



**The Office of the Ombudsman**  
**"Hata Mnyonge ana Haki"**

# **The Strategic Framework of the Commission on Administrative Justice 2013 - 2016**

February 2013



**The Road Ahead**

# **The Office of the Ombudsman**

## **“Hata Mnyonge ana Haki”**

### **Vision**

To be an effective overseer of responsiveness and servant-hood in public offices at national and county levels.

### **Mission**

To enforce administrative justice and promote constitutional values by addressing maladministration through effective complaints handling and dispute resolution.

### **Core Values**

Fairness, Accountability and Diversity



**The Office of the Ombudsman**  
**"Hata Mnyonge ana Haki"**

# **The Strategic Framework of the Commission on Administrative Justice 2013 - 2016**



**Consultative Justice Concept**

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(The office of the Ombudsman)**

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## Foreword

This Strategic Plan, appropriately christened “**Strategic Framework**” (SF) is the first ever Strategic Plan for the Commission on Administrative Justice (The office of the Ombudsman) and covers the period 2012 - 2016. The CAJ developed the Strategic Framework to guide its operations in line with its mandate, as provided for under Article 59 and Chapter Fifteen of the Constitution, and the Commission on Administrative Justice Act 2011. Our mandate encompasses maladministration, administrative injustice, performance contracting and all unresponsive official conduct in general.



*Oriende Amollo, EBS, Chairperson, Commission on Administrative Justice*

The jurisdiction of the Commission extends to all state organs, state or public officers both in National and County Governments. Besides investigating complaints received from members of the public against Government institutions, [Sec. 8 (a) & A. 59 (2) (h)], or on its own initiative, the Commission may investigate any matter arising from the carrying out of an administrative action, and may address inter-governmental conflicts through mediation, conciliation or dispute resolution.

Since the inception of CAJ in November, 2011, there has been a steady increase in the number of complaints received by the Commission from an average of **35 by December, 2011** to an average of **400 complaints per month, by December, 2012**. The complaints are mostly on maladministration, delay, inaction, unfair treatment, injustice and related issues. This increase in the number of complaints received can be attributed to the trust and confidence Kenyans have on the Commission, and the advocacy campaigns undertaken through the County visits among others reasons.

Most of the complaints specifically touch on policies, systems and procedures, capacity to deliver and human factor. There is need therefore, to devise strategies to improve public service delivery and to deal with identified systemic issues, policies, procedures and practices that hinder efficient public service delivery.

The development of this Framework was driven by the need to articulate CAJ’s mandate in administrative justice and public service delivery. The process was guided by the provisions of the Constitution of Kenya in so far as matters of administrative justice and public service delivery are concerned. This is in the spirit of Articles 1 and 21 (3) of the Constitution. The process was also informed by the Commission on Administrative Justice Act 2011 and Kenya Vision 2030.

The participation of the Commissioners, Commission Secretary and staff in the SF development process was vital in ensuring buy-in. The translation of the Strategic Framework vision, mission and core values into reality will require the commitment to excellence and innovation that the Commissioners and Commission staff, have continued to demonstrate. The Strategic Framework document is a result of an extensive consultative process which provided opportunity for CAJ’s networks, stakeholders and partners to contribute to the process. The consultations greatly enriched the Strategic Framework.

The Strategic Framework communicates our vision, mission and core values. It aims at providing medium to long term strategic direction for CAJ. It outlines the priorities for the Commission in light of an evolving operating environment dictated by the transition taking place in the country. It will serve as the basis for our Annual Management Plans and will ensure that there is coherence and continuity in our planning. The Implementation Matrix has set deliverables with key result areas and indicators, providing for ease of monitoring and evaluation of the Strategic Framework and by extension CAJ. The Annual and Bi-Annual Statutory Reporting also forms part of the monitoring and evaluation process for the Commission.

Since Kenya is in transition, CAJ’s priorities will continue to evolve during the plan period, and thus the framework is intended to be a live and dynamic document open to regular reviews to capture emerging issues in the administration of justice.

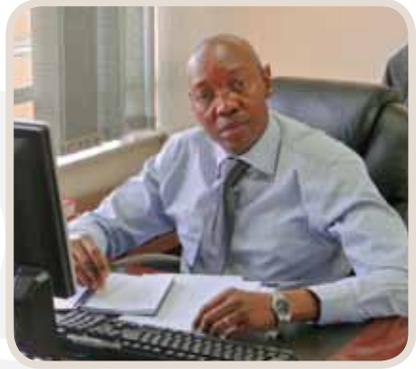
I look forward to working with the CAJ team, the government, stakeholders and partners in realizing the full implementation of this Strategic Framework.



**Otiende Amollo, EBS**  
*Chairperson*  
*Commission On Administrative Justice*

## Message by the Commission Secretary

The formulation of this Strategic Framework (SF) required an outlay of resources in terms of human, physical and financial. The Commission prides itself in having highly motivated and committed staff as well as Commissioners whose wealth of experience and leadership made it possible to assemble the necessary resources to facilitate the process. In addition, the presence, participation and guidance by the Commissioners provided focus and direction.



*Commission Secretary, Mr. Leonard Ngaluma*

A Technical Team was appointed to work with the consultants in developing the Strategic Framework. The Team internalized and projected the critical thinking that informed the direction of the Commission for the next four years and beyond. Several consultative meetings were held and strategic issues, direction, objectives and strategies discussed and agreed upon. The process also identified the activities that went into the Implementation Matrix.

The process was guided by the Commission's Vision, Mission and Core Values. The SF has taken into consideration the provisions of the Constitution of Kenya, particularly Article 10 on National Values and Principles of Governance, Chapter Four on the Bill of Rights, Chapter Six on Leadership and Integrity, Chapter Thirteen on Values and Principles of the Public Service, and Chapter Fifteen on Constitutional Commissions and Independent Offices, and the Commission on Administrative Justice Act, 2011.

The development of this Strategic Framework is a milestone for CAJ in its efforts to ensure responsiveness, accountability and efficiency in public service delivery. It is a demonstration of CAJ's commitment to the spirit of the Constitution.

The Strategic Framework is now a reality and its implementation is not an illusion. I am aware there will be need to marshal a large resource outlay in terms of financing its implementation, but I am confident that the Government will provide the necessary support and that our valued partners and stakeholders will walk with us towards the realization of the stated strategic objectives.

**Mr. Leonard S. Ngaluma**  
*Commission Secretary*

## Acknowledgement

This Strategic Framework is the result of concerted efforts by the Commissioners, Staff, the Consultants and our esteemed stakeholders who contributed significantly in its development.

It is indeed my pleasure to sincerely express my indebtedness to all those who participated in the development of the Framework for their invaluable and informed inputs. I thank the Commission’s Chairperson, Mr. Otiende Amollo, the Vice Chairperson, Dr. Regina Mwatha and Commissioner Saadia Mohamed for providing strategic leadership, direction and oversight throughout the process. The Framework benefited immensely from their wealth of knowledge and experience.

I am grateful to the Strategic Framework Drafting (Technical) Team comprising of the Team Leader, Mr. Micah Nguli – Director Research & Investigations, members Ms. Linda Ochiel – Director Advocacy and Communications, Mr. Edward Okello – Special Advisor to the Chairperson, Mr. Yuvinalis Angima Director Legal and Advisory, Mr. Ismail Maaruf – Director Risk and Compliance, Mr. Dan Karomo – Director Finance and Administration; assisted by Mr. Vincent Chahale - Senior Manager Legal, Ms. Phoebe Nadupoi - Senior Manager Advocacy and Communications, Ms. Rita Njiru - Chief Accountant, Mr. Nixon Mageka - Chief ICT Officer, Mr. Dick Ajele - Assistant Supply Chain Manager, Ms. Samantha Argwings Kodhek and Ms. Sylvia Chelogoi - Legal Assistants. Their tireless efforts and commitment in spearheading the process, is greatly appreciated. I also thank the rest of the CAJ staff for contributing to the process.

I thank the Stakeholders and Partners for their valuable contributions to the Framework development process.

Finally, I express my gratitude to the Consultants from Professional Training Consultants Ltd, who facilitated the process and provided technical assistance in the development of the first Strategic Framework for the Commission on Administrative Justice.



**Mr. Leonard S. Ngaluma**  
*Commission Secretary*

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## Abbreviations and Acronyms

AOMA	African Ombudsman and Mediators Association
CAJ	Commission on Administrative Justice
KNHREC	Kenya National Human Rights and Equality Commission
DANIDA	Danish International Development Agency
GIZ	German International Cooperation
ICT	Information Communication Technology
IEC	Information, Education and Communication
IT	Information Technology
MDA	Ministries, Departments and Agencies
PCSC	Public Complaints Standing Committee
PESTIEL	Political, Economic, Socio-Cultural, Technological, Infrastructural, Environmental and Legal
SF	Strategic Framework
SWOT	Strengths, Weaknesses, Opportunities and Threats
UNECA	United Nations Economic Commission for Africa
USAID	United States Agency for International Development

# Executive Summary

This Strategic Framework (SF) is the first Strategic Plan of the Commission on Administrative Justice (CAJ) since its inception in 2011. The document provides guidelines and strategic direction for the Commission's operations for the period 2013-2016 based on the mandate and functions of the Commission within the framework of the Constitution and the Commission on Administrative Justice Act, 2011.

