

THE COMMISSION ON ADMINISTRATIVE JUSTICE ANNUAL REPORT FY 2020/21



Prepared and issued in accordance with Article 254(1) of the Constitution and Section 53(1) of the Commission on Administrative Justice Act No 23 of 2011 and Section 26(1) of the Access to information Act No. 31 of 2016.

VISION

A society that upholds administrative justice and access to information

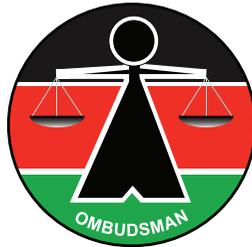
MISSION

To enforce administrative justice and access to information in Kenya through complaints resolution and public education for efficient and effective service delivery

CORE VALUES

Responsive, Independence, Fairness,
Transparency, Integrity

**THE COMMISSION ON ADMINISTRATIVE JUSTICE
(Office of the Ombudsman)**



Hata mnyonge ana Haki

ANNUAL REPORT FOR FY 2020/21

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The Commission on Administrative Justice Annual Report FY 2020/2021

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ABBREVIATIONS and ACRONYMS

AGPO	Access to Government Procurement
AOMA	African Ombudsman and Mediators Association
AORC	African Ombudsman Research Centre
ATI	Access to Information
CAJ	Commission on Administrative Justice
DCAF	Geneva Centre for Security Sector Governance
CCIO	Constitutional Commissions and Independent Offices
GIZ	German Agency for International Cooperation
IAO	Information Access Officers
ICIC	International Conference of Information Commission
ICT	Information, Communication and Technology
IDLO	International Development Law Organization
IDUATI	International Day for Universal Access of Information
IOI	International Ombudsman Institute
IRA	Insurance Regulatory Authority
KDSP	Kenya Devolution Support Programme
MCDA	Ministries County Government Departments and Agencies
MDAs	Ministries Government Departments and Agencies
NCAJ	National Council on the Administrative Justice
SIDA	Swedish International Development Cooperation Agency
TSC	Teachers Service Commission
Wee	Women Economic Empowerment

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STATEMENT OF THE CHAIRPERSON

I am pleased to present the tenth edition of the Commission administrative justice annual report for the Financial Year 2020/2021. This report depicts the Commission's significant efforts to enforce administrative justice and the right to access information in Kenya.

I am excited by, and proud of the Commission technological responsiveness during the trying Covid 19 pandemic times, evidenced by the innovative seamless partial cross over to the digital space to successfully discharge our mandates while still upholding the health measures and protocols.

During this reporting period the complaints management system has increasingly improved having incorporated a number of technological facets. The Commission registered 2,930 complaints and resolved 2,783 cases. Comparatively, the Commission recorded a decrease in complaints registered than in recent years and understandably so, given that we were all grappling with matters of Public Health.

On this basis, with the appreciation that citizens reactively rely on their Governments for public service under such circumstances, we continued to strengthen the internal complaints handling infrastructure in the public sector too, evidenced by the impressive 95% complaint resolution rate recorded. I report that the Commission developed the tenth edition reporting guidelines to implement the resolution of complaints indicator introduced to mainstream complaints management in the public sector. Further, the Commission has actively reviewed administrative justice complaints and appeals on the right to access information as well as conducted systemic and specific investigations.

The Commission continues to implement its strategic plan 2019-2023 aligned with the Big Four National Development Agenda, the Kenya Vision 2030 and the Sustainable Development Goals (2016-2030). This is reflected by our achievements towards our vision during the period.

On that note, in consultation with the Ministry of ICT and other stakeholders, the Commission developed the draft Access to Information (General) Regulations in this Financial Year. A critical process which shall aid and promote the protection and enjoyment of the Access to Information right in Kenya as provided for by Article 35 of the Constitution.

On partnerships, we continue to strengthen our engagements at the national and international fora in furtherance of our vision to enhance synergy and performance to promote efficient public service delivery. As the Secretary General of the Africa (AOMA), Board Member (AORC) and Member (IOI) we continued to play a significant role in strengthening the ombudsman institution at the continental and the global level. In the past year, the Commission has not only greatly contributed during the world conferences but also derived much from the cross-learning practices which have enriched the quality and effectiveness of the work of the Ombudsman in Africa.

The Commission faced several challenges; however, we appreciate the sustained financial support accorded by the National treasury and key Partners. The Commission has, and further commits to appropriately apply the resources prudently with compliance to the statutory provisions and the highest ethical standards.

Finally, I would like to thank the Commissioners for their considerable contribution and the secretariat for their dedication, skills and professionalism. I am proud to be part of the serving team.

Yours Sincerely



HON. FLORENCE KAJUJU, MBS
CHAIRPERSON OF THE COMMISSION

FOREWORD

This Annual report which covers the period 1st July 2020 to 30th June 2021 provides a platform for the Commission to account for its operations, in the fiscal year under review. This is in line with the legal requirements anchored on the constitution and various statutes that demand for transparency and accountability in the management of public affairs. As a Commission charged with the responsibility of promoting and enforcing administrative justice and the right to information, we are obligated to lead from the front hence. The report marks the second year running that the Country and the world at large has been grappling with the challenges brought about by the Covid-19 pandemic.

I am pleased to note that despite these challenges, the Commission achieved notable milestones towards the fulfilment of its mandate. This was possible due to its ability to adapt to the new order of conducting business, brought about by the pandemic. The new order called for innovation and creativity, which enabled the Commission to navigate through the challenges and achieve notable milestones, while executing its mandate in the period under review.

The report documents the achievements, challenges, recommendations and the way forward. The Commission continued to ensure prudent utilization of the allocated resources to implement planned activities. It is worthwhile to note that out of Kshs. 474,480,726 allocated to the Commission, Kshs. 458,235,989 was expended, which signifies 98% absorption rate as compared to 97% for the previous 2019/20 Financial Year's, which was 97%.

My sincere gratitude goes to the Commissioners, for their leadership and support to ensuring that the necessary resources were available. I also thank the senior management team and the entire members of staff, for their commitment and dedication to serve Kenyans. Finally, I thank the editorial team that compiled this report, for their tireless effort to prepare this report.

I take this opportunity to reiterate our commitment to uphold transparency and accountability, in order to ensure maximum value for the resources allocated to the Commission.



LEONARD NGALUMA, MBS
COMMISSION SECRETARY/CEO

EXECUTIVE SUMMARY

This is the tenth Annual Report of the Commission on Administrative Justice. The report is prepared according to Article 254(1) of the Constitution and Section 53(1) of the Commission on Administrative Justice Act No 23 of 2011 and Section 26(1) of the Access to information Act No. 31 of 2016 which obligates the Commission to prepare and submit an Annual Report to Parliament and President.

The report highlights among others: description of the activities undertaken by the Commission, recommendations on legal and administrative measures to address specific concerns identified, financial statements and any other. The Report is structured into eight chapters with each chapter addressing a specific thematic area. Chapter one gives background information on establishment and mandate, vision, mission and core values. The content of the subsequent chapters are highlighted below.

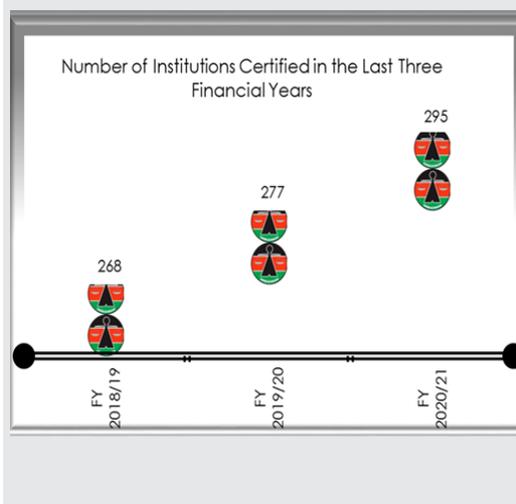
Promotion of Administrative Justice in the Public Sector *(Chapter Two)*

This chapter highlights the activities the Commission undertook in redressing maladministration in public sector. Maladministration is a hindrance to efficient public service delivery and manifests itself in various ways including unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others.

During the period under review, the Commission received 2,930 new complaints, in addition to 8,139 complaints that were brought forward from the previous financial year. This totals to 11,069 complaints that were handled- Representing 6.86% increase from previous Financial Year

Strengthening Complaints Management in the Public Sector *(Chapter Three)*

The Commission plays an important role in ensuring quality public service delivery. To this end, the Commission facilitated the setting up of, and strengthening of the complaint-handling infrastructure in the public sector. This was realised through training, monitoring of service delivery standards and provision of technical support.



