree of negligence that resulted in demise of our daughter, by Our Lady of Mercy Secondary School South B-Nairobi.

With utmost respect and humility, allow me to draw your attention pertaining to the high degree of arrogance rudeness and deliberate negligence by this school, resulting in the demise of our daughter Emily Chelagat

As the parents, we are pained by the ill treatment meted on us by the School's Acting Deputy Head mistress Mrs Kiruja T K and her matron

Our daughter felt sick at the aforesaid School, and informed the matron promptly. She complained of severe headaches, spinal pains to her utter shock, instead of heeding to her lamentations on deteriorating health, the schools matron ordered her to dash to the dormitory and sleep and further challenged her to admit whether she was an old woman suffering from back pains, spinal pain, and headaches. My daughter's insistence throughout the three (3) weeks period, that she urgently deserved medical care, the matron resorted to telling her that sick people do not eat and asked her why she was eating and eventually cautioned my daughter that she stood accused before the school's principle for disturbance and that, she was not a nurse to attend her

If indeed the matron was serious that she was not a nurse to attend her and given that within South B area, laboratory tests and services are available free of charge to the public at south B Police Band Dispensary, why couldn't the school take my daughter at this fully fledged free medical facility that has doctors?

I was shocked to meet my daughter in horrific state of health on schools closing day of April 2015. She complained bitterly that despite her pleading many times to the schools matron to promptly inform her parents of her state of health, now that the matron was not taking any action to treat her persistent headaches and spinal pains, the matron ignored her pleas and advised to be patient since end term was due and true to her words, my daughter was very very weak and was asked why her hair was uncombed, her response was that she was weak to even comb her hair.

Requested to explain why my daughter was deliberately denied medical attention and well deserved care, the matron retorted that, the school lacks a dispensary adding that; I came at the right time to take her to the hospital.

Upon questioning her as to why they refused to comply with my daughter's persistent requests that we her parents be accessed through mobile phone to get to know her predicament, the matron evaded my questions and vanished. It's illogical that despite the school keeping all parents mobile numbers, the school made no efforts whatsoever to call us to respond to my daughter's urgent critical state of health. What a matron! What a principal! What a school is this!

Upon leaving the school with my daughter on the said closing day, I took her straight to a private clinic in Namanga for urgent medical care and despite of the doctors great efforts in treating and nursing my daughter, her condition continued to deteriorate until she slipped into semi-coma; and was rushed to Nairobi West Hospital in an ambulance upon doctors recommendation out of the 3.2 million medical bill, we still owe the hospital Ksh 1.8 million.

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On her demise on 4th March 2016, when the school was informed The School Principle adamantly refused to let her willing classmates attend Emily's Funeral Cum burial that was on a Sunday. After the burial, our presence at the school was met with hostility when we made a follow up to get sufficient information to events and circumstances that led to the school negligence to the extended of denying our beloved daughter, a well deserved medical care given her then horrible state of health; especially as to why the school never bothered to call us at a **CRITICAL TIME, HOUR OF NEED, WHEN OUR DAUGHTER BADLY AND PERSISTENTLY REQUESTED THE SCHOOL TO TALK TO AND CALL US PARENTS. WHEN HER HEALTH WAS DETERIORATING FROM BAD TO WORSE.**

Shockingly, when approached to give us (parents) a hearing the school's principle pretended not to know us and in a fit of anger she wrote a letter referring us to Nyayo House. She smashed the door behind us and ordered us to leave the school's compound. Our complains of being refused information, explanations and being treated like lost kids. Infuriated her to call the police and ordered the watchman to lock the school's gate intently to block our exit but when the police dashed in, upon seeing us and learning about our sad predicament, they apologized to us for having been given wrong information about our presence at that school.

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need, the school abdicated its supreme responsibilities and obligations, thereby harming my child emotionally and psychologically; thus went against children's Act which explicitly states that the best interests of a child are always paramount.

The matron's act pinching of my daughter's cheek to dash to the dormitory to sleep if she was sick instead of bothering her with urgent medical care and verbal abuses to Emily that she is not an old woman who suffers from backache and spinal pain, matrons behaviour towards her pain and grief in that traumatizing event .

Sadly, we note with great concern that due consideration was not given to the general interests of my child and the school deliberately refused to safeguard her constitutional right to medical care, privacy, dignity development and worse still the school refused to provide safe and protective learning development to my daughter. Had they done so, she would be alive today.

We deplore in the strongest terms this school's management cruel and crude methods of repeatedly subjecting my beloved daughter to ridicule regarding her deteriorating health. The form of injustices and verbal abuse against my child impacted negatively to her survival, development that further impeded the full realization of her rights as a child.