The Strategic Framework was developed through a participatory process that brought key stakeholders on board. The process included review of the Commission's mandate, functions, achievements, challenges encountered and undertaking a comprehensive situational analysis; and formulation of the strategic direction and the development of SF Implementation matrix. In addition, the SF has an in-built Monitoring and Evaluation (M&E) Framework.

Key components of the strategic direction of the Framework include:

## Vision

To be an effective overseer of responsiveness and servant-hood in public offices at national and county levels.

## Mission

To enforce administrative justice and promote constitutional values by addressing maladministration through effective complaints handling and dispute resolution.

## Core Values

Fairness, Accountability and Diversity

**Organizational Review** brought out a summary of the Commission's achievements and challenges.

**Situational Analysis** informed the process and provided the basis for formulating strategic direction.

## Identified Issues for Strategic Direction Formulation

- Effective complaints handling mechanisms
- Permanent entrenchment of the Office of Ombudsman as a pillar of fighting maladministration and administrative injustices
- Acceptance and implementation of the recommendations of the Ombudsman
- A public service that is friendly, result focused, accountable and responsive to the public
- An effective alternative dispute resolution method
- Improved public administration
- Improved accessibility by the public
- Timely Monitoring and Evaluation of the Commission’s performance

## The Strategic Direction

Based on organizational review, situational analysis and identified issues for the strategic framework; the Commission formulated its strategic direction comprising of key strategic issues, strategic priorities; expected key results or successes and strategic objectives as listed below:

### Strategic Issue 1: Maladministration in the public sector

**Strategic Objective:** To enhance responsiveness and effectiveness in the public sector in Kenya

**Strategies:**

- Inquiry and investigation of complaints
- Generation of empirical data on administrative justice issues
- Capacity building among public officers.
- Sanctioning unresponsive public officers

### Strategic Issue 2: Weak complaints handling capacity in public sector

**Strategic Objective:** To strengthen the complaints handling capacity of public sector institutions

**Strategy:**

- Facilitating setting up and strengthening of complaints handling mechanisms in public institutions at national and county level

### **Strategic Issue 3: Relatively low public awareness/ knowledge on matters of administrative justice**

**Strategic Objective:** To enhance public awareness and participation in matters of administrative justice

**Strategy:**

- Public advocacy, training and social marketing

### **Strategic Issue 4: Weak culture of constitutionalism and poor governance in public sector**

**Strategic Objective:** To improve standards of public administration and adherence to the rule of law

**Strategies:**

- Issuance of advisory opinions and recommendations on improving public administration
- Mainstreaming best practices and standards on public administration
- Fostering adherence to the rule of law and human rights

### **Strategic Issue 5: Organizational growth and development**

**Strategic Objective:** To strengthen the capacity of CAJ to deliver on its mandate

**Strategies:**

- Enhancing human resource capacity
- Strengthening the physical and IT infrastructure
- Mobilizing resources for the Commission's work
- Networking and partnerships
- Profiling CAJ and publicizing its mandate
- Establishing CAJ risk management system
- Lobbying for strengthening of CAJ's legal framework
- Institutionalizing an M&E framework for CAJ

Each strategic objective had strategies and activities formulated as depicted in the Implementation Matrix in **Appendix I** which includes the following:

- The strategies
- Key activities for each strategy
- Performance indicators
- Expected outputs/results

- Responsibility centres within the Commission
- Key partners/stakeholders such as Government Ministries, Departments and Agencies, County Governments, development partners, civil society organisations, private sector, the public and communities.
- Time frame
- Estimated budget

The Implementation Matrix is an important management tool in the implementation of the Strategic Framework in terms of:

- Preparation of action/work plans
- Budgeting and utilization of resources
- Management and coordination of work plan implementation
- Monitoring and evaluation
- Managing feedback and reporting
- Follow up and closure of programmed activities

The Strategic Framework is, therefore, the road map for the Commission on Administrative Justice to achieve its objectives in line with its mandate. In view of the transition taking place in the country, the SF is intended to be a dynamic document open to regular reviews to capture emerging issues in administrative justice.

## Introduction

### 1.1 Historical Context

The Commission on Administrative Justice (Office of the Ombudsman) is a Constitutional Commission established under Article 59(4) of the Constitution and the Commission of Administrative Justice Act, 2011 following the restructuring of the Kenya National Human Rights and Equality Commission.

The idea of establishing the Office of the Ombudsman in Kenya can be traced back to 1971 when the Commission of Inquiry (Public Service Structure and Remuneration Commission), commonly known as the Ndegwa Commission, recommended that an office be established to deal with maladministration in the public service. This was primarily borne out of the need to address poor service delivery. In particular, service delivery in public institutions was characterized by undue delays, abuse of power, discourtesy, inefficiency, corruption, ineptitude, manifest injustice and misbehaviour among others. Although the intention was to improve service delivery by ensuring that civil servants did not go against the law, the proposal was never implemented. The quality of service delivery in the public sector, therefore, continued to deteriorate thereby eroding public confidence and trust in public institutions and public servants.

In addition, a number of national Policy Documents and Institutional Reports continued to indicate the need to establish the Office of the Ombudsman in Kenya. For instance, the 2004/2005 and 2005/2006 Annual Reports of the Kenya Anti-Corruption Commission revealed that about 80 percent of the complaints they received from the public, were of administrative nature which could be effectively addressed by the Office of the Ombudsman. The Economic Recovery Strategy and later, the Kenya Vision 2030 also provided a basis for the establishment of such institution in Kenya to address poor governance in the public sector.

Consequently, the President established the Public Complaints Standing Committee (PCSC) vide Gazette Notice Number 5826 of June 2007, as a Semi Autonomous Government Agency (SAGA) of the Ministry of Justice, National Cohesion and

Constitutional Affairs. PCSC was mandated to inquire into allegations of misuse of office, corruption, unethical conduct, breach of integrity, maladministration, delay, injustice, discourtesy, inattention, incompetence, misbehaviour, and inefficiency or ineptitude. It was also mandated to receive, register, sort, classify and document all complaints against public officers in Ministries, State Corporations, Statutory Bodies and other public institutions. However, PCSC was limited in scope and legal framework to effectively play the role of the Ombudsman.

The quest for an independent Office of the Ombudsman was given impetus by the adoption and progressive implementation of the Constitution of Kenya, 2010. Article 59(1) of the Constitution established the Kenya National Human Rights and Equality Commission to deal with human rights, maladministration, gender and equality matters. Pursuant to Article 59(4) of the Constitution, the Commission on Administrative Justice was finally established in September 2011 through the enactment of the Commission on Administrative Justice Act, 2011. The Commission has three Commissioners and a Secretariat headed by the Commission Secretary.

## **1.2 Mandate and Functions of the Commission**

### **1.2.1 Mandate**

The mandate of the Commission is to enforce administrative justice in the public sector by addressing maladministration through effective complaints handling and alternative disputes resolution. In addition, the Commission has a Constitutional mandate to safeguard public interest by promoting constitutionalism, securing the observance of democratic values and principles, and protecting the sovereignty of the people of Kenya.

### **1.2.2 Functions**

The functions of the Commission, as provided for under Article 59, Chapter Fifteen of the Constitution, and Section 8 of the Commission on Administrative Justice Act, 2011 are to:

- (a) investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice;
- (b) investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;
- (c) report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- (d) inquire into allegations of maladministration, delay, administrative injustice,



*Chairperson of the Commission Mr. Otiende Amollo addresses inmates at Machakos G.K. Prison during a spot check at the facility*

- discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;
- (e) facilitate the setting up of, and build complaint handling capacity in, the sectors of public service, public offices and state organs;
  - (f) work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
  - (g) recommend compensation or other appropriate remedies against persons or bodies to which this Act applies;
  - (h) provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures;
  - (i) publish periodic reports on the status of administrative justice in Kenya;
  - (j) promote public awareness of policies and administrative procedures on matters relating to administrative justice;
  - (k) take appropriate steps in conjunction with other State organs and Commissions responsible for the protection and promotion of human rights to facilitate promotion and protection of the fundamental rights and freedoms of the individual in public administration;
  - (l) work with the Kenya National Commission on Human Rights to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration; and
  - (m) perform such other functions as may be prescribed by the Constitution and any other written law.



*Commissioner Saadia Mohamed explaining the mandate of the Commission to Kilifi county forum participants.*

In executing its stated functions, the Commission has powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue summons and require that statements be given under oath, adjudicate on matters relating to administrative justice, obtain relevant information from any person or public authority and to compel the production of such information.

### **1.3 Socio-Political and Economic Context**

This Strategic Framework covers a defining moment in Kenya’s political history. It is being launched at a time when the country is about to conduct a critical General Election under the new Constitutional dispensation. The implementation of the Constitution is positively transforming governance structures, management of public affairs and delivery of public services in Kenya.

An effective public service is necessary for national growth and stability and in particular, in realizing Kenya’s Vision 2030, which is the development blueprint that seeks to transform Kenya into a globally competitive middle-income country by 2030. The Vision is anchored on three key pillars, namely Economic, Social and Political whose implementation is configured on five year medium term development plans. Underpinning these pillars are the key principles of equitable social development, people centeredness, result oriented, and accountable public service. The Vision identifies weak governance and poor service delivery as some of the challenges that need to be addressed in order to realize its objectives, both of which the Commission plays a leading role.