Access to Information (Chapter Four) The Access to Information Act mandates the Commission to oversee and enforce the right of access to information in Kenya. It requires the Commission to report to Parliament on implementation of the right of access to information.

In this regard, the Commission undertook a number of initiatives to operationalize the law. Some of the specific areas of focus under the reporting period were establishment of a regulatory framework, handling of appeals on access to information, building capacity of public institutions and sensitization on the access to information law.

Partnerships and linkages *(Chapter Six)*

The Commission, enhanced its efforts in the promotion of good governance through strategic local and international partnerships and linkages.

This entailed cooperation with other Ombudsman institutions, joint initiatives with players in the administration of justice and engagement with development partners.

Public Education and Outreach *(Chapter Five)*

Public education and awareness remained a key area of focus for the Commission in line with strategic objective 5.

This aimed at enhancing awareness and understanding of the Commission's mandate. Towards this end, the Commission undertook various initiatives despite the challenges posed by budgetary constraints and the Covid-19 pandemic. These included but not limited to outreach programs, media engagement and county visits.

Governance, Human Resource Management and Finance *(Chapter Seven)*

This chapter covers governance, human resource management, financial management, ICT and general administration. During the period under review, the Commission continued to implement the second Strategic Plan, covering the period 2019-2023. The Commission also strengthened its capacity to deliver on its mandate by sponsoring various staff members for training programmes.

Challenges (Chapter Eight)

The Commission faced a number of challenges in the period under review, which hindered achievement of some of the planned activities. Some of the key challenges included the following;

- The Covid-19 pandemic necessitated scaling down of staff and suspension of physical interaction which disrupted normal operations.
- Financial constraints attributed to inadequate budgetary allocations and austerity measures instituted by the National Treasury, to combat the Covid-19 pandemic.
- Low public awareness of the Commission mandate
- Insufficient legal framework which inhibits enforcement of the decisions and recommendations of the Commission.
- Non-Responsiveness and impunity in the public sector.
- Manual records management system in the public sector.

Priorities Moving Forward

- Strengthening policy, legal and regulatory framework.
- Implementation of the strategic plan (2019-2023).
- Digitisation and automation of systems and processes.
- Enhancement of resource mobilisation and partnerships.
- Scale up outreach and awareness creation.
- Decentralisation of Ombudsman services to enhance accessibility.
- Monitor and observe the electioneering process
- Commemoration of the Commission's tenth (Aluminum Anniversary).
- Huduma Ombudsman Award

CHAPTER ONE

1.0. ESTABLISHMENT AND MANDATE

1.1. Introduction

The establishment of the Commission is anchored on Article 59(4), Chapter 15 of the Constitution and the Commission on Administrative Justice Act, Chapter 102A of the Laws of Kenya. The Commission has been in existence since September 2011 and it plays a key role in the promotion of good governance in Kenya.

1.2. Mandate

The Commission derives its mandate from the Commission on Administrative Justice Act 2011 (CAJ Act) as well as Access to Information 2016 (ATI Act) 2016. The CAJ Act mandates the Commission to deal with maladministration and redresses grievances by citizens against public officers and institutions in National and County Governments. The ATI Act, on the other hand, gives the Commission the mandate to enforce and oversee implementation of the right to information as guaranteed under Article 35 of the Constitution. In addition, the Fair Administrative Action Act 2015 which implements Article 47 of the Constitution gives further impetus to the mandate of the Commission.

1.3. Composition

The Commission is composed of three Commissioners as follows: -

- I. Hon. Florence Kajuju – Chairperson
- II. Mr. Washington Opiyo Sati – Vice Chairperson
- III. Mrs. Lucy Ndungu – Commissioner in charge of Access to Information

The Commission executes its mandate through a Secretariat headed by Mr. Leonard Ngaluma, who is the Commission Secretary/CEO.

1.4. Functions

The functions of the Commission are stipulated under section 8 of the CAJ Act and section 21 of the ATI Act as follows:-

A. Section 8 of CAJ Act

- I. 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;

- II. investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;
- III. report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- IV. inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;
- V. facilitate the setting up of, and build complaint handling capacity in the sector of public service, public offices and state organs;
- VI. work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- VII. recommend compensation or other appropriate remedies;
- VIII. provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures; and
- IX. promote public awareness of policies and administrative procedures on matters relating to administrative justice.

B. Section 21 of the ATI Act

- I. investigate violations of the provisions of the provisions of the Act;
- II. receive reports from public entities with respect to implementation of the Act and evaluating the use and disclosure of information;
- III. facilitate public awareness and develop programmes on the right to access information and the right to protection of personal data;
- IV. promote right of access to information in public entities;
- V. monitor state compliance with international obligations related to the right to access information and protection of personal data;

- VI. hear and determine complaints and review decisions arising from violations of the right to access information; and
- VII. promote protection of data.

1.5. Powers

Pursuant to sections 26, 27 and 28 of the CAJ Act read together with the CAJ Regulations and sections 23 and 24 of ATI Act, the Commission has powers to:

- I. issue summons;
- II. require that statements be given under oath;
- III. compel production of documents;
- IV. conduct searches and seizures of documents with court orders;
- V. interview any person;
- VI. require the discovery and production of any information from any person;
- VII. adjudicate on matters relating to administrative justice and access to information;
- VIII. requisition any public record or copy thereof from any public officer.
- IX. order release of any information withheld unlawfully; and
- X. recommend for the payment of compensation.

1.6. Execution of the Mandate

The Commission executes its mandate through: -

- I. complaints handling which is carried out through inquiries, investigations, adjudication or other dispute resolution methods;
- II. public education and awareness creation;
- III. capacity building on complaints management and access to information;
- IV. issuing advisory opinions on matters affecting public administration;

- V. engaging in public interest litigation;
- VI. review applications on ATI made to public and certain private institutions; and
- VII. conducting audits or spot checks on public offices to ascertain standards of service delivery.

1.7. Key Result Areas

The Commission will focus on the following thematic areas in the implementation of the second Strategic Plan (2019/2023):

- I. Resolution of Public Complaints;
- II. Oversight and Enforcement of Access to Information;
- III. Public Education, Awareness and Visibility; and
- IV. Institutional Strengthening and Capacity Building.

1.8. Vision, Mission and Core Values

1.8.1. Vision

A society that upholds administrative justice and access to information.

1.8.2. Mission

To enforce administrative justice and access to information through complaints resolution and public education for efficient and effective service delivery.

1.8.3. Core Values

- Responsiveness
- Independence
- Fairness
- Transparency
- Integrity

CHAPTER TWO

2.0. PROMOTION OF ADMINISTRATIVE JUSTICE IN THE PUBLIC SECTOR

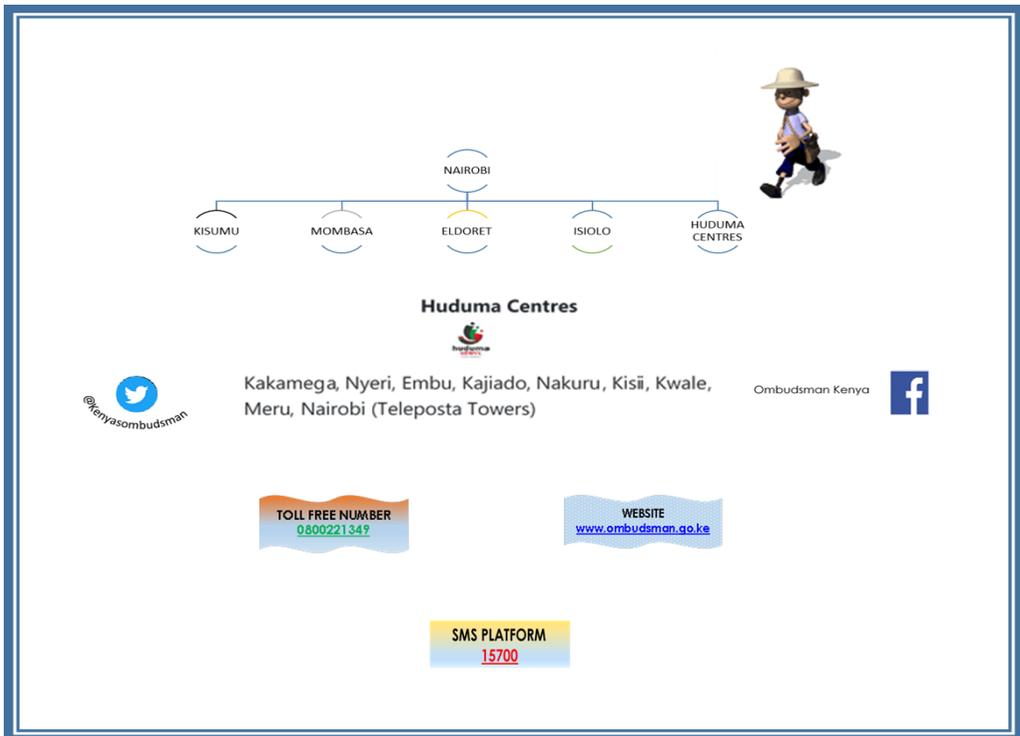
This chapter highlights the activities the Commission undertook in redressing maladministration in public sector. Maladministration is a hindrance to efficient public service delivery and manifests itself in various ways including unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others.