Sir, we trust in your efficiency and effectiveness in diligently and prudently tackling your esteemed ministry issues that led to the untimely negligence and eventual death of my beloved daughter Emily Chelangat will be highly appreciated.

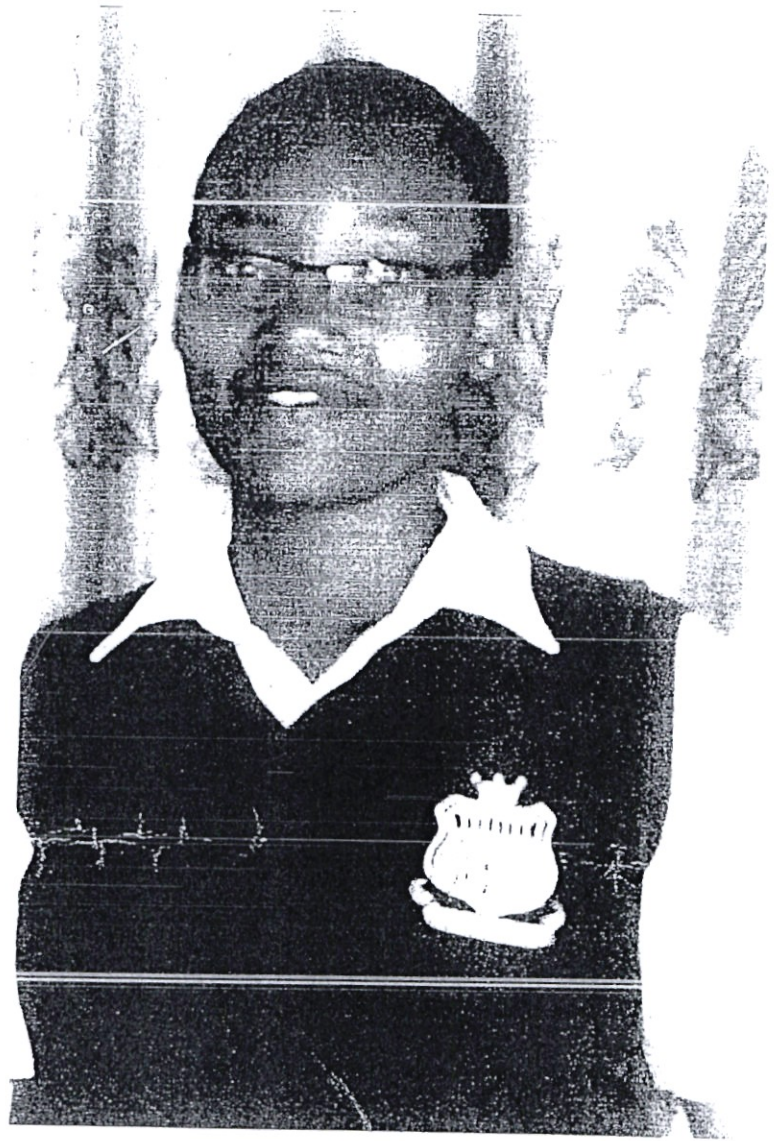
Attached please find a letter the school' principal referred us to Nyayo House, and other documents for your perusal and reference.

Your neighbor and humble citizen,



Stephen K. Bett – 0720 882 732 (Father)

Selly C. Bett - 0723 802510 (Mother)



Her mother struggled to raise the fees with the help of neighbours but it was still not enough; she could only study for three weeks before being sent home for the balance where she stayed for a whole term.

Luckily for her, blessings came her way as she puts it when former Kenya Airways CEO Titus Naikudi was touched by her plight and her performance and agreed to sponsor her through secondary education.

Rakia who took a Diploma in Public Relations at the University of Nairobi, after her firm four said she studied through fundraisers (heavens) and bursary programmes.

"I worked as a casual labourer in the former Kajicho County Council in 2009 and 2011, before I completed my diploma at the University of

had the KCB Grounds in Kajicho town revert to the County when it was allegedly sold to businessmen by the former County Council of Olujuado. "I was the Group Treasurer and we were able to lead very fruitful campaigns that had impact in Magadi, and Olkaria," she said.

Though she is a known hard activist, Rakia says she has turned her strength to campaigns against women marginalisation.

"Attending and participating in field activities at the community level and giving inspirational and motivation talks to women and young people is the most enjoyable part of my job," she asserts. Rakia believes education is the only way to relieve a safer environment for girls. Many Maasai young women, she notes, lack education and so fail to appreciate their rights.

the community and the world.

