



CAO ASSESSMENT REPORT

**Regarding the Third Complaint in Relation to
IFC's Investment in Bridge International Academies (#32171, #38733, #39170, #39224)
in Kenya**

January 2021

Office of the Compliance Advisor Ombudsman
for
the International Finance Corporation and the
Multilateral Investment Guarantee Agency
www.cao-ombudsman.org

About CAO

The Office of the Compliance Advisor Ombudsman (CAO) is the independent accountability mechanism for the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), the private sector arms of the World Bank Group. CAO reports directly to the President of the World Bank Group, and its mandate is to assist in addressing complaints from people affected by IFC/MIGA-supported projects in a manner that is fair, objective, and constructive, and to enhance the social and environmental outcomes of those projects.

For more information, see www.cao-ombudsman.org

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LIST OF ACRONYMS

BOM	Parents Board of Management
CAO	Office of the Compliance Advisor Ombudsman
EACHRights	East Africa Centre for Human Rights
IFC	International Finance Corporation
KPLC	Kenya Power and Lighting Company
MIGA	Multilateral Investment Guarantee Agency

1. OVERVIEW

In February 2020, a complaint was lodged with CAO by the parent ("the Complainant") of a child enrolled at a Bridge International Academies ("Bridge" or "the Company") school, supported by the East Africa Centre for Human Rights (EACHRights), a Kenyan NGO. The complaint concerns an electrocution incident that occurred at the school in September 2019 in which the Complainant's son was allegedly injured. This is the third complaint received by CAO concerning Bridge. CAO determined that the complaint met its three eligibility criteria and conducted an assessment of the complaint. During CAO's assessment, both the Complainant and the Company expressed an interest in engaging in a dispute resolution process convened by CAO. Due to travel restrictions during COVID-19, CAO could only offer the parties an online dispute resolution process. The parties decided to postpone the start of the dispute resolution process until March 2021 to see if an in-person meeting is possible. CAO will monitor the COVID-19 situation to see if an in-person meeting will be possible by March 2021.

2. BACKGROUND

2.1 The Project

According to the IFC, Bridge is Africa's largest chain of low-cost schools, and, as of December 2018, the Company operated 297 parent-paid schools in Kenya. According to the IFC, since 2009, Bridge has trained 25,474 teachers/school leaders, employed 16,416 teachers/school leaders, and educated 419,276 students in its Kenya schools. The existing network of schools is located across Kenya in urban, peri-urban, and rural settings. It aims to provide quality education to children from families earning less than US\$2 per person per day. According to IFC disclosures, the schools are built by Bridge on greenfield sites located in high-density, low-income communities where children must walk a maximum of 500 meters to get to school. Furthermore, the schools have clear access paths for foot traffic and can be reached by public/private transportation. IFC, together with funds from other investors, has supported an increase in the number of Bridge schools in Kenya and expansion to three countries. As of February 2019, IFC's investment in Bridge totaled \$13.5 million in equity (including rights issues).

2.2 The Complaint

In February 2020, CAO received a written complaint from the mother of a seven-year-old child who was enrolled at Bridge Mukuru Kwa Njenga Mosque school in Nairobi, Kenya. EACHRights provided support to the Complainant throughout the assessment process. The Complainant claims that in September 2019, her child was seriously injured in an electrocution incident while playing in the schoolyard with other children. The injury resulted from the child touching an electric wire, hanging from an adjacent building to the school compound. The Complainant claims that she has not received any explanation from Bridge nor any financial support from Bridge for the various expenses incurred due to her son's injuries resulting from the incident.

The issues raised during the assessment are described in more detail below.

Regarding initiation of the complaint process, Bridge claims that CAO encouraged the Complainant to seek redress for the injuries allegedly sustained by her son at the school. The Complainant denies that CAO encouraged her to file the complaint. CAO has satisfied itself that the Complainant was not pressurized to bring this complaint and made the decision to do so freely and voluntarily.

3. ASSESSMENT SUMMARY

3.1 Methodology

The CAO assessment aims to clarify the issues and concerns raised by the Complainant by gathering information and views from different stakeholders without making a judgment on the merits of the complaint. The assessment also seeks to determine whether the Complainant and the Company would like to pursue a dispute resolution process facilitated by CAO, or whether the complaint should be handled by CAO's Compliance function for appraisal of IFC's performance (see Annex A for CAO's complaint handling process)

In this case, CAO's assessment of the complaint included:

- a desk review of project documentation;
- telephone conversations with the Complainant and EACHRights;
- telephone conversations with Bridge management; and
- telephone conversations with IFC's project team.

Due to COVID-19-related restrictions on travel and social gatherings, CAO's staff and consultants could not arrange in-person meetings with the relevant stakeholders involved in this case. However, due to the sensitive nature of this complaint, CAO, in consultation with the parties, decided not to delay the assessment of the complaint and conducted the assessment via phone and other virtual platforms.

This report summarizes the views heard by the CAO team from the parties and describes the next steps based on the decisions taken by the Complainant and Bridge.