2.1. Complaints Handling

2.1.1. Lodging a Complaint

The Commission receives complaints against public institutions and officers on various service delivery challenges. Such complaints may be lodged by an aggrieved person or by a person acting on their behalf at the Commission's offices or at such a place as the Commission may from time to time designate. Complaints may also be instituted anonymously, and the Commission may take up a matter on its own initiative. Figure 1 presents various channels of lodging complaints.

Figure 1: Various Channels of Lodging complaints

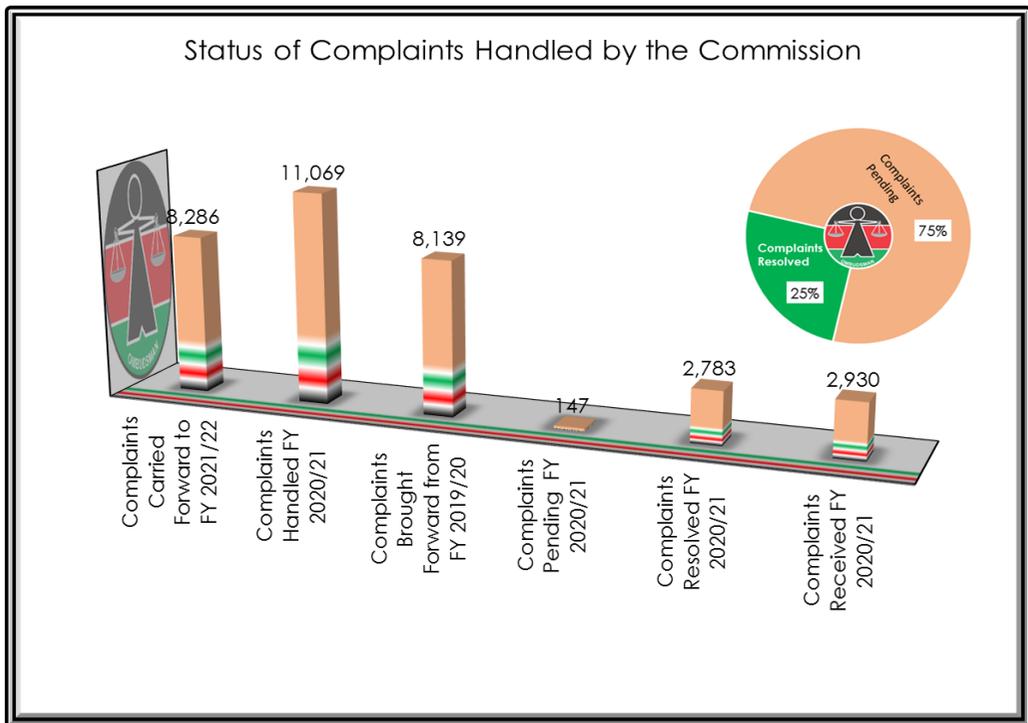


2.2. Complaint Management

2.2.1. Complaints Lodged

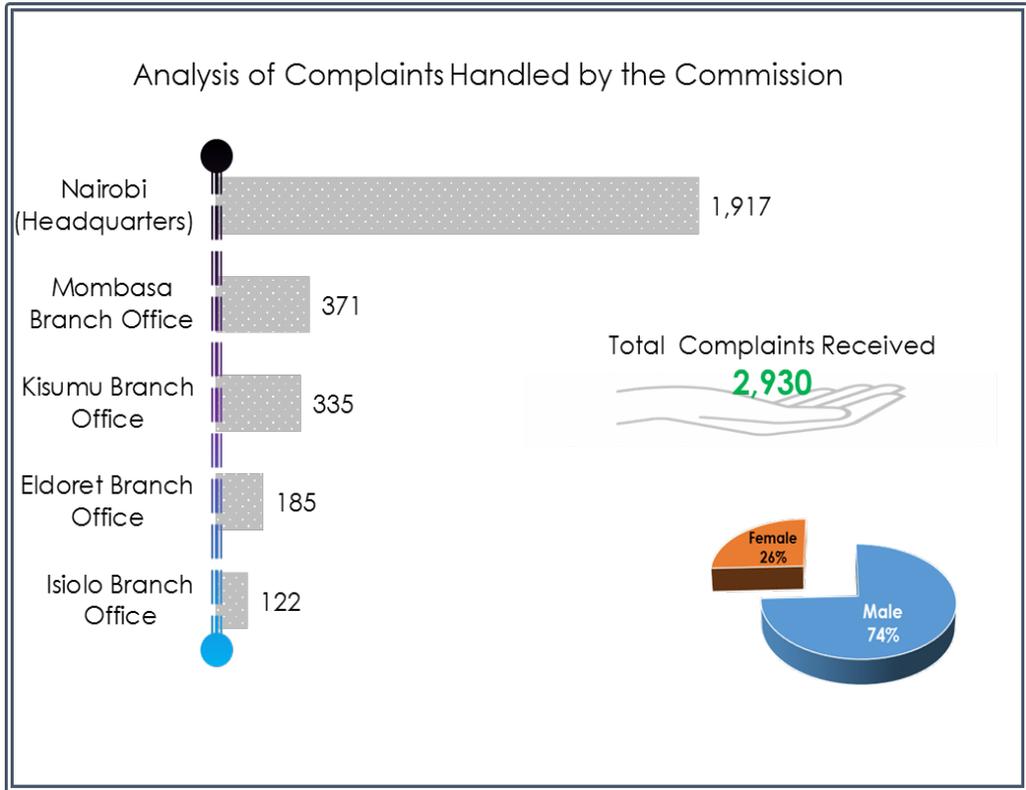
A total number of 2,930 new complaints were received during the reporting period. An addition of 8,139 were brought forward from the previous financial year. Therefore, the Commission's total complaints for the financial year was 11,069. Out of this, 2,783 complaints were resolved - representing a resolution rate of 25 % as presented in figure 2.

Figure 2: Status of Complaints Handled by the Commission



The 2,930 complaints lodged directly by members of the public during the period under review, were received at the Commission's Headquarter and branch offices as presented in figure 3.

Figure 3: Analysis of Complaints Handled by the Commission



2.2.2. Suo Moto

Section 29 of the CAJ Act, empowers the Commission to initiate own motion investigations. To this end, it initiated 22 cases, out of which 18 were handled by way of inquiry while four were subjected to formal investigation.

2.2.3. Classification of Complaints Handled

Below is a representation of complaints handled based on service issues, and public institutions complained against. Figure 4 classifies complaints by service issues and Figure 5 provides a classification based on respondents.