Through her campaigns on girls' child education, over

10 girls whose names she give and their families have seen the light as she puts it, after her team secured sponsors for them.



15-year old Meningitis victim needs your help

By Phillip Tinda

A 15-year-old girl is fighting Meningitis at the Nairobi West Hospital, and needs your help.

The girl from Nanyanga in Kajicho Central is now paralysed and is now admitted at the hospital's Intensive Care Unit (ICU). She cannot breathe without a ventilator.

Emily Chelagat fell ill a couple of months ago when medics at a nearby clinic thought she had caught Pneumonia. But more than seven months on, she is still unable to move her arms or legs, is fed through a tube and can barely walk.

She was studying at Our Lady of Mercy Effigi School, Nairobi when she fell sick. Her mother

Selma Bert said that when her daughter came home from school she told her that she has been feeling pain in her spinal cord from time to time something she reported to the school nurse and teachers but they ignored. She said her daughter fell seriously sick the same evening and they took her to the nearest private clinic where she was diagnosed with Pneumonia.

"She was a brilliant Form three student, she would think of everybody else first and herself last. She was always smiling and laughing," said her mother. She has lost her sight. Speaking to the Press, Bert blames Our Lady of Mercy School management for ignoring her daughter after she informed them of her pains.

"My daughter's condition couldn't have been this bad if the school had acted immediately on her

illness," she said fearfully.

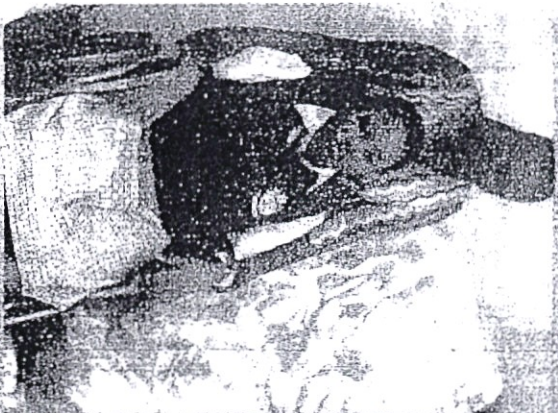
Bert who works at the County Physical Planning Office has since abandoned all her duties to care for her paralysed daughter.

"If sometimes look at her school uniforms and books and I just cry asking God to heal her," the mother said weeping.

She said the family has incurred hospital bill of over Sh 5 million.

They are appealing to friends and well-wishers to assist in raising money to enable them take their daughter to India for further medical treatment.

M-PESA donations can be sent to Selma Bert on 0723802510 or to Nanyanga KCB Account Number 1112687025



Emily Chelagat is now confined to a wheel chair and has lost her sight. Her parents are asking well wishers to support her. Photo/Phillip Tinda



THE CLASSROOM

Rakita out to see girls realise full potential

By Philip Tianda

Simayia Rakita has had to overcome difficulties that would kill the spirit of even the most determined. Now that she advocates for girls' education in the entire County is not surprising.

Born into a poverty-stricken family in Purko, Kajiado Central, Rakita (picture 1) lost her father in 1998, leaving her mother with the arduous task of educating her seven siblings and herself. Nevertheless, she completed primary school in 2004, through sponsorship by the School Committee that sponsors vulnerable but bright pupils in Ibissil Boarding Primary School.

After primary school, Rakita had to join her mother Kitayo Rakita in her a small business stand at Ibissil Trading Centre for more than three months before she joined Enoomatasiani Girls Secondary School late in the middle of second term due to lack of school fees.

Nairobi in 2012," she says.

Rakita said she was employed by Safaricom in Narok County as the region's Public Relations Officer between 2012 and 2013 but she resigned in 2014 to take up a degree course at Daystar University where she is currently studying.

The 27-year-old is now one of the Maasai girls that can confidently go around the community to encourage other girls to fight against regressive cultural practices, which, she said, she does as way to give back to the community.

She told *Kajiado County Press* that her personal experience has committed her to see everyone as deserving equal opportunities when it comes to education and employment.

"What I experienced in life has taught me to be the voice of the voiceless, land activist, and the business lady I am today," she asserts.

Rakita who has been a land activist since 2012, revealed that she was among the top youth officials of the Anti-land Sale Movement that

Rakita says she is determined to make a change and to tell the world why violence against girls shouldn't take place in any community.