3.2 Summary of views

Complainant's perspective

The Complainant explained that on Friday, September 13, 2019, she found out that a child was electrocuted at the Bridge Mukuru Kwa Njenga Mosque school in Nairobi, Kenya, where her son is also a student. She stated that on the day of the incident, she went to the school to see what had happened, having heard that there had been an incident. When she got to school, she heard from the crowd that a student had been electrocuted. She then rushed to the scene and saw a live wire, hanging from the neighbouring house into the pre-primary 2 (PP2) classroom.

The Complainant informed CAO that the day after the incident, she found out from a neighbor that her son was one of four children affected by the electrocution incident. Her son later explained to her that at the end of a school assembly he, along with three other children, came into contact with a hanging electric wire and that one child died from the incident. He also told his mother that the teachers had forbidden the children from talking about the incident. The Complainant reported that her son had complained of headaches and had been restless throughout the night and into the next day. It was only upon taking her son to the hospital that she discovered that he had suffered a serious injury.

The Complainant stated that after learning about her son's involvement in the incident from the neighbor, she visited the school to determine why she had not been informed. The Academy Manager told her that the school management only learned of the other children's involvement in the incident much later. When the Complainant asked the Academy Manager for assistance to take the child to the hospital, she was referred to the neighbor who owned the electricity connection, in the adjoining building. The Complainant stated that at first, the neighbor denied any involvement but later offered her Kshs 500¹ to transport her child to the hospital, which

¹ Kshs 100 is equivalent to approximately 1USD

she refused. The Complainant explained that she sought to file a statement with the police, but they asked her to seek medical attention for her child first. After raising money from friends and family, the Complainant said she was able to take her son to the hospital where they confirmed that he had sustained tissue damage and prescribed him medication. After attending to her son's medical needs, the Complainant said she went back to the police station with her son who was interviewed by two Police officers. A few weeks later, the Complainant explained that she was visited by the Bridge Academy Manager and two other teachers at her home, who gave her Kshs. 500 for her son. The Complainant explained that after the electrocution incident, she felt helpless. She attempted to get in touch with Bridge Head Office via their hotline, but the phone went straight to voicemail. She had resigned herself to fate when she learned about the CAO from a neighbor and the EACHRights Community Liaison.

That same month, the Academy Manager reached out to the Complainant to request a meeting. The Complainant alleges that during the meeting, the Academy Manager informed her that she had only recently reported her injured 'son's case to Bridge management. The Complainant felt that this indicated that no in-depth internal investigation had been undertaken. The Complainant also told CAO that during that meeting, the Company wanted to offer her a sum of money and an apology. However, the Complainant refused the offer because it came with the condition from the Academy Manager for the Complainant not to disclose that the school knew that other children other than the deceased child were involved in the electrocution.

The Complainant explained that although her son is better now, he still attends the clinic for check-ups, but she has been unable to take him recently due to lack of funds. The Complainant further expressed that she incurred extreme stress and medical and transport expenses as a result of the incident.

The Complainant said she would like for Bridge to explain what happened on the day of the incident and to be reimbursed for the costs she incurred for her son's treatment. The Complainant would also like to ensure that such an incident does not happen to any of her other children, who are still enrolled at the school, or any other children attending Bridge and other similar schools in the informal settlements.

Company's perspective

Bridge expressed deep sadness at the tragic accident that occurred at Mukuru Kwa Njenga Mosque Academy on September 13, 2019, involving the illegal electrical connection from a neighbor's plot. They stated that their support office only became aware in late February that there may have been an additional child allegedly harmed in the electrocution incident. This information was shared by the IFC, who had been informed by CAO. Bridge stated that at no time between September when the incident occurred until February when Bridge found out, did the Complainant speak directly to the Academy Manager or the child's class teacher about her allegations.

Bridge said that given the extensive involvement by the police, local elders and community leaders, on the day of the incident and the days following the incident, it seemed improbable that another child could have been harmed without Bridge's knowledge. However, out of concern that another child may have been injured, they immediately worked through the Schools management team, and the school leaders, to inquire amongst teachers, parents on the Board of Management, and other community leaders of the possibility of anyone else being harmed that day without anyone's knowledge.

Bridge stated that unfortunately, all information they gathered indicate that the Complainant's claims are not valid. Bridge further noted that the police, who were involved in investigating the accident, shared that the medical records which the Complainant showed them, did not

refer to the injury being caused by electrocution. Furthermore, the Complainant informed the police that her son was healed entirely in September 2019, and as such, the police dismissed her assertions as false.

Bridge shared that some community leaders informed them that the Complainant is seeking to take advantage of the situation for financial gain and obscure the real cause of her son's injury or illness by falsely claiming he was injured during the September 13 incident. No members of the Board of Management or classroom teachers recall the Complainant being at the school on either the 13th or 14th of September, during numerous parent and community meetings.

Bridge expressed that the Complainant's account of events is false and intended to misrepresent actions and conversations between herself and school staff intentionally. Bridge stated that an example of the false claims includes the Complainant's allegation that the schoolteachers gave her 500 KSh for her injured son. They dispute this, claiming that the 500 KSh given to the Complainant was out of sympathy for the recent loss of a different child in the family. The child's father, who was in regular contact with the school, informed the teachers of the loss of the child in the family but did not mention any injuries sustained by his son.