Figure 4: Complaints Handled by Service

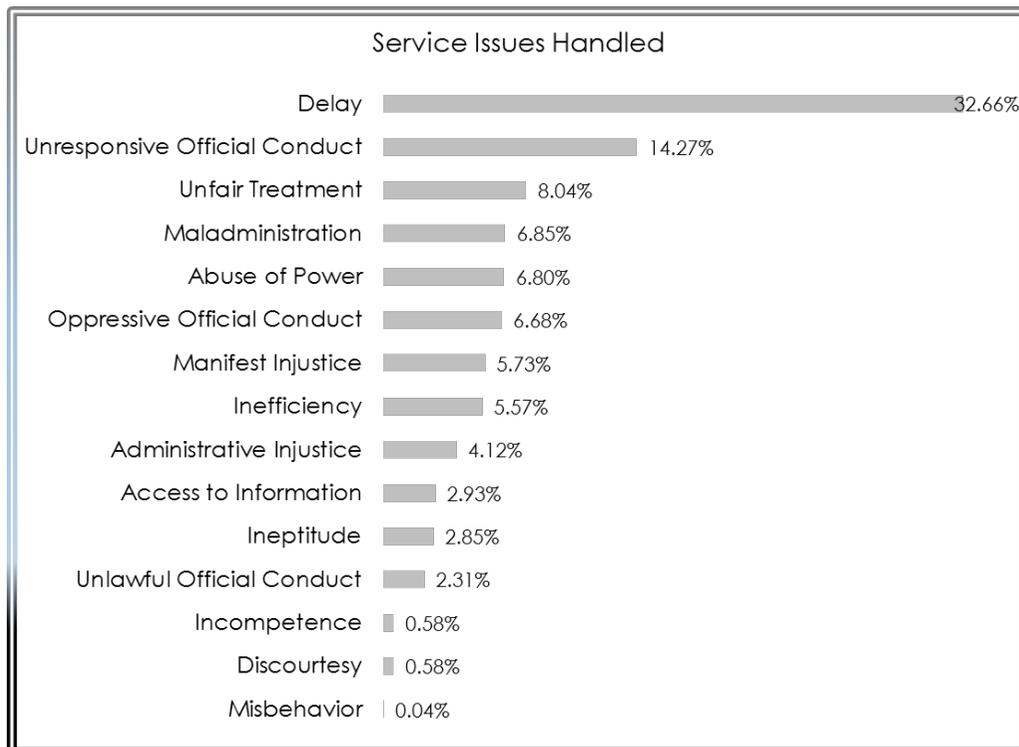
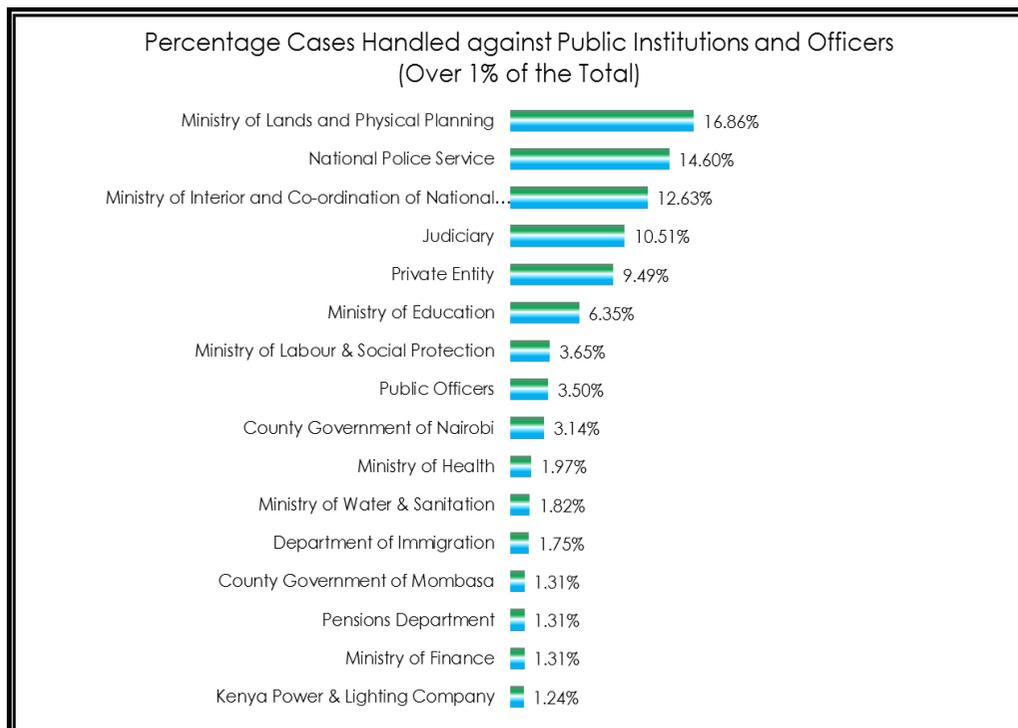


Figure 5: Classification of Complaints Based on Respondents.



2.2.4. Success Stories and Sample Cases

2.2.4.1. Success Stories

Itierio Boys Secondary School teacher reinstated after 11 months

A Teacher in Kisii County is reinstated after 11 months from when his salary was stopped. The Itierio Boys Secondary School teacher had seen his services terminated by the Teachers Service Commission (TSC) over alleged desertion of duty. Mr. Sagwe Fred Ondieki's salary was stopped with effect from October 1, 2018, after interdiction by the TSC Sub-county director.

The complainant claims he was removed from the TSC payroll without any explanation as he had neither received a show-cause letter nor a dismissal letter. Despite seeking assistance from the TSC at both the County and National level, he was unable to seek any assistance.

At the core of the Ombudsman's mandate is due process and fair hearing. Therefore after our intervention, the complainant was served with a "notice to show cause" letter and a disciplinary case ensued which was concluded and the complainant reinstated. Further, his salary that had been stopped was paid to him in arrears.

Service Delivery Delay by KPLC Meru Branch

Contrary to its service charter, Kenya Power Meru Branch was unable to process the complainant's application for separation of meters made on 30th December 2020. The Kenya Power Service Charter which stipulates that the same must be processed within 14 days, and at the time of lodging his complaint, the application had taken more than here months.

The Commission wrote to Kenya Power inquiring into the same and the complainant advised that two metres were delivered to him following the commission's intervention.

24 year Land Dispute in Nyandarua County

A twenty-four-year land allocation dispute was finally resolved following the intervention of the Commission in a complaint of inordinate delay. According to Nancy Bunei, she was allotted Plot No. 718 of approximately 2.3 hectares at Nдеми Settlement Scheme

in Nyandarua on 25th January 1995 and that after fulfilling the conditions of the offer letter, she began pursuing for the issuance of her title document. She said on 23rd April 1996, she was informed that the title had been discharged to Nyahururu lands office for her collection but noted that the land was allocated to another party who had collected the title. This prompted her to raise the issue with the District Lands and Adjudication and Settlement Offices in Nyahururu, Ministry of Lands officials in Nairobi and several concerned offices but was not assisted. The Commission then intervened and the matter settled amicably when Ms. Bunei was allocated an alternative piece of land.

Delayed Pension Paid

A former employee of the Kenya Revenue Authority (KRA) can finally enjoy his retirement following the processing of his retirement dues thanks to the intervention of the Ombudsman.

According to James Ondiba, he retired in March 2017 and submitted all the required documents to the Pensions Department for his pension dues to be processed. However, a year later he had still not received his dues.

The Commission by way of inquiry took up the matter with the Director of Pensions leading to the processing of his dues. Mr. Ondimba through a phone call to the Commission on 17th March 2021 confirmed receipt of his long overdue dues.

Company ownership Dispute

The Registrar of Companies finally addressed a company ownership issue following the intervention of the Commission in a case of unlawful change of company directors. According to Mr Emmanuel Nderema, he incorporated Lwero Company Limited together with Ms. Jane Nderema and Ms Lucy Nderema as the directors of the company with a shareholding of 350 shares each. However, on 16th January 2021 while undertaking a search at the Registrar of Companies, it came to his attention that a change of ownership of the company had been effected and their names replaced with one Mr Abubakar Omar who was allocated 1000 shares. This prompted him to lodge a complaint with the Registrar of Company however, the registrar inordinately delayed in addressing the complaint impelling him to lodge a complaint with the Commission.

The Commission by a way of inquiry raise the issue with the registrar who initiated investigations into the matter and upon conclusion, the registrar reinstated their names as the bonafide Directors of Lwero Company Limited. The registrar further recommended the commencement of criminal action against Mr. Abubakar Omar.

Delayed Issuance of Kenyan Passport

The complaint was on allegations that the Nyanza Region Immigration Department have failed to furnish his daughter-Said Jele Rhono with a passport following the application made through tracking number 131125364. The failure to issue her was being attributed to the application requiring to be undertaken through the vetting process and interview by the interview committee before issuance of the passport to establish that the applicant is a Kenyan citizen. Following our intervention, the verification processes were expedited and concluded confirming that the daughter was a Kenyan citizen. Consequently, she was issued with the passport which has enabled her to secure employment opportunity outside the country where the passport was a requirement.

Work Injury Benefits paid to Portside Freight Terminals former Employee

A former worker with the Portside Freight Terminals, Mombasa, finally received compensation for work- injury related incident.

According to Mr Omar Chondo, he sustained injury in the course of duty which he reported to the Occupational Safety and Health Office (OSH), Mombasa, and sought medical treatment thereafter. However, the OSH office delayed in resolving the complaint since June 2020. His predicament pushed him to lodge a complaint with the Commission.

The Commission by way of inquiry took up the matter with the OSH office which led to compensation. Mr Chondo, in a communication to the Commission on 25th May 2021, acknowledging receipt of Kshs. 30,000 and indicated the matter had been resolved amicably.