"I want to show leaders, no matter their background or personality, why girls' voices must be heard and why we must be recognised as potential leaders in our communities and beyond," she says, adding:

"All I want is for female and male children to be seen as equal in all aspects of life, such as work, and talent. I want people and governments to recognise the importance of girls in the Maa Community and the whole world. The young businesswoman said she has a vision to advocate for gender equality in



APPENDIX IV
SUBMISSIONS BY OURLADY OF MERCY
SECONDARY SCHOOL



OUR LADY OF MERCY SECONDARY SCHOOL

Nairobi South B
P.O. Box 61045-00200
NAIROBI

Tel: 020 8043362, 0719 406554

Email: ourlady.school@yahoo.com

8th March 2017

Clerk's Chambers

National Assembly

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI – KENYA

Attn: James N. Mwangi EBS

Dear Sir,

**RE: MEETING WITH THE DEPARTMENT COMMITTEE ON EDUCATION
RESEARCH AND TECHNOLOGY**

My names are Patricia Awour Obiero, I am an employee at Our Lady of Mercy Secondary School South B, under the Board of Management. I joined the school in December 2012 as a school matron.

Just to say what I know about a student named Emily Chelagat is that, she was a student in the school, and was admitted in 2013 as a form 1. I had known her since that time. End of first term 2015 the school closed for the April holiday. According to school custom, students are normally picked by their parents or guardians from the school, whenever they are breaking for mid-term or end term. Emily was picked by both the parents on that day and was in good health since there was no complaint brought to me that she was unwell.

When we were still on holiday, I was called by the then boarding mistress Sister Violet, telling me that the girl was unwell and had been admitted in Nairobi West hospital. When we opened for second term, I patricia and Mrs. Kiruja who is now the school Principal went to the hospital to visit her.

After she was discharged from the hospital, towards the end of second term she passed by the school accompanied by both her parents then they left because she was still healing. After that I only heard of her death on 4/3/2016. During the funeral arrangement I was informed to release two girls who were her classmates namely: - Bosibori Brenda and Audrey Akinyi who

OUR LADY OF MERCY SECONDARY SCHOOL
P.O. BOX 61045
NAIROBI

accompanied some teachers who went to the funeral. That is all I know and can say about the girl.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patricia Obiero', with a stylized flourish at the end.

Ms. Patricia Obiero

MATRON



OUR LADY OF MERCY SECONDARY SCHOOL

Nairobi South B
P.O. Box 61045-00200
NAIROBI

Tel: 020 8043362, 0719 406554

Email: ourlady.school@yahoo.com

8th March 2017

Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842 – 00100
NAIROBI – KENYA

Dear Sir,

**RE: MEETING WITH THE DEPARTMENT COMMITTEE ON EDUCATION
RESEARCH AND TECHNOLOGY**

Thank you for the invitation letter dated 1st March 2017 with regard to standing order no. 216 of the National Assembly and with the due respect to the petition by Hon. Sunjeev K. Birdi M.P on behalf of Mrs. Sally Bett on the alleged negligence of Our Lady of Mercy Secondary School to her late daughter and our former student Emily Chelagat.

Principal's introduction: My names are Jane K. Kiruja (Mrs.) I graduated from Kenyatta University with a Bachelor of Education (Home Economics) in 1989. I was posted by the Teachers' Service Commission to Mulango Girls High School Kitui to teach Homescience. I have taught in the following schools since then: - Oolua Secondary in Kajiado, Nile Road Secondary in Nairobi, Thogoto T.T.C in Kiambu, Ngara Girls High School in Nairobi where I was the head of Technical department then boarding department. I graduated with a Masters in Education in 2006 from Kenyatta University. I was deployed in June 2009 to Our Lady of Mercy Secondary School as the Deputy principal, I served in that capacity until August 2015 when I deployed as a Principal in the same school after the retirement of my former Principal Mrs. Oyao Francisca whom I worked under since 2009 June.

During April holidays the above named student got unwell and was admitted to the Nairobi West Hospital.

My former Principal Mrs. Oyao Francisca was the head of the institution at that time and as per attached letters handled the matter of the late Emily until August 2015.