The implementation of this Strategic Framework will play a critical role in improving administrative justice and facilitating the actualization of the aspirations of Kenyans as envisaged in the Constitution and Vision 2030.

## 1.4 Rationale for Developing the Strategic Framework

The primary purpose of developing the Commission's Strategic Framework is to provide a road map for the Commission to fulfill its goals and objectives over the next four years.

The Strategic Framework, therefore:

- Provides clear objectives and direction for the Commission;
- Identifies and focuses on realistic plans and activities;
- Optimizes efficient and effective use of available resources;
- Identifies opportunities for the Commission's growth, expansion and sustainability.

The Strategic Framework has clear vision, mission, core values, strategic objectives, activities, and implementation, monitoring and evaluation frameworks.

## 1.5 The Process of Preparing the Strategic Framework

In developing the Strategic Framework, a participatory approach that ensured consultations with a broad spectrum of internal and external stakeholders was used. This was informed by the fact that the Commission works in collaboration with several stakeholders who



*Strategic Framework validation workshop at Serena Hotel on 11th Jan. 2013. Speaking is Mr. Osore Opimbi of GIZ, while on his right are Mr. Vincent Chahale, Senior Manager, Legal and Mr. Yuvinalis Angima, Director, Legal & Advisory.*

are critical in the realization of its mandate. A review of key documents such as the Constitution, the Commission on Administrative Justice Act 2011, Kenya Vision 2030 and internal reports of the Commission was undertaken. Analysis of primary and secondary data obtained through the use of a structured questionnaire was done. This informed the identification of the priority areas and determination of the strategic direction.

## 1.6 Structure of the Strategic Framework

The Strategic Framework is organized into five main Chapters namely:

- Chapter One provides the historical context, mandate and functions of the Commission, and the socio-economic environment in which the Commission operates as well as the rationale for the Strategic Framework.
- Chapter Two presents the situational analysis covering internal and external environment
- Chapter Three presents the Commission’s Strategic Direction in terms of strategic issues, priority areas, expected key results, strategic objectives and respective strategies.
- Chapter Four outlines the Organizational Structure for the implementation of the Strategic Framework
- Chapter Five presents the Monitoring and Evaluation Framework.

# Chapter 2

## Situational Analysis

This chapter presents the situational analysis including a review of the Commission's performance and the challenges experienced since September 2011.

### 2.1 Performance Review

In pursuit of its mandate, the Commission on Administrative Justice has achieved the following:

- Developed the organizational structure and conducted progressive recruitment of staff;
- Formulated procedures and processes for the operations of the Commission;
- Facilitated administrative justice through complaints handling and resolution;
- Drafted subsidiary legislation to the CAJ Act to fully operationalise the Commission;
- Participated in the drafting of key Constitutional Bills including the Leadership and Integrity Bill, Freedom of Information Bill, the National Legal Aid Bill, Data Protection Bill, Consumer Protection Bill, Office of the Director of Public Prosecutions Bill and Office of the Attorney General Bill some of which were enacted into law;
- Reviewed the guidelines for public complaints indicator in performance contracting and issued certificates to compliant Government Ministries, Departments and Agencies;
- Trained various Ministries, Departments and Agencies of Government on effective complaints handling;
- Offered mediation services to Truth Justice and Reconciliation Commission (TJRC) to amicably settle disputes among Commissioners;
- Issued several advisory opinions towards improving public administration;
- Initiated collaboration with key players in the chain of administration of justice and in particular the Judiciary, Kenya Prisons Service and the Independent Policing Oversight Authority (IPOA);
- Organized a retreat for Constitutional Commissions and Independent Offices that made resolutions to foster administration of justice and human rights;

- Participated in the development of the East African Community Draft Protocol on Good Governance and the East African Community Plan of Action on Preventing and Combating Corruption;
- Forged partnerships and linkages with foreign Ombudsman offices in Finland, Rwanda, Ghana and Ontario;
- Joined the African Ombudsman and Mediators Association (AOMA);
- Organized a public forum to reflect on the implementation of the Constitution with a bias towards the rule of law;
- Participated in public interest litigation on matters of administrative justice and the rule of law;
- Participated in the establishment of the Integrated Public Complaints Referral Mechanism (IPCRM) which is an electronic based system for referring complaints among various institutions;
- Visited various Counties and created awareness on administrative justice and the Commission’s mandate;
- Undertook spot checks in various government offices to monitor the delivery of public services;
- Developed a logo which symbolizes equality and fairness;
- Initiated, promoted and coordinated collaboration among Constitutional Commissions and Independent Offices in Kenya;
- Fostered principles of leadership and integrity in public administration;
- Held media engagements to publicize its mandate and create public awareness on administrative justice.

## 2.2 Challenges experienced by the Commission

- **High public expectations**  
In light of the history of poor governance in Kenya, there are high expectations by the public on the Commission to move quickly and address all aspects of maladministration. The public also expects the Commission to promptly act on complaints within unrealistic timelines.
- **Inadequate financial and human capital**  
Financial and human resources are a challenge to the Commission as the funds allocated from the Exchequer does not adequately cater for all the needs of the Commission.
- **Unresponsiveness by public officials**  
There is general unresponsiveness by some public officers/ institutions on matters

of administrative justice. A number of public officers and institutions sometimes delay or fail to respond to inquiries made by the Commission.

- **Limited County presence**

The Commission faces the challenge of limited presence at the Counties. However, the Commission is in the process of gradually establishing offices at County level starting with Mombasa and Kisumu.

- **Low public awareness of the Commission's mandate**

The public has low awareness of the Commission's mandate hence expect the CAJ to address complaints outside the Commission's mandate.

- **Inadequate enforcement mechanisms**

There are no adequate mechanisms for the enforcement of the Commission's decisions, determinations and recommendations.

## 2.3 Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis

This section discusses the Strengths, Weaknesses, Opportunities and Threats (SWOT) of the Commission. The SWOT analysis involved the examination of the internal and external environment in which the Commission operates.

One of the key strengths of the Commission is its Constitutional grounding which guarantees its independence. In addition, the Commission has a wide mandate to deal with matters of administrative justice.



*Commission Secretary and CAJ staff in a team building exercise.*

On the other hand, there are weaknesses, which may affect the functioning of the Commission in discharging its mandate. Notably, low public awareness on matters of administrative justice and the Commission’s mandate, inadequate resources, weak infrastructure and limited county presence are some of the challenges facing the Commission.

There are a number of opportunities open to the Commission which include the new constitutional dispensation and existence of institutions supporting good governance.

In carrying out its mandate the CAJ inevitably becomes exposed to various external threats among them, the culture of impunity and lack of cooperation by public officers and institutions. The threats may affect the Commission’s work if not addressed.

The detailed results of the SWOT analysis are presented in Table 2.1

**Table 1: Summary of SWOT Analysis**

<p><b>(i) Strengths</b></p> <ul style="list-style-type: none"> <li>■ Created and anchored in the Constitution</li> <li>■ Commissioners have security of tenure</li> <li>■ A robust legal framework anchored in the Constitution and the CAJ Act, 2011</li> <li>■ Operational and financial independence</li> <li>■ Sound and focused leadership</li> <li>■ Talented, multi skilled and committed staff</li> <li>■ Diverse staff that reflect the face of Kenya</li> <li>■ Networks and partnerships with local and international bodies (cooperation with key institutions in the administration of justice at the national level)</li> <li>■ Enabling working environment</li> </ul>	<p><b>(ii) Weaknesses</b></p> <ul style="list-style-type: none"> <li>■ Inadequate resources</li> <li>■ Weak infrastructure</li> <li>■ Low public awareness of the Commission’s mandate</li> <li>■ Limited County presence</li> <li>■ Limited reach to people with special needs</li> <li>■ Inadequate governance instruments</li> </ul>
<p><b>(iii) Opportunities</b></p> <ul style="list-style-type: none"> <li>■ Technology</li> <li>■ New constitutional dispensation</li> <li>■ Vibrant and engaging media</li> <li>■ Public goodwill</li> <li>■ Development partners support</li> <li>■ High public expectations</li> <li>■ On-going reforms in the public sector</li> <li>■ Existence of institutions supporting good governance</li> <li>■ Vibrant civil society</li> <li>■ Local and international collaboration</li> <li>■ Wide mandate and entrenchment in the Constitution</li> <li>■ Strategic litigation under the new Constitution</li> <li>■ Participation in performance contracting</li> </ul>	<p><b>(iv) Threats</b></p> <ul style="list-style-type: none"> <li>■ Lack of cooperation by some MDAs</li> <li>■ Unresponsiveness among some MDAs</li> <li>■ Resistance to change among public servants</li> <li>■ Culture of impunity</li> <li>■ The 5-year statutory review of the Commission</li> </ul>

## 2.4 The Political, Economic, Socio-Cultural, Technological, Infrastructural, Environmental and Legal (PESTIEL) Analysis

PESTIEL analysis was necessary for a clear understanding of the environment within which the Commission operates. A broad scan was undertaken to examine the environment and appreciate the factors that may either support or impede the process of implementing the Strategic Framework.