Bridge posited that they are aware that the Complainant's child did have some injury or illness in September 2019. However, given the in-depth investigation conducted by the police and community leaders, there is no evidence showing that the injuries sustained by the Complainant's son were linked to the electrocution incident.

Bridge informed the CAO that the Complainant did not share the medical records with the school during their meeting in February 2020, nor did she ever call the support office or share such records. They also stated that the school's attendance records verify the child's well-being. After missing eight days of school over two weeks in September 2019, and receiving special accommodations to sit the Mid-term Exams, the child finished the school year, and returned to school for the next school year, in January 2020.

Bridge questioned why the Complainant would keep four children at the same school and enroll all of them for the next school year if she believed the school has health and safety issues. Bridge also questioned why the Complainant did not speak to the Academy Manager or call the school network toll-free hotline after the incident. Bridge disputes the claim that the Complainant's call went to voice mail when she called the hotline. Bridge stated that their hotline does not have voicemail and that when a person calls, they may have to wait a few minutes if there is a queue, but the call is free.

Bridge stated that this is not the first time the Complainant has made false claims for financial gain. Bridge also noted that the Complainant's account of events has inconsistencies and contradictions, particularly related to CAO's involvement in her taking action against Bridge, and allegations that the schoolteacher offered her payment or an apology if she cooperated with Bridge.

Bridge said that as an education service provider, with a duty of care for its pupils, they remain committed to ensuring a safe and conducive learning environment for all pupils they are privileged to serve, including the Complainants' children who continue to attend Bridge. As such, they are open to meeting with the Complainant.

4. NEXT STEPS

Both the Complainant and the Company expressed an interest to participate in a dispute resolution process. However due to travel restrictions during COVID-19, CAO could only offer the parties an online dispute resolution process. The parties decided to postpone the start of the dispute resolution process until March 2021 to see if an in-person meeting is possible. CAO will monitor the COVID-19 situation to see if an in-person meeting will be possible by March 2021.

ANNEX A. CAO COMPLAINT-HANDLING PROCESS

Once CAO declares a complaint eligible, an initial assessment is carried out by CAO dispute resolution specialists. The purpose of CAO's assessment is to: (1) clarify the issues and concerns raised by the Complainant (s); (2) gather information on how other stakeholders see the situation; and (3) help stakeholders understand the recourse options available to them and determine whether they would like to pursue a collaborative solution through CAO's Dispute Resolution function, or whether the case should be reviewed by CAO's Compliance function.

As per ' 'CAO's Operational Guidelines,² the following steps are typically followed in response to a complaint that is received:

- Step 1: **Acknowledgement** of receipt of the complaint.
- Step 2: **Eligibility**: Determination of the ' 'complaint's eligibility for assessment under the mandate of CAO (no more than 15 working days).
- Step 3: **CAO assessment**: Assessing the issues and providing support to stakeholders in understanding and determining whether they would like to pursue a consensual solution through a collaborative process convened by ' 'CAO's Dispute Resolution function, or whether the case should be handled by ' 'CAO's Compliance function to review IFC's/MIGA's environmental and social due diligence. The assessment time can take up to a maximum of 120 working days.
- Step 4: **Facilitating settlement**: If the parties choose to pursue a collaborative process, ' 'CAO's Dispute Resolution function is initiated. The dispute resolution process is typically based on or initiated by a Memorandum of Understanding and/or mutually agreed-upon ground rules between the parties. It may involve facilitation/mediation, joint fact-finding, or other agreed resolution approaches leading to a settlement agreement or other mutually agreed and appropriate goals. The major objective of these types of problem-solving approaches will be to address the issues raised in the complaint, and any other significant issues relevant to the complaint that were identified during the assessment or the dispute resolution process, in a way that is acceptable to the parties affected.³

OR

Compliance Appraisal/Investigation: If the parties opt for a compliance process, ' 'CAO's Compliance function will initiate an appraisal of IFC's/MIGA's environmental and social due diligence of the project in question to determine whether a compliance investigation of IFC's/MIGA's performance related to the project is merited. The appraisal time can take up to a maximum of 45 working days. If an investigation is found to be merited, CAO Compliance will conduct an in-depth investigation into IFC's/MIGA's performance. An investigation report with any identified non-compliances will be made public, along with IFC's/MIGA's response.

Step 5: **Monitoring and Follow-up**

Step 6: **Conclusion/Case Closure**

² For more details on the role and work of CAO, please refer to the full Operational Guidelines: http://www.cao-ombudsman.org/documents/CAOOperationalGuidelines_2013.pdf

³ Where stakeholders are unable to resolve the issues through a collaborative process within an agreed time frame, CAO Dispute Resolution will first seek to assist the stakeholders in breaking through impasse(s). If this is not possible, the Dispute Resolution team will inform the stakeholders, including IFC/MIGA staff, the President and Board of the World Bank Group, and the public, that CAO Dispute Resolution has closed the complaint and transferred it to CAO Compliance for appraisal.