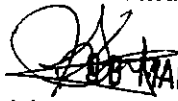
OUR LADY OF MERCY SECONDARY SCHOOL
P.O. BOX 61045

The student left school in April 2015 when schools closed and was picked by her parents. The student did not return to school on 4/5/2015 when schools opened for second term as indicated in the class attendance register (see copy attached)

The school later learnt of her sad demise on 4/3/2016

With due respect and regard

Yours faithfully


~~2017~~ 2017

Mrs J K Kiruja

PRINCIPAL/SECRETARY BOM

CC: Dr Richard Belo Kipsang
Principal Secretary
Ministry of Education, Science and Technology
Jogoo House, Harambee
Nairobi

Ms Nancy Macharia
Chief Executive Officer/Secretary
Teachers' Service Commission
TSC House Upper Hill
Nairobi

Forwarded for the purposes of the
Petition



OUR LADY OF MERCY SECONDARY SCHOOL

Nairobi South B
P.O. Box 61045-00200
NAIROBI

Tel: 020 3043361, 0719 406554

Email: ourlady.school@yahoo.com

National Assembly

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI – KENYA

Attn: James N. Mwangi EBS

Dear Sir,

**RE: MEETING WITH THE DEPARTMENT COMMITTEE ON EDUCATION
RESEARCH AND TECHNOLOGY**

I am Lydia W. Njeru, I reported to Our Lady of Mercy Secondary School South B in January 2016 as the deputy principal. Prior to that I had taught in several secondary schools, among them Upper Hill School in Nairobi for 10 years (between November 2005 to December 2015).

I did not know the late student (Emily Chelagat). The school was informed of her death in March 2016. I first met her parents' in the course of first term (sometimes in March), when they visited the school. They did not discuss with me the reason for visiting the school since I was new in the school.

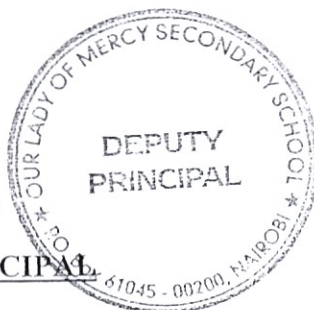
During the burial, the school sent two teachers and two students to attend the burial.

The next time I saw the parents was in early April 2016 (before schools closed), when they came to school accompanied by the press.

Yours faithfully

Mrs. L. W. Njeru

DEPUTY PRINCIPAL



OUR LADY OF MERCY SECONDARY SCHOOL



School Attendance Register

Created with Pride By Hard Working Kenyans

School: BUR LADY OF MERCY

Class: 3M (BOIS)

Teacher: Mrs. Alice

3.	
2.	
1.	



2020



THE LATE EMILY CHELANGAT KIMUTAI.

The above named was admitted to the school in Form One on 27-2-13. She was well until the school closed in April 2015 when we received a call from a former teacher, Mr. Cheluget informing us that she had been admitted at Nairobi West hospital and diagnosed with meningitis. The class teacher informed the teachers who took turns to visit the girl in hospital. Mrs. Akali was in contact with the parents throughout the period she was in hospital. She at some point organized with the staff who contributed some money for the bills.

When she pulled through ICU, the hospital recommended a wheelchair to aid in her movement. The then principal Mrs. Oyao requested one from Songa Mbele Na Masomo Children Centre- refer to attached letter. The wheelchair was delivered to the hospital by Mrs. Bucha. When she was due for discharge, clutches were recommended. Mrs. Oyao requested for assistance from Songa Mbele Na Masomo Children Centre-attached copies of the letters. The girl was discharged and passed through school. The mother picked some of her personal items. The class teacher informed us that her healing progress was positive.

We lost contact with the parents when Mrs. Akali retired. She later called to inform the school of Emily's demise. We were not able to attend the fundraising for the burial as we were informed a day to the event. The school board however met and gave the family Ksh.40,000 which was picked by Emily's mother on 14-3-16. The mothers wish was that her classmates are the pallbearers during her burial but due to logistics involved in travelling, only two students were accompanied by two teachers for the burial. Her former class teacher was also present for the burial. The teachers and students contribution of Ksh.22, 000 was given to the mother on the burial day by Mrs. Oloo. The mother mentioned that the school had not done anything and that it had not even sent representatives for the burial. In total the school released Ksh. 79,865 including the travel expenses for the teachers and students.

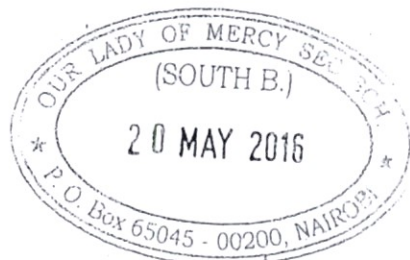
The parents claim the school is responsible for the death of the child. Apparently even the class teacher was not aware that the girl was unwell while in school. They came to school on 4-4-2016 with Mr. Peterson Githaiga from the Standard Media Group who wanted to confirm the report given to them by the parents. We directed them to the CDEs office. They however came back with Mr. Stanley N.Abdalla from the Nation TV Kajjido on 10-5-2016. They were given a letter of introduction to the CDE which she made a copy tore and threw the pieces at the reception. She later threatened the principal who later called the police to get them out of the school compound as the lady was screaming.