Australian Resident Received AUD7, 462.50 following Commission Intervention

An Australian resident finally received AUD 7,462.50 from the Unclaimed Financial Assets Authority (UFAA) being his share dividends, thanks to the intervention of the Commission.

Mr Andrew Lawrie lodged a complaint with the Commission alleging unresponsiveness in claiming his assets from UFAA. According to him, he sent an official application to the Authority in June 2019 for his UFAA held EABL shares dividends. Mr Lawrie is a Kenyan citizen and a current resident of Australia and could only seek the information from the Authority through email.

He sought information including confirmation of receipt of his application and whether getting his Australian Citizenship Certificate certified by a lawyer and the Department of Foreign Affairs and Trade was acceptable proof of his nationality and therefore acceptable for him to claim the assets.

However, the Authority on several occasions failed to advise accordingly and once the application was received and proof of citizenship accepted the Authority once again failed to keep him updated on the status of his application and consequent refund. Following the intervention and oversight of the Commission by email and telephone calls to the Authority, the Commission was able to update the complainant on all the queries. Finally, in April 2021, his share dividends amounting to AUD 7462.50 were paid.

Isiolo Resident received Information on NG-CDF Isiolo South Projects

A resident of Isiolo South was supplied with a report on implemented Constituency Development projects following the review of an application by the Commission under the Access to Information Act, 2016.

According to Mr. Abdi Abdullahi, he made a request for information in respect to implementation status of all projects funded by the National Government – Constituency Development Fund (NG-CDF) Isiolo South from 2017-2021 financial years. However, the NG-CDF refused to grant access to the requested information prompting him to lodge a complaint with the Commission.

The Commission took up the matter with the NG-CDF, Isiolo South, leading to the release of the information. Mr. Abdullahi visited the Commission's Isiolo office and confirmed receiving the requested information.

Turkana University College employee Reinstated

According to Hillary Kirwan Choge, he successfully applied for the position of a tutorial fellow in the School of Science, Turkana University College, in August 2019. He then travelled from China in October 2019 to take up the employment offer but the institution advised him not to report since he was still studying in China. In January 2020, he requested to be allowed to complete his studies and report in July 2020. He returned to the country in February 2020 following the outbreak of corona virus pandemic and requested to report on duty. However, the University declined his request and advised him to seek reappointment upon completion of his PhD studies.

After intervention of the Commission in January 2021, Turkana University Council approved his appointment and asked him to report on duty immediately.

Dedan Kimathi University Employee Received delayed Dues

A lecturer finally received his dues in 2020, despite teaching at Dedan Kimathi University in mid-2014. The complainant was owed Kshs 140,000 for teaching two units in the Institute of Food Science and Technology in the May to August 2014 semester. That as per the terms contained in his letters of appointment, he was to be remunerated Kshs 1,800 per hour, totalling Kshs 70,000 per unit at the end of the semester. The Commission by way of inquiry took up the matter with the Vice Chancellor leading to full payment of the dues to a grateful Mr. Mutembei. Peter Mathara-CAJ/KPLC/021/390/19

Nairobi County Government Employee promoted

Senior building inspectors sought assistance of the Commission against the County Government of Nairobi for allegedly refusing to implement a PSC circular dated 5th July 2017 leading to stagnation. The circular upgraded the officers from Job Group J to Job group K, but had not been implemented for over 4 years, much to the frustration of the affected officers. The Commission wrote the county secretary who in turn upgraded the officers to their rightful positions.

Nakuru Resident access road complaint Addressed

The complaint was lodged with the Commission in 2018 against the County Government of Nakuru and KeNHA. The complainant is the proprietor of LR Mwachiringiri Block 1/191 which is adjacent to the Nairobi-Nakuru Highway. KeNHA allegedly built the road and steeply raised the same and any time it rained the water pooled at this entry way and flooded his farm. An access road to the Nairobi-Nakuru Highway which blocked his entry way. Moreover, as the road was steeply raised, any time it rained water the complainant farm would flood. The Commission engaged with both the County Government and KeNHA which resulted in KeNHA constructing an appropriate entryway to his farm complete with a culvert for the water to prevent any further flooding on his property

Kisumu County Labour Office addressed complaint on unpaid dues

The complaint was on allegations that the Kisumu County Labour Office has delayed to address their complaint on unpaid dues owed to them by their employer- M/S Pramukh Cash & Carry Limited in Kisumu County following the termination of their employment services. Following prompting by the Commission, the Kisumu County Labour Office resolved the matter to which the complainants were duly paid their respective dues owed by the employer.

Delayed Pension paid

The complainant is a person living with disability and lodged his complaint on allegations that the Pensions Department has delayed to settle pension dues owed to him following his retirement from service of the Teachers Service Commission in July 2018. Her dues had been computed by TSC and the same forwarded to the Pensions Department for payment. The Commission in turn formally engaged with the Pensions Department and the complainant's dues were paid and he began receiving his monthly pension.

Manifest delay Case

The Commission actively engages in prison outreach programmes to ensure that prisoners have access to our services. The complainant is a convict serving his sentence at the Kisumu Maximum Prison. He alleges that he was charged and convicted for the offence of robbery with violence by the Kimilili Law Courts in Kimilili Principal Magistrate's Court Criminal Case Number 199 of 2008. The court's

verdict was for the death penalty to be enforced which he appealed against vide Criminal Appeal Number 89 of 2009. There was manifest delay in being updated on the position of his appeal therefore, he sought the Commission's intervention. The Commission consequently engaged with the Deputy Registrar Bungoma High Court, he confirmed that the matter was allocated a new number Miscellaneous Criminal Appeal Number E001 of 2021 which has been allocated a mention date of in May 2021. The complainant was updated accordingly and advised to appear for the same.

Missing Court file at Kisumu Law Courts

The complaint was on allegation of delay by Kisumu Law Courts to retrieve a missing court file, Kisumu CMCCC No. 738 of 2004, John Chrispus Achieng –vs- Christine A Bala & Stephen Makemei. The Commission did an inquiry to the Executive Officer, Kisumu Law Courts who advised that in the event that it is not found, then the complainant should file for reconstruction to enable hearing of the case to conclusion. On 3rd May 2021, the Executive Officer confirmed that the file had been retrieved. The Commission confirmed the same to be true vide a phone call with the complainant on 4th May 2021 resulting in the preceding of the case before the court.

Delayed Crops damage Case

The complainant sought the intervention of the OCS Katito Police Station under OB No. is 10/15/05/2017 to investigate a case of crops damage and forward the findings to the ODPP for prosecution. However, the complainant avers that the OCS delayed in investigating the complaint. The Commission wrote an inquiry letter to the OCS as well as the Director Internal Affairs Unit's office who indicated that the suspect was arraigned before Nyando court on 18th July 2020 and hearing of the matter commenced. The complainant vide a telephone call dated 10th May 2021 confirmed that the matter was before court.

Illegally harvesting of Kapsait Primary School trees

Several parents of Kasait Primary School approached the Commission for assistance after the school allegedly illegally harvested and sold cypress trees belonging to the school. The complainants further that as they were never consulted about the sale by the BOM, the same amounted to misappropriation of the school property. The decision to seek the Commissions intervention resulted in the halting of the sale and any monies collected returned accordingly.

Patient detained over Hospital Bill released

Detention of patients by hospitals over unpaid hospital bills has become a very common phenomenon, and the complainant's daughter was just one example of the same. Mr. Wanyonyi daughter was treated at Moi Teaching and Referral Hospital, but at the point of discharge, the hospital refused to release the patient for an outstanding bill payment. The Commission ensured his daughter was released after he committed to settle the outstanding bill using his NHIF card.

UFAA Released Shares

Mr. Khadudu can now access his late mother's shares after the intervention of the Commission. Mr. Khadudu applied for the release of his late mother's shares which were held at UFAA his mother Ms. Elizabeth Naswa Khadudu (deceased) was a contributing member of the defunct Kenya National Assurance (Insurance) until her demise in April 1997.

The complainant is a legal dependent and beneficiary of her estate, he lodged a claim in 2017 with the Unclaimed Financial Assets Authority for payment of the aforementioned contributions.

However, despite having supplied all the necessary documentation a number of times, Mr. Khadudu was not successful in accessing the same.

Therefore, frustrated he sought the intervention of the Commission who followed up the matter leading to the release of the shares in earlier 202.