*Mr. Gichira Kibara, CBS Permanent Secretary Ministry of Justice National Cohesion and Constitutional Affairs discusses a point with CAJ officers during the 2012 ASK show*

**Table 2: PESTIEL Analysis Results**

Category	Issues	Impact/Effect	Proposed strategic Actions
Political	The Commission derives its mandate from the Constitution and CAJ Act (legislative process)	Institutional legality and legitimacy	Play the role of Ombudsman without fear or favour
	Positive political reforms as demonstrated by the development, adoption and implementation of the Constitution of Kenya, 2010 Disregard of the principles of leadership and integrity	Facilitation of Constitutionalism  Impunity and poor governance	Promote the rule of law and respect for human rights  Promote the principles of good governance and integrity
Economic	Competition for resources High inflation rates  Donor fatigue	Inadequate resources High operating costs  Reduced external support	Diversify sources of funding Lobby the Government to enhance resource allocation Prudent utilization of resources
Socio-cultural	Regional and tribal approach to issues Diversity Cultural customary practices Corruption	Increased disputes, conflicts and hence complaints Resistance to change  Poor service delivery Undermine the Rule of Law	Civic education Sanctions Monitor adherence to and compliance with service charters Promote the rule of law Refer corruption cases to appropriate agencies
Infrastructural and Technological (ICT)	Inadequate ICT infrastructure Limited literacy and accessibility Cost implications	Poor accessibility Limited communication Slow pace of adoption of ICT	Encourage adoption of modern ICT Improve on internal and external communication and information management infrastructure
Environmental (Climatic, Geographical, Physical etc.)	Operating environment is vast Large and diverse population of Kenyans to be served	Limited accessibility	Establish offices and networks in all the counties Make services more accessible
Legal	Legal reforms on administration of justice	Legal reforms are facilitative to the work of the Commission	CAJ to support the reforms and take advantage of the reform spirit

## 2.5 Force Field Analysis

Force-field analysis focuses attention on ways of reducing the hindering forces and encouraging the positive ones. The results of the force field analysis summarized below provided useful data that partly contributed to the formulation of the strategic direction.

**Table 3: Force Field Analysis Results**

Forces for change	Actions for change	Forces against change
<ul style="list-style-type: none"> <li>Need for resources and suitable infrastructure for the Commission</li> </ul>	<ul style="list-style-type: none"> <li>Mobilization of resources</li> <li>Identification and sourcing of suitable infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Limited financial and human resources</li> </ul>
<ul style="list-style-type: none"> <li>Need to harmonize roles and functions of the various Commissions</li> </ul>	<ul style="list-style-type: none"> <li>Review legal framework for all the Commissions to reduce any duplications, conflicts or competitions among the Commissions</li> </ul>	<ul style="list-style-type: none"> <li>Tuff wars</li> <li>Non cooperation</li> </ul>
<ul style="list-style-type: none"> <li>Low visibility and understanding of matters of administrative justice and the Commission's mandate</li> </ul>	<ul style="list-style-type: none"> <li>Develop and implement a communication strategy.</li> <li>Mount advocacy campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>Centralized office</li> <li>Inadequate resources</li> <li>Diversity and distance</li> </ul>

## 2.6 Capacity Needs Assessment

This assessment is carried out to identify capacity gaps, prioritize them and select the important ones to be captured in work plans. The Capacity Needs Assessment report is contained in the Table 2.4.

**Table 4: Capacity Needs Assessment Results**

Capacity Issue (staffing, physical infrastructure, equipment, ICT, finance)	Current Situation	Proposed Strategic Actions
<ul style="list-style-type: none"> <li>Staffing</li> <li>Physical infrastructure</li> <li>Equipment</li> <li>ICT</li> <li>Finance</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate level of staffing</li> <li>Centralized office</li> <li>Limited equipment</li> <li>Inadequate ICT infrastructure</li> <li>Inadequate funding</li> </ul>	<ul style="list-style-type: none"> <li>Staff hiring and capacity building</li> <li>Establish County offices</li> <li>Purchase additional office equipment such as computers, furniture, printers, photocopiers and vehicles</li> <li>Enhance ICT infrastructure</li> <li>Lobby Government for increased budgetary allocation</li> <li>Raising funds from alternative sources</li> <li>Prudent use of funds</li> </ul>

## 2.7 Stakeholders/Partnership Analysis

The Commission works in collaboration with diverse stakeholders and partners in the public sector, private sector, civil society and communities.

Table 2.5 provides a list of stakeholders and partners.

**Table 5: Stakeholders Analysis Results**

Stakeholder	Area of interest
Executive Judiciary Legislature	<ul style="list-style-type: none"> <li>■ Provision of financial, legislative, judicial and administrative support</li> </ul>
Government Ministries, Departments and Agencies	<ul style="list-style-type: none"> <li>■ Cooperation and support in investigations, resolution of complaints and implementation of CAJs decisions and recommendations</li> <li>■ Responsive, accountable and efficient public service delivery</li> </ul>
Independent Offices <ul style="list-style-type: none"> <li>■ Auditor General</li> <li>■ Controller of Budget</li> </ul>	<ul style="list-style-type: none"> <li>■ Compliance and Risk Management</li> </ul>
Constitutional Commissions: <ul style="list-style-type: none"> <li>■ Commission for the Implementation of the Constitution</li> <li>■ Ethics and Anti-Corruption Commission</li> <li>■ Kenya National Commission on Human Rights</li> <li>■ Commission on Revenue Allocation</li> <li>■ Salaries and Remuneration Commission</li> <li>■ Independent Electoral and Boundaries Commission</li> <li>■ National Gender and Equality Commission</li> <li>■ National Land Commission</li> <li>■ Teachers Service Commission</li> <li>■ Parliamentary Service Commission</li> <li>■ Judicial Service Commission</li> <li>■ Public Service Commission</li> <li>■ National Police Service Commission</li> </ul> Other Constitutional offices <ul style="list-style-type: none"> <li>■ Director of Public Prosecutions</li> <li>■ Attorney General</li> </ul> Statutory bodies: <ul style="list-style-type: none"> <li>■ National Cohesion and Integration Commission</li> <li>■ Independent Policing Oversight Authority</li> <li>■ The Transition Authority</li> </ul>	<ul style="list-style-type: none"> <li>■ Protection of the sovereignty of the people</li> <li>■ Promotion of Constitutionalism</li> <li>■ Securing the observance of democratic values and principles</li> </ul>

Stakeholder	Area of interest
Civil Society Organizations including community-based organizations, faith based organizations, local, national and international civil society organizations	<ul style="list-style-type: none"> <li>■ Civic education and advocacy</li> <li>■ Social accountability</li> </ul>
Media	<ul style="list-style-type: none"> <li>■ Public education and awareness, advocacy, outreach social mobilization and strategic partnerships</li> <li>■ Reporting and exposure</li> </ul>
County government	<ul style="list-style-type: none"> <li>■ Cooperation and support in investigations, resolution of complaints and implementation of CAJs decisions and recommendations</li> </ul>
Private Sector	Cooperation and support
Development partners <ul style="list-style-type: none"> <li>■ UNDP</li> <li>■ GIZ</li> <li>■ UNECA</li> <li>■ USAID</li> <li>■ Embassy of Finland</li> <li>■ Embassy of Sweden</li> <li>■ DANIDA</li> <li>■ Embassy of Norway</li> <li>■ Friedrich Ebert Stiftung Foundation</li> </ul>	<ul style="list-style-type: none"> <li>■ Financial and Technical support</li> </ul>
International Partners <ul style="list-style-type: none"> <li>■ Office of the High Commissioner for Human Rights</li> <li>■ Steering Committee of National Human Rights Institutions</li> <li>■ Africa Ombudsman and Mediators Association</li> <li>■ International Ombudsman Institute</li> </ul>	<ul style="list-style-type: none"> <li>■ Technical expertise</li> <li>■ International Advocacy</li> <li>■ International best practice</li> <li>■ Exchange programme</li> </ul>

## 2.8 Risks and Assumptions

### 2.8.1 Risks

The implementation of this Strategic Framework will be subject to internal as well as external risks which require proper mitigation and management. Some of the risks that may be inherent in the process include the following:-

- Lack of cooperation by MDAs
- Unresponsiveness among MDAs
- Resistance and hostility from anti-reforms public servants
- Impunity
- Misinterpretation of law
- Physical attack on staff, data and property
- Stress and burn out



*CAJ Commissioners pay a Courtesy call on Commissioner of Prisons.*

### **2.8.2 Assumptions**

Despite the fact that some of the risks and threats identified earlier may pose a challenge in the implementation of the Strategic Framework there are a number of assumptions in play. Nonetheless, the assumptions provide reason to soldier on with the process. They are summarized below:-

- Adequate financial and human resources will be available
- There will be adequate capacity to discharge the mandate of the Commission
- There will be cooperation and support by all Stakeholders
- That MDAs will play their role in matters of administrative justice
- CAJs recommendations and decisions shall be accepted and implemented

# Chapter

# 3

## Strategic Direction

### 3.1 Introduction

This chapter spells out the strategic direction for the Commission. It outlines the Vision, Mission and the Core Values as well as the strategic issues, strategic priorities, key results or success expected, strategic objectives and strategies for each objective.