Compiled by

Mrs. Opiyo - Boarding mistress

Approved by

Mrs. Kiruja - Principal



delivered on
11/5/16 to county
Director (NAIROBI)

Copy given to the industrial
area police 1/5/16



OUR LADY OF MERCY SECONDARY SCHOOL

Nairobi South B
P.O. BOX 61045-00200,
NAIROBI

3

Tel: 020 8043362/0719 406554

02/06/2016

The Ministry of Education Science & Technology

State Department

Legal Unit

Jogoo House

P.O Box

NAIROBI.

ATTENTION : MR. MARTIN OLOO

LEGAL ADVISOR

Dear Sir,

RE: LATE EMILY CHELAGAT KIMUTAI

I hereby submit the file for the above mentioned student for your perusal and legal advice.

The parents have not officially communicated to the school on what their wish is but they have highlighted the case in the media (NTV & QTV NEWS on 20th may, 2016).

Thanking you in advance..

Yours faithfully

2 JUN 2016

Kiruja J.K. (Mrs)

Principal/ Secretary BOM.

OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 61045
NAIROBI

OUR LADY OF MERCY SECONDARY SCHOOL


PAYMENT VOUCHER

Sec. I Payee's Name and Address SALLY CHEPUECH 10 10202265

DATE	Particulars	Amount Shs	Cts
14/3/16	Given for a student who was in Our Lady of Mercy Secondary School for condolence to her family	40,000	-
TOTAL		40,000	-

OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 51045
NAIROBI

Amount in Words: forty Thousand Shillings only
Cash/Cheque No.:

Payment Authorized 

Principal/Headmaster/Mistress _____ Date: 14/3/16 
Clerk/Bursar/Secretary _____

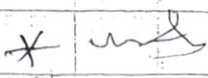
SEC. II

LEADS	DETAILS	C/B	L/E	SHS	cts
Boarding	School Contribution towards a student's funeral			40,000	-
TOTAL				40,000	-

Receipt for cash payment received the sum of

Cts

Witness



Signature of Recipient (10 cents revenue stamp to be affixed for all receipts of shs 10 --)



OUR LADY OF MERCY SECONDARY SCHOOL

Nairobi South B
P.O. BOX 61045-00200,
NAIROBI

5

Tel: 020 8043362/0719 406554

20th July, 2015

The Programme Coordinator
Songa Mbele Na Masomo
Aoko Road (Off Kapiti) South B
P. O. BOX 18623 – 00500
NAIROBI

OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 61045
NAIROBI

Dear Sir/Madam

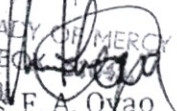
RE : ASSISTANCE FOR EMILY CHELAGAT – ADM NO. 8143/13

The above named is a student in the school and an active member of the Y.C.S. (Young Christian Society). She was admitted at the Nairobi West Hospital since April 2015 – June 2015. She is currently attending clinics on Wednesday and Thursday at the same facility every week from the time of her discharge.

After her discharge she was put on a wheel chair which she has been using until now when the doctors have noticed major improvement and have prescribed crutches to aid in her walking.

We would be grateful if you can assist with a pair which will be returned when she fully recovers.

Yours faithfully,


OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 61045
NAIROBI
Mrs. F. A. Oyao
PRINCIPAL



21st July, 2015.

The Principal,
Our Lady of Mercy Secondary School,
Nairobi-South B
P.O. Box 61045-00200,
Nairobi.



OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 61045.
NAIROBI

Dear Madam,

RE: ASSISTANCE FOR EMILY CHELAGAT- ADM NO. 8143/13

Referring to your written request dated 20th July, 2015 about Ms. Emily Chelagat, I would like to let you know that we are glad to help and wish her a quick recovery.

I hope the walking aid will go a long way in helping her towards have full recovery.

Yours faithfully,



SONGA MBELE NA MASOMO CHILDREN CENTRE
Tel: +254
21 JUL 2015
Email: songambe254@gmail.com
P.O. Box 18623 - 00500, NAIROBI - KENYA

Benson Kiragu

The Programmes Coordinator.