Chiefs allocated the complainants inherited land to a third party

The complainant sought the assistance of the Commission following the Area Chiefs decision to allocate the complainants inherited land to a third party. The complaint further alleged that the said Area Chief threatened to cause arrest of the Complainant should he further probe the case.

The Commission then wrote to the County Commissioner who summoned the Area Chief and mediated on the issue between him and the Complainant to the Complainants satisfaction.

Police Officer Reinstated

A police officer was reinstated following the Commissions intervention. The officer who had been interdicted by the OCPD Eldoret West Division on grounds that he had stolen a motor vehicle. However, despite being acquitted of criminal charges and a long service record without disciplinary cases, he was not reinstated to work. Following the Commissions intervention, the officer was reinstated and placed at the Narok Police Station.

2.2.4.2. SAMPLE CASES

Table 1 presents a sample of different complaints handled by the Commission for the period under review.

Table 1: Sample of Complaints Handled

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint
1	CAJ/KSM/M. INFO/023/20/21-WT	Postal Corporation of Kenya	Inefficiency	The Complainant alleged that the Postal Corporation of Kenya had failed to deliver a parcel that had been sent to the complainant from Dayton Ohio, USA on 13 th February 2021, tracking number UH033416916US.
2	CAJ/KSM/ PEN/000/96/21-WT	Pensions Department	Delay	The Complainant alleged that the Pensions Department had delayed in processing and paying her pension benefits after she retired from the service of the Teachers Service Commission (TSC) in June 2019. She had initially been issued with pension file number, APN/PC331996, but processing of her pension had delayed for unreasonably long time.
3	CAJ/M. IMM/003/029/2021 -KWK	State Department of Immigration	Delay	The complainant who lodged the complaint on behalf of her sick brother Mr. Guyo Diba Boru alleged inordinate delay in issuance of national identification card by the respondent; that the said Mr. Diba first successfully applied for the identification card on the 13 th June 2019 but could not receive the same due to an error; that the identification card came out bearing picture of another individual. He was consequently advised to re-apply for a new card which he did in August 2020 but has not been forthcoming.

No. Complaint Ref No.	Respondent	Classification	Summary of the Complaint
4 CAJ/ISI/ATI/M. PWK/007/001/21- KWK	The National Construction Authority	Access to Information	The complainant alleged that he requested for information with respect to the physical address of Dallo Holdings Limited Company; that the company was tasked with the construction of Isiolo Law Courts where the complainant worked as a mason.
5 CAJ/ELD/ FIN/000/30/21-NK	National Government Constituency Development Fund	Unlawful official conduct	The complainant alleged that Baringo North Constituency is not following the procurement procedure provided under the law. That the constituency is only awarding tenders to the same individuals.
6 CAJ/MSA/ POL/015/425/2021- EM	National Police Service	Unlawful official conduct	The complainant alleged denial of P3 form at Mwangulu police station, Kwale County following a defilement incident reported vide Occurrence Book Number 07/31/7/2019. Claimed that the officers demanded Kshs. 1500 before she could be issued with the P3 form.
7 CAJ/MSA/M. EDU/013/121/2021- KC	Ministry of Education	Delay	The complainant alleged delay by Moi University to pay his dues totaling to Kshs. 109,200 for services offered as a part-time lecturer at the Mombasa Campus in 2016. He was engaged as a part-time lecturer for 5 units in the Faculty of Education.

No. Complaint Ref No.	Respondent	Classification	Summary of the Complaint
8 CAJ/PO/047/477/21- V.O.K	Public Officer	Unlawful official conduct	Complainant alleges that the Director General, Kenya Rural Roads Authority was irregularly appointed and that he receives kickbacks for tenders, bullies contractors and violates procedures of the Public Procurement and Asset Disposal Act.
9 CAJ/ EACC/026/223/21- V.O.K	Ethics and Anti-Corruption Commission	Unresponsive official conduct	Complainant alleged that the Respondent has delayed in resolving a dispute he reported in November 2019.
10 CAJ/PE/040/2502/21- FN	Private Entity	Outside Mandate	A complaint that Credit Reference Bureau Africa Ltd has unfairly treated the complainant, who made an application on 8 th January 2021, to receive a clearance certificate and made the necessary payment but the Certificate was not issued.
11 CAJ/DSS/094/7/2020- SAK	<u>Ministry of Labour and Social Protection</u>	Inefficiency	A complaint regarding disbursement of the social security kitty under the Ministry. The Complainant avers that she has not received her disbursement for A/c no 9016161044817100 since January 2019.
12 CAJ/M. EDU/013/2010/20-EF	Principal, Kihumbu-ini Girls Secondary School, Murang'a	Unfair Treatment	The Complainants allege that they are members of the Respondent's non-teaching staff and that they had not been paid their salaries for 3 months.

No. Complaint Ref No.	Respondent	Classification	Summary of the Complaint
13 HUD/NYER/ NRB/003/81/20- EF	National Registration Bureau	Delay	The Complainant alleges that he applied for his National Identity Card and received it with an error on the date of birth. He returned it in August 2019 as instructed and has not received the card since then.
14 CAJ/M. WATER/009/273/20- SC	Nairobi Water & Sewerage Company	Delay	A complaint that he had outstanding water arrears with the Nairobi Water & Sewerage Company amounting to Ksh. 42,027 and that he entered into an agreement with the Company to pay the Pending water bills through an instalment plan which was to commence on the 9th of July 2020. That despite paying the first installment of Ksh. 15,000 on the agreed date, the water company has not yet reconnected the water to date.
15 CAJ/M. EDU/013/1949-SC	Ministry of education, science and Technology	Administrative Injustice	This complaint is addressed to the Respondent and copied to this Commission amongst other entities. The Complainant impugned the recruitment of the Deputy Vice Chancellor (Finance) which was canceled abruptly. The Complainant was advised that the complaint had been addressed to the entity mandated to address it

No. Complaint Ref No.	Respondent	Classification	Summary of the Complaint
16 CAJ/PE/040/2459/20-SK	Private Entity	Land Dispute	The Complainant alleges fraudulent transfer of a church land plot L.R No.209/16780 situated in Pumwani by a private development Private Entity. We advised the Complainant to seek the services of an advocate of his choice to enable them seek the intervention of the court in protecting their interests in the land
17 CAJ/M. LAN/022/2097/20-SK	Ministry of Lands & Physical Planning	Delay	The Complainant alleges Delay by Kwale Lands Office to issue a title deed for Plot No. 184 Mbegani-Kwale. It was alleged that the land parcel was bought by the late Private Entity K. Muiruri in 1978, sub-divided in 2006 into two plots of 73 acres and 149 acres respectively. A title deed was issued for the 73 acres but none for the 149 acres parcel.
18 HUD/NYERI/094/1/20-EMN	Ministry of Labour and Social Protection	Unfair official conduct	The complainant alleged that he is an 84-year-old senior citizen entitled to Old Persons Cash Transfer Programme but that he hadn't received the same since 2018
19 CAJ/CG/TAITA/057/24/20-EMN	County Government of Taita Taveta	Delay	The complainant alleged that he is the respondent's employee and that the respondent has been delaying paying their salaries.

No. Complaint Ref No.	Respondent	Classification	Summary of the Complaint
20 CAJ/KSM/ TSC/013/322/20-FL	Teachers Service Commission	Delay	An allegation that the Teachers Service Commission had Delayed since 04/09/2019 to remit to him the death gratuity of his wife, Dorothy Achieng Uyomah, TEACHERS SERVICE COMMISSION No. 495048 claiming that he had not refunded the salary overpayment to his wife's bank account, which amount he had cleared on 04/09/2019 vide cheque no. 105316 from equity bank to TEACHERS SERVICE COMMISSION.

2.2.4.3. SAMPLE FEEDBACK

2/12/2020

SMID SALIM KHANMIS

MOMBASA. 0775630706

APPRECIATION.

The complain which I made last month on claiming the Posting of messages have delayed. But Now have been solved.

Yours Faithfully

(Signature)



REF: CAJ/ELD/DCR/003/13/19

THOMAS KIMANYO CHERANGA
C/O BOX 895.
MOR'S BRIDGE
28-64-2021

TO OMBUDSMAN RECORDS OFFICE

RE: THANKS FOR BIRTH CERTIFICATE OF MERET JERAGAT KIMANYO.

For the above mentioned, I hereby says thanks to Ombudsman, Eldoret office, for assisting me for birth certificate of my daughter, the name mentioned above, which it has been delayed for quite long at Kachibora Deaths & birth civil registration.

Thanks You People of Eldoret ombudsman office, for your cooperation.