### 3.2 Vision, Mission and Core Values of the Commission

#### 3.2.1 Vision

To be an effective overseer of responsiveness and servant-hood in public offices at national and county levels.

#### 3.2.2 Mission

To enforce administrative justice and promote constitutional values by addressing maladministration through effective complaints handling and dispute resolution in the public sector

#### 3.2.3 Core Values

Values are an integral part of an organization and create a sense of identity, belonging and purpose. The following are the CAJ's core values:

- **Fairness:** The quality of treating people with equality in a way that is reasonable. It includes being courteous, impartial, unbiased, just and equitable.
- **Accountability :** The obligation of a public officer or institution to act with integrity, account for activities, accept responsibility, and disclose results in a transparent manner.
- **Diversity:** The commitment to recognize and appreciate individual uniqueness such as age; cognitive style; culture; disability (mental, learning, physical); economic background; education; ethnicity; gender identity; geographic background; language(s) spoken; marital/partnered status; physical appearance; political

affiliation; race; religious beliefs among others. Diversity refers to acceptance, respect and recognition for individual differences.

### 3.3 Focus Areas that informed the formulation of the Strategic Direction

The situational analysis yielded the following issues that informed the formulation of the strategic direction, strategic issues, priorities, expected key results, strategic objectives and subsequent strategies.

- Addressing maladministration in the public sector
- Effective complaints handling and resolution
- Enhancing public awareness and knowledge on matters of administrative justice
- Promotion of Constitutionalism and good governance
- Strengthening institutional capacity to deal with issues of administrative justice
- A public service that is accountable and responsive to citizens
- Promotion of alternative dispute resolution in public administration
- Improvement of public service delivery standards

### 3.4 Strategic Direction

The SWOT, PESTIEL, Stakeholders analyses and the use of round robin technique yielded five key strategic issues. Subsequently strategic objectives, strategies and activities were formulated to address the issues.



*Mr. Otiende Amollo, Chair person, Dr. Regina Mwatha, Vice Chair, Ms Sandra Diesel, Partnership, M&E Advisor, UNDP and Commissioner Saadia Mohammed at the far background look on during the launch of CAJ's website.*

The Table 3.1 presents strategic issues, priorities, key result areas, strategic objectives and strategies.

**Table 6: The Commission's Strategic Direction**

Strategic Issues	Strategic Priority/ Goal	Key Result(s) or Success expected	Strategic Objective(s)	Strategies
Maladministration in the public sector	Creating a public service that is responsive, accountable, efficient and fair in service delivery	An accountable, efficient fair and responsive public service	To enhance responsiveness and accountability in the public sector	Inquiry and investigation of complaints Generation of empirical data on administrative justice issues Capacity building among public officers. Sanctioning unresponsive public officers
Weak complaints handling capacity in public institutions	Enhance public sector capacity to handle complaints	Effective complaints handling mechanism	To strengthen the complaints handling capacity of public sector institutions	Facilitating setting up and strengthen complaints handling mechanisms in public institutions at National and County level
Relatively low public awareness/knowledge on matters of administrative justice.	Equip and educate Kenyans on matters of administrative justice.	Increased public awareness on matters of administrative justice	To enhance public awareness and participation in matters of administrative justice	Public advocacy, training and social marketing
Weak culture of constitutionalism, and poor governance in public sector	Constitutionalism and good governance in the conduct of state/ public affairs	Improved standards of public administration and adherence to the rule of law	To improve standards of public administration and adherence to the rule of law	Issuance of advisory opinions and recommendations on improving public administration Mainstreaming best practices and standards on public administration Fostering adherence to the rule of law and respect for human rights
Organizational growth and development	Strengthened capacity of CAJ to deliver its mandate	Efficient and effective Commission in delivering services within its constitutional and legal mandate	To strengthen capacity of CAJ to deliver on its mandate	Enhancing human resource capacity Strengthening the physical and IT infrastructure Mobilizing resources for the Commission's work Networking and partnerships Profiling CAJ and publicizing the mandate of the Commission Establishing CAJ risk management system Lobbying for strengthening of CAJ's legal framework Institutionalizing an M&E framework for CAJ

## 3.5 Implementation Matrix

The following section presents the strategic issues, objectives, strategies and activities. The details are presented in the matrix in Appendix 1.

### Strategic Issue 1: Maladministration in the public sector

**Strategic Objective 1: To enhance responsiveness and accountability in the public sector.**

The goal of this objective is to create a public service that is responsive, accountable, efficient and fair in service delivery.

#### Strategy 1: Inquiry and investigation of complaints

*Activities:*

- 1.1.1 Receive and resolve public complaints
- 1.1.2 Investigate complaints on administrative justice
- 1.1.3 Conduct investigations on systemic issues
- 1.1.4 Undertake social and compliance audits on implementation of service charters by public institutions
- 1.1.5 Promote use of alternative dispute resolution methods in resolution of complaints in public administration
- 1.1.6 Monitor the effectiveness of complaints handling in the public sector

#### Strategy 2: Generation of empirical data on matters of administrative justice

*Activities:*

- 1.2.1 Undertake research, surveys and studies on administrative justice issues
- 1.2.2 Undertake research on systemic issues on public service delivery
- 1.2.3 Production and dissemination of study/research reports
- 1.2.4 Establish and operationalise a resource centre

#### Strategy 3: Sanctioning unresponsive public officers

*Activity:*

- 1.3.1 Establish citation register for non responsive public officers

### Strategic Issue 2: Weak complaints handling capacity in public institutions

**Strategic Objective 2: To strengthen the complaints handling capacity of public sector institutions**

Through this objective, the Commission will enhance public sector capacity to handle complaints

### **Strategy 1: Facilitate setting up and strengthen complaints handling mechanisms in public institutions at National and County level**

#### *Activities:*

- 2.1.1 Provide training to public institutions on effective complaints handling
- 2.1.2 Assist public institutions to establish complaints handling mechanisms
- 2.1.3 Conduct spot checks to monitor public service delivery

### **Strategic Issue 3: Relatively low public awareness/ knowledge on matters of administrative justice**

#### **Strategic Objective 3: To enhance public awareness and participation in matters of administrative justice**

The goal of this objective is to equip and educate Kenyans on matters of administrative justice. This will lead to increased public awareness on matters of administrative justice.

#### **Strategy 1: Public advocacy, training and social marketing**

##### *Activities:*

- 3.1.1 Undertake public education and awareness creation on administrative justice issues
- 3.1.2 Undertake thematic advocacy to promote policy and practice change on public administration
- 3.1.3 Develop, produce and disseminate thematic Information, Education and Communication materials (IEC)
- 3.1.4 Sensitize citizens on social accountability in public administration

### **Strategic Issue 4: Weak culture of Constitutionalism, and poor governance in public sector**

#### **Strategic Objective 4: To improve standards of public administration and adherence to the rule of law**

Through this objective, the Commission will promote constitutionalism and good governance in the conduct of public affairs with the overall aim of improving standards of public administration and adherence to the rule of law

#### **Strategy 1: Issuance of advisory opinions and recommendations on improving public administration**



### **Strategy 1: Enhancing human resource capacity**

**Activities:**

- 5.1.1 Recruit staff
- 5.1.2 Train and develop staff competency

### **Strategy 2: Strengthening the physical and IT infrastructure**

**Activities:**

- 5.2.1 Establish county offices
- 5.2.2 Automate CAJ operations
- 5.2.3 Procure office equipment and vehicles

### **Strategy 3: Mobilizing resources for Commission's work**

**Activity:**

- 5.3.1 Develop and implement a resource mobilization and partnership strategy

### **Strategy 4: Networking and Partnership**

**Activity:**

- 5.4.1 Collaborate with local, regional and international institutions with mutual interest for execution of activities

### **Strategy 5: Profiling CAJ and publicizing the mandate of the Commission**

**Activities:**

- 5.5.1 Develop, disseminate and implement CAJ communication strategy
- 5.5.2 Create, stimulate and sustain public awareness and debate on administrative justice issues through the media
- 5.5.3 Conduct CAJ branding activities
- 5.5.4 Hold regular media meetings to strengthen media relations, increase coverage and influence framing of administrative justice issues in the media

### **Strategy 6: Establishing CAJ risk management system**

**Activity:**

- 6.6.1 Develop and implement risk management system

### **Strategy 7: Lobbying for strengthening of CAJ's legal framework**

**Activity:**

- 7.7.1 Hold consultative meetings, workshops and seminars with relevant stakeholders



*CAJ Commissioners pay a courtesy call on the Speaker of the National Assembly Hon. Kenneth Marende. In the photo is Deputy Speaker Hon. Farah Maalim.*

### **Strategy 8: Implementing an M&E framework for CAJ**

#### **Activity:**

#### **8.8.1 Develop and implement M&E framework**

It is important to note that the Implementation Matrix is an important management tool for the implementation strategic framework in the context of:

- Planning and budgeting of resources
- Implementation of work plans
- Monitoring and Evaluation
- Feedback and reporting
- Dissemination, follow up and closure