Eulogy

Of the Late

OF MERCY SECONDARY SCHOOL
P.O. BOX 61045
MOBI

EMILY CHELANG'AT BETT

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INDUSTRIAL AREA
POLICE STATION
P.O. BOX 18090
NAIROBI
21/11/16

9

REF; C/CRI/1/V01/23
TO THE PRINCIPAL
OUR LADY OF MERCY
SECONDARY SCHOOL
SOUTH B
NAIROBI

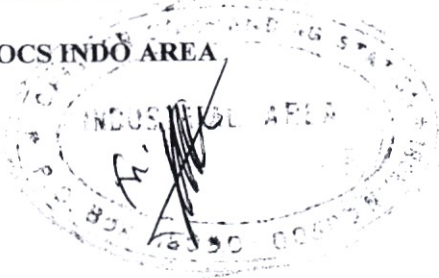
REF; CHELANGAT EMILY (FORMER STUDENT)

Be informed that the parents of the student mentioned are complaining that they came to collect the belongings of the student and were denied to collect.

The student passed away on 4/3/2016. She was undergoing treatment at Nairobi West Hospital suffering from Meningitis. Also the mother of the student states that she came to collect the belongings before when her daughter was still alive and she was denied.

You are wanted at the police station to record a statement together with the deputy principal, school matron and class teacher of the student. During her death she was in form III.

OCS INDO AREA



OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 41078
NAIROBI

22/11/16
11.15 am

0723 ~~44~~ 644

MUSYOKA

Industrial Area Police

KBE 137 G

grey saloon car

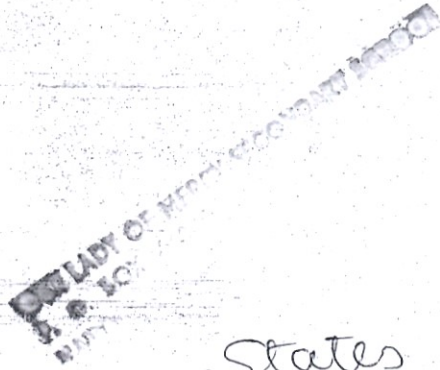
DATE AND TIME
AND PLACE

1/12/16

1/2/16

Industrial
Area
Police
Makadara
Sub county
Nairobi
County

JAYNE K. KIRWA
OUR LADY OF MERCY
SECONDARY SCHOOL
(SOUTH B)
P.O. BOX 61045-00200
Tel No. 0719 406 554
0720 8044 56
0725 050260



States as follows

I am currently the Principal of the above named School. In 2015 I was the deputy principal until August. I do remember very well in April the school closed and all students went home after being picked by their parent and there was no complaint. In 2nd term 2015 one of the students did not report back to school, namely Emily Chelangat of form 3M. During the April holiday a former teacher of the school namely Mr Chelugot called to inform the school that

Police Case No., 20

DATE AND TIME

AND PLACE

1/12/16

Industrial
area
Police

Emily was admitted to Nairobi West Hospital, but didn't tell us the nature of illness

The above named student didn't report to school during 3rd term 2015, and 1st term 2016.

In 2nd term the school organised visits to the hospital (students & teachers).


In March 2016 we were informed of her death by the former class teacher (Mrs Akali) and thereafter the parent called.

After her death the school Board of management gave a contribution of Ksh 100000 and the teachers and students did contribute towards the funeral.

The board also sent two teachers and two students to attend the burial in Turbo namely Mrs Oloo, Mrs Spiyo Audrey and Brenda.

The parents came to school after the burial

Police Case No. 20

DATE AND TIME AND PLACE	
1/12/16	<p>The parents came to school accompanied by ^{media} reporters. They were referred to the CDE (county director of education) Nairobi county (Mr Abdiladir)</p>
Industrial area Police	<p>Later we saw the story in the media (ATV & NTV and nation newspaper highlighted by the parents.</p>
10:59 am	<p>On 22/11/16 the police from industrial area brought a letter asking the school to make a statement. Due to the sensitivity of the KCSE exam we requested to make the statement after the exercise was over on 30/11/16.</p>
	<p>The allegations are not true as the parents have stated. This can be confirmed by the Matron and the other students. The report was given to the Ministry of Education & The Legal office Jogoo House, Kinoo R.K.</p>

Police Case No. 20

DATE AND TIME
AND PLACE

1/12/16

Today I was accompanied by the chairman of the Board of management namely Mr Membo L.C.O and a member of the board Mr Matini A.O.

I further state that about the allegations from the parents that we have refused to hand over the belongings of the daughter, we have not refused.

We are ready to hand over the belongings to the parents or the police at any time.



I do also state that she has been to the school two times during the month of November

Police Case No. 20

DATE AND TIME
AND PLACE

1/12/16

2016, we asked her to pick the belongings, but she said she wanted them at the dormitory where the daughter used to sleep.

This was however not possible as the building has been condemned and unsafe and is no longer in use.