May almighty God bless you, and give strenght to help others

Thanks you

(Signature)
28/12/2021



COMMISSION ON
ADMINISTRATIVE
JUSTICE
OFFICE OF THE OMBUDSMAN

Fwd: UNPAID VIDEO AND PHOGRAPHY SERVICES

Mon, Sep 6, 2021 at 10:42 AM

Dear madam,

I am happy to report to you that the pending payment from Kengen has been effected. I was paid 2.2M in two instalments, one in December and the second one on 28 Jan 2021.

Also I would like to thank you as CAJ for the GOOD WORK that you're doing.

THANK YOU SO MUCH, ASANTENI SANA.

Ragards,
Joshua



COMMISSION ON
ADMINISTRATIVE
JUSTICE
OFFICE OF THE OMBUDSMAN

Payment of personal guide allowance for person living with disability

Mon, Sep 6, 2021 at 10:56 AM

----- Forwarded message -----

From: **Stellah Nyaboke** <stellahnyaboke86@gmail.com>
Date: Mon, 3 May 2021, 13:04
Subject: Re: Your Complaint to the Ombudsman - 062/1287
To: OLOO, Faith <f.aloo@ombudsman.go.ke>

Dear Madam,

Sorry for the late response. Concerning the above matter the payment was made and am grateful for your help. May God bless you and retain you in the same office so that you may continue helping the voiceless in society. Again Thanks Alot.

Kind regards
Stella Nyaboke



COMMISSION ON
ADMINISTRATIVE
JUSTICE
OFFICE OF THE OMBUDSMAN

Fwd: RELEASE OF KCSE CERTIFICATE AND RESULT SLIP

Mon, Sep 6, 2021 at 10:42 AM

----- Forwarded message -----

From: **Nyawira Thaithi** <ythaithi@gmail.com>
Date: Mon, Feb 15, 2021 at 6:15 PM
Subject: RELEASE OF KCSE CERTIFICATE AND RESULT SLIP
To: <s.karimi@ombudsman.go.ke>

Dear Sir/Madam,

I hereby wish to inform your highly esteemed office that after your intervention, the above mentioned documents were released to me on 15/01/2021.

I wish to register my sincere gratitude to the Commission in general and in particular to one Salome Karimi and her office colleagues.

May you continue serving Kenyans with the same zeal.

Thanking you in advance.

Yours Faithfully,

Susan Njeri Wambugu

Appreciation for services rendered



Maureen Lina <maureen.linnah@gmail.com> 1:19 PM

to Kisumu

I had reported at your office about my KCPE certificate that I had never received since 2008 and tried to seek help in education offices in vain. After your follow up, KNEC contacted me to inform me that they had processed a certification letter for me to act as a replacement of my lost certificate. I'll be picking it as soon as possible. Thank you very much for coming into this. God bless you.

Maureen Lina Oyengo.



SOSPETER OWUOR OKUMU

P.O BOX 1764-40100,

KISUMU.

TEL; 0728342501

26th June 2021

TO THE OMBUDSMAN'S OFFICE,
WESTERN REGION OFFICE,
KISUMU.

Dear Sir,

RE: APPRECIATION FOR ASSISTING ME TO GRADUATE

The above matter refers. In May last year, I approached your Kisumu office regarding an issue I had with JKUAT regarding my missing marks which made me not graduate in time. Mr. Francis Lilako took up the matter immediately with the University administration, which was not willing to listen to my complaints. Upon receipt of a letter from the Ombudsman's office, the University contacted me immediately and everything started moving on from that point.

Although I did not graduate in the May session, I finally graduated in December 2020. I wish to thank you for the support you gave me in my quest for justice, without which, I could still be chasing my missing marks from, one office to another. It is my prayer that you continue to offer similar assistance to the voiceless masses of this country. God Bless you abundantly.

Yours Faithfully,

Sospeter Owuor Okumu

P.O. Box 322 (40105),

MASENO.

kennethawiti@yahoo.com

0721917585

THE COMMISSION ON ADMINISTRATIVE JUSTICE,

“Office of the Ombudsman”,

P.O. Box 1967 (40100),

KISUMU.

12/10/2020

Dear Sir/Madam,

RE: STATEMENT OF APPRECIATION.

I had a complaint against Maseno University regarding unpaid dues. This was taken up by your organization in November 2019.

I would like to report to you that the actions that were taken by your office have generated positive results. To be specific, the Office of the Ombudsman wrote to the Vice Chancellor of Maseno University on the 13th of January 2020 regarding my issue. This was followed by a reminder on the 21st of February 2020. These two letters put in motion a series of events that finally led to me being issued with a cheque on the 8th October 2020, a copy of which is hereby attached.

I would once again like to show my sincere gratitude for the service that you have rendered to me at a time when I was in a contest against a high level state corporation.

Finally, I would like to suggest that the Office of the Ombudsman should conduct more publicity campaigns so that a wider scope of the general public becomes aware of and access its services.

Yours' Sincerely,



Awiti Kenneth Owino.



2.3. Investigations

Investigations form an integral part of complaints management. During the FY 2020/21 the Commission carried out five investigations.

Highlights on Investigations Conducted

i. Investigation into the 29th September 2019, Likoni ferry Tragedy

The Commission, on its own motion, carried out an investigation following the Likoni ferry tragedy, whereby on September 29, 2019; A mother, 35 year old Mariam Kighenda, and her 4-year-old daughter Amanda Wambua boarded the MV Harambee Ferry, where they lost their lives after their car slipped off the slippery faulty back ramp and plunged into the ocean. Investigations revealed that the prows of the ferry were not functional and that the safety chain had not been fixed; the Kenya Maritime Authority had inspected and certified the vessels as safe despite the defective prows: the vessels were 33 years old way beyond their recommended 20-year lifespan and that the co swains operating the vessels did not meet the minimum requirements stipulated in the merchant shipping regulations. The Commission has proposed a raft of recommendations including thorough inspections of the vessels with a view to decommissioning the old and defective vessels and rehabilitating the ones in fair condition to acceptable maritime safety standards

ii. Investigation into the Pumwani Hospital Incident

Following media reports, the Commission undertook on its own motion an investigation into an incident reported against the Pumwani Maternity Hospital on allegation in which an expectant lady is reported to have delivered by the roadside outside the hospital gate after she was denied access into the hospital by security guards. Upon investigation, the Commission established that indeed, the lady was denied access to the hospital maternity services. The findings and recommendations were shared with the Nairobi Metropolitan Services and the hospital management for action.

iii. Allegation of abuse of power by Mr. Osman Khalid MCA South 'C'

The Commission carried out an investigation into an alleged abuse of power and misconduct through irregular eviction of mechanics and destruction of property by one Hon. Osman Khalif, MCA South C. The investigations revealed that the evictions were done by the

Nairobi City County Government (NCCG) and the Multi-sectoral Agency Consultative Committee on Unsafe Buildings and Other Structures as the garage used by the mechanics was built on a road reserve. The involvement of the MCA could not be substantiated.

The Commission made a number of recommendations to the NCCG and NMS for their necessary action.

2.4. Advisories

The CAJ Act mandates the Commission to issue/provide advisory opinions or proposals on improvement of service delivery in the public sector. During the period under review, the Commission issued two advisory opinions:-

- i. Advisory opinion on the qualification for election or appointment to state office of persons previously removed or dismissed from state offices.
- ii. Advisory opinion on Covid 19 pandemic in the health sector.

CHAPTER THREE

3.0. STRENGTHENING COMPLAINTS MANAGEMENT IN THE PUBLIC SECTOR

The Commission plays an important role in ensuring quality public service delivery. To this end, the Commission facilitates the setting up of, and strengthening of the complaint-handling infrastructure in the public sector. This is realised through training, monitoring of service delivery standards and provision of technical support.

3.1. Resolution of Public Complaints Indicator

The Commission mainstreamed complaints management in the public sector through inclusion of '*Resolution of Public Complaints*' indicator in the performance contracting framework.

Under the Indicator, public institutions were required to establish a mechanism of addressing complaints and report to the Commission on a quarterly basis. In turn, the Commission evaluated the reports, carried out assessments and certified them based on the set criteria to enforce compliance.