# Chapter 4

## Institutional Framework

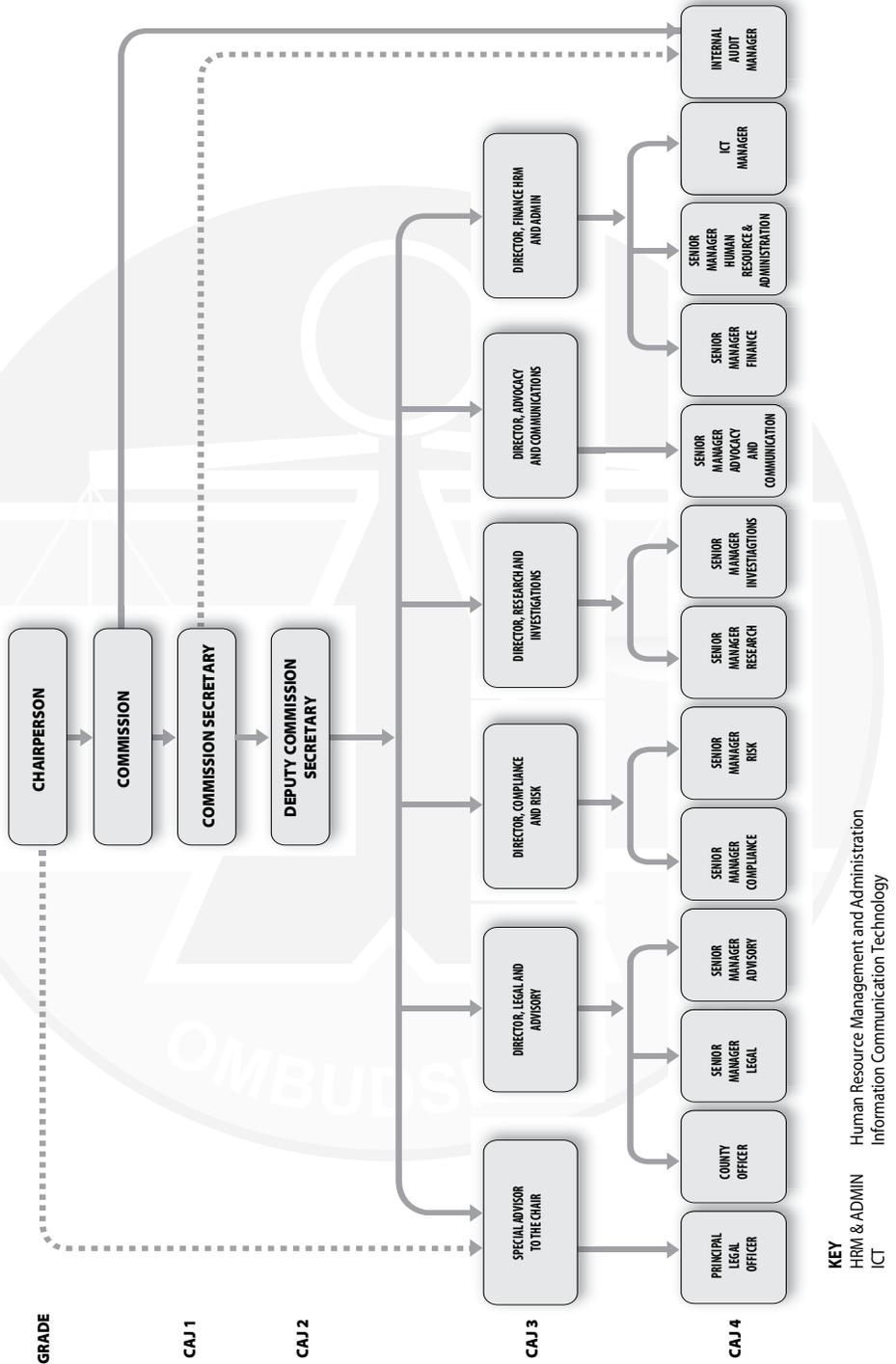
### 4.1 Organizational Structure

The Commission has an elaborate organizational structure (organogram) which provides the structural framework for the Commission's operations and management. The structure provides institutional framework for implementation of the strategy especially in the context of reporting channels, authority and accountability levels; as well as ensuring coordination and integration of the Commission's operations and administration for optimum performance and productivity. The Commission will deliver services through the Office of the Chairperson and members of the Commissions especially in the context of providing constitutional, legal and policy guidelines in the operations of the Commission as well as ensuring good governance and leadership. The Commission Secretariat consisting of the Commission Secretary and all the six (6) Directorates headed by Directors will be responsible for the day-to-day operational and administrative functions of the Commissions. The Directorates include:

- (i) Office of the Special Advisor to the Chair
- (ii) Legal and Advisory
- (iii) Compliance and Risk
- (iv) Research and Investigations
- (v) Advocacy and Communications
- (vi) Finance, Human Resource and Administration

In addition to the Directorates, support services will be provided by the following Units: Internal Audit; Information Communication Technology (ICT), Supply Chain Management and County Offices.

## 4.2 Organizational Structure for the Commission on Administrative Justice



The functions of the Commissioners, Commission Secretary and the Secretariat are listed below:

#### **4.2.1 Commission's Chairperson**

The Chairperson's mandate is to:

- Preside over all meetings of the Commission
- Be the spokesperson for the Commission; and
- Supervise and direct the work of the Commission

#### **4.2.2 Members of the Commission**

The Commissioners are responsible for:

- Formulating policies to achieve the Commission's mandates
- Providing strategic direction, leadership and oversight to the Secretariat; and
- Undertaking such other activities as may be necessary for the discharge of the Commission's functions and the exercise of its powers

#### **4.2.3 Office of the Commission Secretary**

The functions of the Office of the Commission Secretary entail:

- Coordinating and managing the day to day affairs of the Commission
- Ensuring realization of the Commission's vision and mission through the implementation of Strategic Plan
- Mobilizing and managing the resource of the Commission to achieve its mandate
- Preparing the Commission's annual plans and estimates
- Overseeing financial and administrative management of the Commission; and
- Providing requisite leadership to ensure the Commission attain a high level of competitiveness and standards in its entire programmes

#### **4.2.4 Office of the Special Advisor to the Chair**

This Office is responsible for:

- Reviewing and advising on new legislative provisions and emerging jurisprudence
- Drafting legal briefs for the Chairperson
- Preparing presentations for the Chairperson
- Coordinating protocol and administrative arrangements for the Chairman and Commissioners
- Drawing all contracts, leases and other legal documents to be signed between the Commission and other parties; and
- Preparing media briefs for the Chairperson

### 4.2.5 Legal and Advisory Directorate

The functions of the Directorate entail:

- Formulating and implementing policies and strategies on legal and advisory services for the Commission
- Preparing of sound advisory opinions
- Handling all complaints of clients
- Promoting Constitutionalism and observance of human rights, including protection of the rights of minorities and the marginalized in the context of the Commission’s mandate
- Designing and facilitating mechanism for formal hearings and inquiries by the Commission
- Providing recommendations or remedial alternatives for resolution of disputes and designing effective mechanisms of ensuring compliance
- Formulating and reviewing modes of receiving complaints and synchronizes the physical and electronic files
- Conducting litigation and/or *amicus* briefs
- Developing modes and mechanisms for mediation and reconciliation
- Designing Civic Education material; and
- Coordinating County functions
- Ensuring compliance with summonses, decisions and orders by the Commission

### 4.2.6 Compliance and Risk Directorate

The functions of the Compliance and Risk Directorate entail:

- Ensuring that the Commission is compliant in regard to all Constitutional and legislative requirements and provisions
- Ensuring that the Commissioners and all staff are aware of their legal and statutory obligations
- Identifying and assessing risks the Commission may encounter and giving appropriate advice for mitigation
- Coordinating the preparation of the Commission’s periodic reports
- Coordinating the Commission’s performance contracting process
- Facilitating the capacity development of public institutions on resolution of public complaint.
- Overseeing the setting up of complaints handling offices within government Ministries, Departments and Agencies at national and county levels
- Investigating and reporting on compliance by state or Public Officers with the Constitutional and statutory requirements relating to leadership, integrity and ethics.