This can be confirmed by the teacher who was on duty (St Caroline) and the police officers who had accompanied her; namely Mr Musyoka, Mr Rono and Mr Moenga.

That is all that I can state.

[Signature] Kiruja.

OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 51045
NAIROBI

Lydia W. Njeru
Box #1045 - 00200
NAIROBI

Our Lady of Mercy
Sec. School (Part B)
0722869969 (cell)
School line 0719406551

~~Dec 2016~~

I reported to the above named school in January 2016 as the deputy Principal. I therefore did not know the Late Emily Chelangat.

The school was informed of Emily Chelangat's death on March 2016. I first met her parents in the course of the term, when they visited the school but they did not discuss with me their reason for visiting.

During the burial the school sent two (2) teachers namely Mrs Oloo and Mrs Epiyo and two students i.e. Audrey Akingi and Brenda Bosibori to attend. The school also gave some contribution to support the family during the burial.

~~Dec 2016~~

The next time I saw the parents was on 4th of April 2016 when they came to school accompanied by the press.

On 11th August 2016 the mother came to school

Diana Kibor (3c) to pick her on closing day, but the school confirmed from the parents of Diana that they had not sent her to pick their daughter, and she was asked to leave.

Later a story came up in the media (Nation and Q TV).

In term 3 2016 I was informed by the principal that a letter had been brought to school from Industrial Area Police Station, asking me (the deputy principal) to make a statement about allegations by the parents that the school had refused to release her items.

I was however not able to report to the police station as directed because of the KCSE Examinations that were in progress and were ending on 30th November 2016.

I have therefore made the statement today, and I state that the allegations are not true.

I am also aware that on 23rd November, Emily's mother came to school, accompanied by an unknown person who remained in the car, when she was given her daughter's things she refused, saying she would pick them from the exact spot where the daughter was sleeping and when we made her resuscitate, she left.

On Friday 25th November 2016 she visited

the school again, accompanied by a police
man named Mr. Reno and Mr. Moberga from
Industrial Area Police Station, again she was
asked to pick her late daughter's things
and she refused, this can be confirmed by the school
Principal and the Mother.
And the above is all that I can state.

Lydia Njeru
Deputy Principal

1st Dec 2016



02/12/2016

Patricia Awuor Obiero

ID No. 14478808

phone: 0723 597 419

and 0719 406 554

Our Lady Of Mercy
Secondary South B.OUR LADY OF MERCY SECONDARY SCHOOL
P. O. BOX 51045
NAIROBI

Emily Chelagat was a student in the above named school. I had known her since 2013 when she was admitted in form one.

In 2015 end of second term on closing day, Emily was picked from school by the Mother, father and brother. There was no any complaint brought to us that she was unwell. She was very much ok.


During the April holiday I was called by the then Our boarding Mistress Sister Violet that the girl was sick and had been admitted at the Nairobi West hospital. When the schools opened in second term, I Patricia and Our former deputy principal Mrs Kiruja who is now the principal went to visit her in the hospital.

Towards the end of second term 2015, after the girl had been released from hospital, they passed by our school that is, the girl, the Mother and the father. After that I only heard of her death. During the funeral arrangements I was informed to release two girls that is Brenda Bosibori and Audrey Akingi who accompanied some of our teachers to the funeral. After the burial the parents

02/12/2016

Last week I was informed by the principal that a letter had been brought from Industrial Area police Station and I was required to make a statement, because the parents had alleged that the school had refused with the daughter's belongings. Later the principal informed me that the parents accompanied by the police were to come and pick her items. I removed them from the store, and kept them at the reception, but later that evening I was asked to put them in the staffroom as the parents had not collected them.

I confirm that the items are still in the staffroom. The allegations are not true and this can be confirmed by her fellow students and the administration. And that is all I can state.

Patricia Obiero

The Matron.

In appreciation to
 all who have responded
 to Emily Chelagat's (late)
 contribution. School 40000
 Report 20000
 40000

1C - 580k	2C - 1100k
1G - 1795k	2G - 480k
1M - 440k	2M - 200k
<u>2815k</u>	<u>1780k</u>

OUR LADY OF MERCY SECONDARY SCHOOL
 P. O. BOX 61045,
 NAIROBI.

3C - 300k	4C - 780k
3G - 390k	4G - 1000k
3M - 790k	4M - 5730k
<u>1090k</u>	<u>1780k</u>

Teacher 4000k
 is 2200k
 Grand Total - ~~7465k~~ 21865

May God bless you for your
 generosity.
 Principal 15/2/12

79865k