## 4.2.7 Research and Investigations Directorate

The functions of the Research and Investigations Directorate entail:

- Ensuring all relevant cases are investigated in an appropriate and timely manner.
- Managing the process of carrying out relevant research on cases and other matters on administrative justice.
- Carrying out relevant research on cases, current trends of dispute resolution with comparable institutions
- Identifying, investigating/undertaking research on systematic issues and recommending remedial measures and proactive actions
- Investigating and reporting on compliance by State or Public Officers with the Constitutional and Statutory requirements relating to leadership, integrity and ethics.
- Developing and implementing best practices, policies, procedures and systems for research on matters of administrative justice
- Providing necessary information to the Commission for purposes of vetting of persons where applicable
- Provide coordination and management of complaints records
- Coordinating the management of CAJ's resource center
- Monitoring and evaluating status of the various complaints

## 4.2.8 Advocacy and Communications Directorate

The functions of the Advocacy and Communications Directorate entail:

- Designing, implementing, monitoring and evaluation of the advocacy, and communication programmes
- Designing and implementing civic education, social accountability and outreach programmes
- Conducting civic education on the Commission's mandate, functions and programmes
- Documentation of the Commission's activities
- Coordinating partnerships, resource mobilization and donor liaison
- Branding and profiling of the Commission
- Managing protocol for the Commission
- Managing media relations and publicity
- Managing web administration
- Capacity building on effective communication, documentation and media savvy
- Designing, developing, production and distribution of IEC materials
- Coordinating preparation of official speeches
- Production and circulation of CAJ newsletter/publications
- Maintaining internal and external feedback systems

### **4.2.9 Finance, Human Resource and Administration Directorate**

The functions of the Finance, Human Resources and Administration Directorate entail:

- Providing efficient and effective support services to the Commission
- Developing and implementing finance, human resources, procurement and administration policies
- Coordinating management of the financial systems so as to ensure timely service delivery and integrity of the systems
- Ensuring the procurement processes are efficient and comply with public procurement procedures
- Ensuring application of best practices in human resource management
- Coordinating human resource training and development
- Providing effective administrative support services
- Providing adequate security services for the Commission

### **4.2.10 Internal Audit Unit**

The functions of the Internal Audit Unit entail:

- Ensuring that internal control systems are in place
- Developing and implementing a risk based strategy
- Conducting risk based audit
- Advising the Commission on efficiency improvement
- Ensuring compliance with systems and procedures
- Ensuring accountable records are accurate including purchases and payments
- Undertaking forensic audit and recommending appropriate action

### **4.2.11 Information Communication Technology (ICT) Unit**

The functions of the Unit entail:

- Developing and coordinating the implementation of ICT policy
- Advising the Commission on the application of ICT
- Overseeing application, monitoring and evaluation of ICT
- Providing advice on contemporary ICT hard and soft applications
- Developing and maintaining management information systems for the Commission
- Creating and maintaining a computerized information database
- Ensuring effective data capturing, storage, back up, retrieval and security
- Providing user support services
- Managing and maintaining the Commission’s website

## 4.2.12 Supply Chain Management Unit

The functions of the Unit entail:

- Managing the supply chain function of the Commission
- Co-ordinating the preparation and implementation of annual procurement and disposal plans
- Ensuring adherence to approved procurement plans by users
- Advising the Commission on best practices in supply chain management
- Coordinating the pre-qualification of suppliers
- Preparing tender and proposal documents for the procurement of goods and services
- Preparing contract documents for contracted services
- Maintaining and ensuring safe custody of procurement records/documents as per the Public Procurement and Disposal Act and Regulations
- Carrying out periodic market surveys for goods, services and works
- Undertaking internal monitoring and evaluation of the supply chain function
- Conducting periodic and annual stock taking
- Preparing quarterly and annual procurement reports for all goods and services
- Ensuring timely, efficient and effective procurement of goods, services and works.
- Providing secretariat services to the Tender and Procurement Committees

## 4.2.13 County Offices

The functions of the County Offices will entail:

- Handling all public complaints
- Promoting Constitutionalism and observance of human rights, including protection of the right of minorities and the marginalized in the context of the Commissions' mandate
- Providing recommendations and remedial alternatives for resolution of disputes, and designing effective mechanisms of ensuring compliance
- Investigating all relevant cases at the County
- Carrying out relevant research on cases, current trends of dispute resolution on matters of administrative justice in consultation with the responsible Director
- Conducting risk assessment and recommending appropriate action
- Ensuring compliance with summonses, decisions and orders by the Commission
- Compiling data for statistical analyses of cases handled and activities undertaken in the area of jurisdiction
- Facilitating the organization of the Commission's public events in consultation with the responsible Director
- Carrying out civic education on the Commission's mandate and functions
- Participate in exhibitions and trade fairs

- Providing feedback to the Commission
- Maintaining data on the Commission’s operations and activities at County level
- Conducting civic education on the Commission’s mandate, functions and programmes
- Managing resources and assets of the Commission at the County level
- Maintaining of proper books of accounts and other records

### 4.3 Staff establishment levels

Human Resource capacity is a key requirement for the effective implementation of this Strategic Framework. The Commission will continue to build the human resource capacity through recruitment, training and development. In addition, the Commission will ensure efficient and effective human resource management best practices are applied as guided by the various laws and policies in order to attract and retain competent and talented staff.

**Table 7: Staff establishment**

S/NO	Designation	Current Establishment	Proposed Establishment	Variance
1.	Chairperson	1	1	0
2.	Commissioners	2	2	0
3.	Commission Secretary	1	1	0
4.	Deputy Commission Secretary	0	1	-1
5.	Director, Finance, Human Resource and Administration	1	1	0
6.	Director, Legal and Advisory Services	1	1	0
7.	Director, Compliance and Risk	1	1	0
8.	Director, Research and Investigations	1	1	0
9.	Director, Advocacy and Communications	1	1	0
10.	Special Advisor to the Chair	1	1	0
11.	Senior Manager, Legal	1	1	0
12.	Senior Manager, Advisory	0	1	-1
13.	Principal Legal Officer	0	1	-1
14.	Legal Officers	0	9	-9

S/NO	Designation	Current Establishment	Proposed Establishment	Variance
15.	Information Communication Technology Manager	0	1	-1
16.	Ombudsman (County)	0	46	-46
17.	Senior Manager, Human Resource and Administration	0	1	-1
18.	Human Resource and Administration Manager	0	1	-1
19.	Assistant Manager, Human Resource	0	1	-1
20.	Senior Manager, Finance	0	1	-1
21.	Finance Manager	0	1	-1
22.	Senior Accountant	0	2	-2
23.	Internal Audit Manager	0	1	-1
24.	Internal Auditor	0	1	-1
25.	Supply Chain Manager	0	1	-1
26.	Supply Chain Management Officer	0	2	-2
27.	Assistant Manager, Supplies Chain Management	1	2	-1
28.	Senior Manager, Advocacy and Communications	1	1	0
29.	Advocacy and Communications Officer	0	4	-4
30.	Senior Manager, Investigations	0	1	-1
31.	Senior Manager, Research	0	1	-1
32.	Research and Investigations Officers	0	49	-49
33.	Senior Manager, Risk	0	1	-1
34.	Senior Manager, Compliance	0	1	-1
35.	Compliance Officer	0	47	-47
36.	Planning Officer	0	2	-2
37.	Librarian	0	2	-2
38.	Chief Information Communication Technology Officer	0	2	-2

S/NO	Designation	Current Establishment	Proposed Establishment	Variance
39.	Senior Executive Secretary	1	2	-1
40.	Accounts Clerk	0	4	-4
41.	Transport Officer	0	1	-1
42.	Librarian	0	2	-2
43.	Security Officer	0	1	-1
44.	Senior Personal Secretary	0	5	-5
45.	Senior Records Management Officer	0	2	-2
46.	Records Management Officer	0	2	-2
47.	Clerical Officer	0	4	-4
48.	Litigation Clerk	0	2	-2
49.	Principal Driver	1	4	-3
50.	Secretarial Assistant	0	52	-52
51.	Receptionist/Telephone Operator	0	3	-3
52.	Chief Driver	2	2	0
53.	Senior Support Staff	0	2	-2
54.	Senior Driver	0	46	-46
55.	Support Staff	0	5	-5
	Grand Total	46	336	-290

### 4.3 Resources Mobilization

Successful implementation of this Strategic Framework will not only depend on the quality and commitment of the Commission’s staff, but also on prudent management of resources. Financing of the Framework will be through the exchequer and development partners’ support.

# Chapter

# 5

## Monitoring and Evaluation Framework

The Commission will monitor and undertake evaluation of the implementation of this Framework to assess the achievements of its strategic goals. This Strategic Framework has therefore an inbuilt Monitoring and Evaluation framework with key result areas. It is the overarching guide for individual Directorates to cascade the implementation process and performance as detailed in annual work plans. The work plans will be informed by individual action/operational plans with agreed targets.

There will be a mid and end of term evaluation of the implementation process coupled with continuous monitoring which will be crucial in providing accurate data necessary for decision making.

The results of the Monitoring and Evaluation (M&E) exercise will be reported regularly (monthly, quarterly, bi-annually and annually). The reports will contain information on achievements, challenges encountered, limitations in implementation; and emerging issues as well as recommendations for interventions in order to improve performance, results/outputs and outcome or impact of the implementation.

The Commission will endeavour to provide adequate resources for effective implementation Monitoring and Evaluation of the Strategic Framework. Coordination and integration within and between Directorates will be important in ensuring holistic implementation of the Strategic Framework.

## Implementation Matrix

### Strategic Objective 1: To enhance responsiveness and accountability in the public sector

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
Inquiry and Investigation of complaints	Receive and resolve public complaints	Resolved Complaints	No. of complaints received and resolved	Commissioners CS OC L&A R&I	2.5	2.5	2.5	2.5	10
	Investigate complaints on administrative justice	Reports	No. of investigations conducted	Commissioners CS R&I L&A	10	12	14	16	52
	Conduct investigations on systemic issues	Reports	No. of investigations conducted on systemic issues	Commissioners CS R&I L&A	5	6	7	8	26
	Undertake social and compliance audits on implementation of service charters by public institutions	Reports	No. of social/compliance audits conducted	Commissioners CS R&I C&R A&C	5	7.5	7.5	8	28
	Promote use of Alternative Dispute Resolution methods in the resolution of public complaints	Reports on cases handled through Alternative Dispute Resolution methods	No. of cases handled through Alternative Dispute Resolution	Commissioners CS L&A	3	4	5	6	18
	Monitor the effectiveness of complaints handling in the public sector	Reports	No. of reports	Commissioners CS C&R/R&I	4	5	5	6	20

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
Generation of empirical data on matters of administrative justice	Undertake research, surveys and studies on administrative justice issues	Reports and data	No. of research reports generated	Commissioners CS R&I	30	30	30	30	120
	Undertake Research on systemic issues in public service delivery	Reports	No. of research reports on systemic issues	Commissioners CS R&I	8.5	8.5	8.5	8.5	34
	Production and dissemination of study/research reports	Reports	No. of reports disseminated	Commissioners CS R&I A&C F&A	10	10	10	10	40
Capacity building among public officers	Establish and operationalise a resource centre.	Resource materials acquired	No. and variety of materials acquired	Commissioners CS R&I F&A A&C	12	12	12	12	48
	Training of public institutions on compliance and citizen focused service delivery.	Training sessions conducted	No. of trainings conducted No. of public institutions and officers trained.	Commissioners CS C&R A&C	50	60	70	80	260
Sanctioning unresponsive public officers	Establish citation register for non-responsive public officers.	Reports	List of sanctioned officers	Commissioners CS C&R L&A	5	5	5	5	20
<b>SUB TOTAL:</b>					<b>145</b>	<b>162.5</b>	<b>176.5</b>	<b>192</b>	<b>676</b>

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
<b>Strategic Objective 2: To strengthen the complaints handling capacity of public sector institutions</b>									
Facilitate setting up and strengthen complaints handling mechanisms in public institutions at National and County level	Provide training to public institutions on effective complaints handling.	Training sessions conducted on complaints handling	Number of training sessions conducted Number of officers trained.	Commissioners CS C&R L&A R&I	5	5	5	5	20
	Assist public institutions to establish complaints handling mechanisms	Complaints handling mechanisms	No. of public institutions with complaints handling mechanisms at National level  No. of public institutions with complaints handling mechanisms at County level	Commissioners CS C&R	5	5	5	5	20
	Conduct spot checks to monitor public service delivery	Reports	No. of spot checks undertaken	Commissioners CS C&R R&I	10	10	10	10	40
<b>SUB TOTAL</b>					<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>80</b>

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
<b>Strategic Objective 3: To enhance Public awareness and participation in matters of administrative justice.</b>									
Public advocacy, training and social marketing	Undertake public education and awareness creation on administrative justice	Reports	No. of education/ awareness creation sessions undertaken No. of members of the public sensitized	Commissioners CS A&C	50	70	90	100	310
	Undertake thematic advocacy to promote policy and practice change on public administration	Reports	No. of advocacy activities undertaken No. of policies that have been influenced	Commissioners CS A&C	10	15	20	30	75
	Develop, produce and disseminate thematic IEC materials	Assorted IEC materials	Number and variety of IEC materials developed.	Commissioners CS A&C	15	15	15	15	60
	Sensitize citizens on social accountability in public administration	Reports	No. of sessions held No. of people sensitized	Commissioners CS A&C	15	15	15	15	60
<b>SUB TOTAL</b>					<b>90</b>	<b>115</b>	<b>140</b>	<b>160</b>	<b>505</b>

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
<b>Strategic Objective 4: To improve standards of public administration and adherence to the rule of law</b>									
Issuance of advisory opinions and recommendations on improving public administration	Provide advisory opinions and recommendations to improve public administration	Advisory opinions and recommendations issued	No. of advisories and recommendations issued	Commissioners CS L&A OC	2	3	4	5	14
Mainstreaming best practices and standards of public administration	Promote adoption of best practices and standards of public administration.	High standards of Public administration	No. of best practices and standards mainstreamed.	Commissioners CS All Directorates	5	7	10	12	34
	Recognize and reward public servants and institutions with exemplary performance in public service delivery	Reports Annual Service Awards ceremony	No. of public servants and institutions recognized and rewarded	Commissioners CS A&C	10	12	12	12	48
Fostering adherence to the rule of law and respect for human rights practices	Promote a culture of adherence to the rule of law and respect for human rights in matters of public administration	Reports	Reduced cases / complaints on breach of the rule of law and violations of human rights	Commissioners CS OC L&A	2	3	4	4	13

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
	Public interest litigation on matters relating to the rule of law and human rights in public administration.	Proceedings to which CAJ is a party	No. of proceedings	Commissioners CS OC L&A	2	3	4	5	14
	Develop and distribute materials on the rule of law and human rights in public administration	Materials on the rule of law and administrative Justice	No. and type of materials produced and distributed	Commissioners CS L&A	10	12	14	16	52
	Jointly with other relevant organizations ensure compliance with principles of leadership and integrity by public officers	Reports	No. of Reports	Commissioners CS OC L&A C&R R&I	3	4	5	8	20
<b>SUB TOTAL</b>					<b>34</b>	<b>44</b>	<b>53</b>	<b>62</b>	<b>195</b>

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
<b>Strategic Objective 5: Strengthen the capacity of CAJ to deliver on its mandate</b>									
Enhancing Human Resource Capacity	Recruit staff	Staff recruited	No. of staff recruited	Commissioners CS F&A	140	300	390	430	1,260
	Train and develop staff competency	Trained staff	No. of staff trained	Commissioners CS F&A	21	25	30	35	111
Strengthening the Physical and IT infrastructure	Establish county offices	Regional offices	No. of fully fledged regional offices	Commissioners CS F&A	25	40	80	100	245
	Automate CAJ operations	Automated systems	No. of computers and software	Commissioners CS F&A	25	50	20	10	105
	Procure office equipment and vehicles	Motor vehicles and equipment procured	No. of vehicles and equipment procured.	Commissioners CS F&A	80	40	40	35	195
Mobilizing resources for Commission's work	Develop and implement resource mobilization and partnership strategy	Resource mobilization Strategy	Quantity of financial and technical resources available to CAJ	Commissioners CS A&C F&A	1	1	1	1	4
Networking and partnerships	Collaborate with local, regional and international institutions with mutual interest for execution of activities	Collaboration agreements reached; meetings and stakeholders forums	No. of meetings, collaborations agreements and activities undertaken in collaboration with other organizations	Commissioners CS OC All Directorates	10	12	15	17	54

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
Profiling CAJ and publicizing the mandate of the Commission	Develop, disseminate and implement the CAJ communication strategy	Communication strategy	Communication Strategy document No. of people reached/ levels of awareness No. of members of public supporting and participating in the Commission's initiatives	Commissioners CS A&C	2	0	0	0	2
	Create, stimulate and sustain public awareness and debate on administrative justice issues through the media	Media mapping reports Issues covered in media	No of media mapping reports No. of items covered in the media	Commissioners CS A&C	50	50	50	50	200
	Conduct CAJ branding activities	Branding activities conducted	No. and variety of CAJ branding activities	Commissioners CS A&C	22	35	42	48	147
	Hold regular media meetings to strengthen media relations, increase coverage and influence framing of administrative justice issues in the media	Media meetings	No. of media meetings No. of items positively covered	Commissioners CS A&C	3	4	6	3	16
Establishing CAJ risk management system	Develop and implement risk management system	Risk management system developed	Risk management system in place	Commissioners CS F&A C&R	10	12	5	5	32

Strategy	Activities	Output	Performance Indicator(s)	Responsibility	Time frame/Budget Millions in Kshs				Total Budget in Millions
					Y1	Y2	Y3	Y4	
Lobbying for strengthening of CAJ's legal framework	Hold consultative meetings, workshops and seminars with relevant stakeholders	Minutes, resolutions and recommendations amended	No. consultative meetings, workshops and seminars No. of resolutions	Commissioners CS L&A OC	3	1	1	1	6
Institutionalizing an M&E framework for CAJ	Develop and implement M&E framework	M&E framework Reports	No. of M&E reports No. of M&E tools developed	Commissioners CS C&R F&A R&I	10	3	7	3	23
<b>SUB TOTAL</b>					<b>402</b>	<b>573</b>	<b>687</b>	<b>738</b>	<b>2400</b>
<b>GRAND TOTAL</b>					<b>691</b>	<b>914</b>	<b>1076.5</b>	<b>1172</b>	<b>3856</b>

**KEY:**

- OC Office of the Chair
- CS Commission Secretary
- L&A Legal and Advisory
- F&A Finance and Administration
- R&I Research and Investigations
- C&R Compliance and Risk
- A&C Advocacy and Communications
- M&E Monitoring and Evaluation



**Chief Justice Dr. Willy Mutunga is assisted to tweet to CAJ by Mr. Nixon Mageka - CITO, while Mr. Otiende Amollo - Chairperson CAJ, Ms. Winfred Lichuma - Chairperson, Gender and Equality Commission, Mr. Edward Ouko - Auditor General and Mr. Leonard Ngaluma - Commission Secretary, look on.**



**The Office of the Ombudsman**  
**“Hata Mnyonge ana Haki”**



*CAJ Commissioners and staff at inception (January 2012)*

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