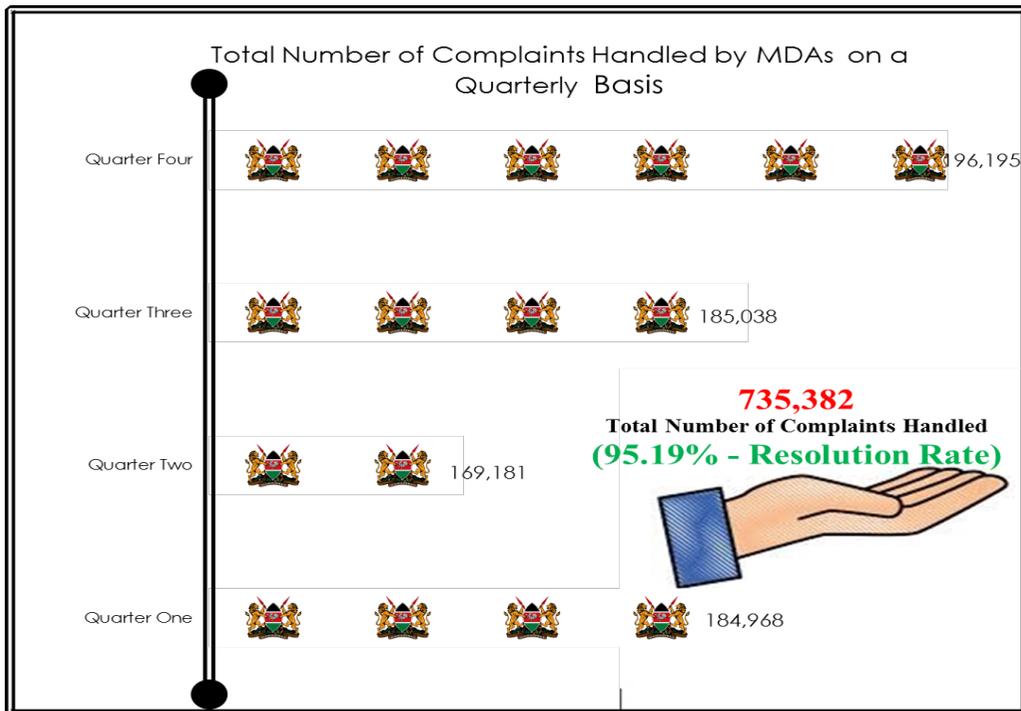
During the period under review, the Commission developed the Tenth Edition reporting guidelines for implementing the indicator.

In assessing the level of compliance, the Commission considered the following parameters:

- i. Complaints management infrastructure;
- ii. Resolution of complaints handled by MCDAs;
- iii. Submission of quarterly reports to the Commission;
- iv. Building capacity for complaints handling officers and staff;
- v. Awareness creation initiatives on complaints handling and ATI;
- vi. Proactive disclosure of information to members of the public as per the ATI Act.

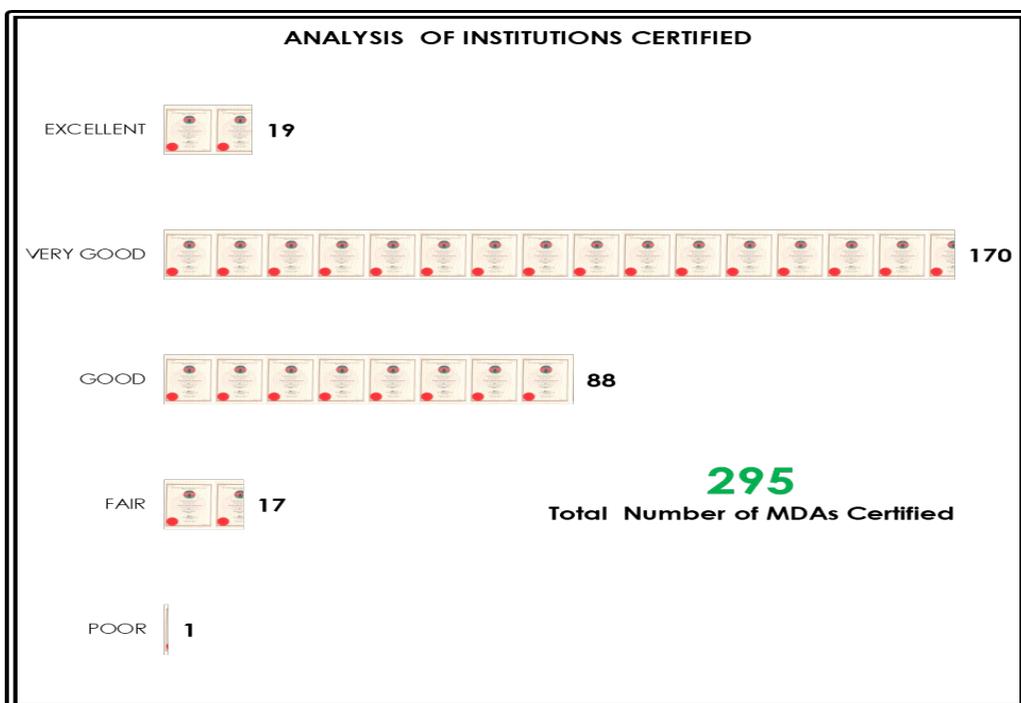
During the year, public institutions handled 735,382 complaints out of which 700,036 (95.19%) were resolved. Figure 6 presents the analysis of complaints received by public institutions during the reporting period.

Figure 6: Analysis of Complaints Received by Public Institutions



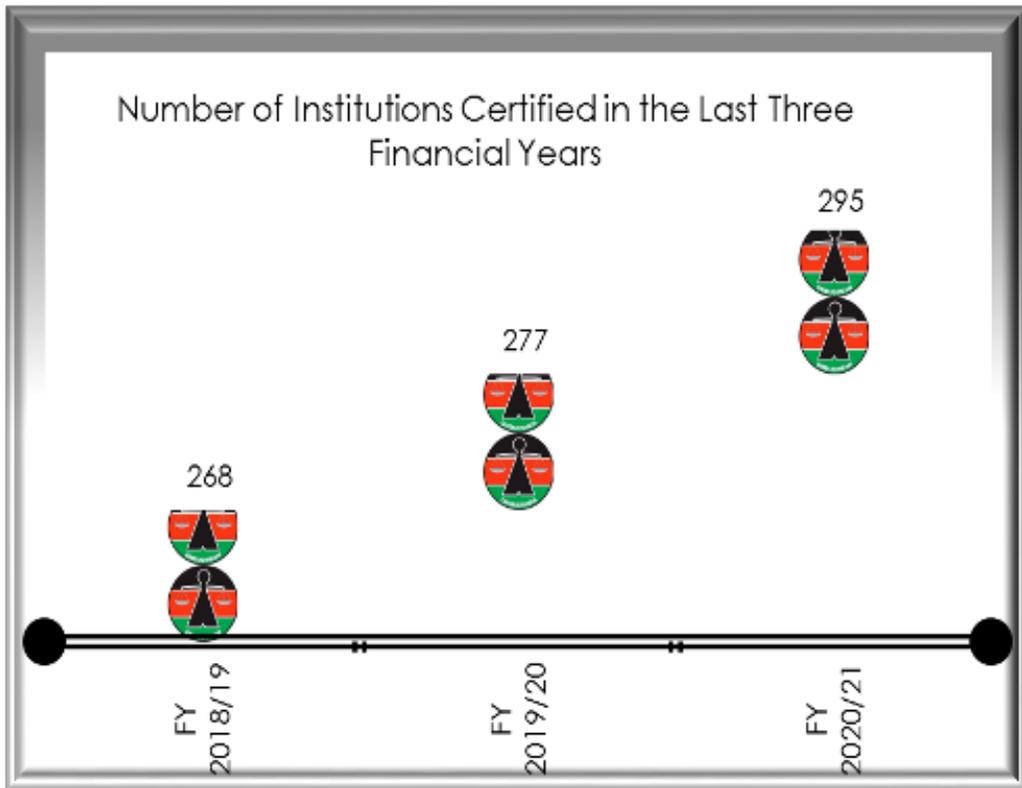
The Commission certified a total 295 public institutions during the period under review. The 295 institutions were graded as presented in figure 7

Figure 7: Analysis of Public Institutions Certified by Grade



A comparative analysis of the past five financial years indicates a steady rise in the number of public institutions complying with the indicator on resolution of public complaints and therefore certified. This can be attributed to the interventions by the Commission to strengthen the capacity of public institutions to manage complaints. Figure 8 presents an analysis of institutions certified.

Figure 8: Certification Analysis



3.2. Capacity Building in the Public Sector

In the period under review, the Commission trained 1,652 officers drawn from 80 institutions. The trainings targeted complaints officers, senior managers and frontline officers, who are in-charge of ATI and complaints management.

Table 2 presents the number of institutions and officers trained during the FY 2020/21

Table 2: Number of Institutions and Officers Trained

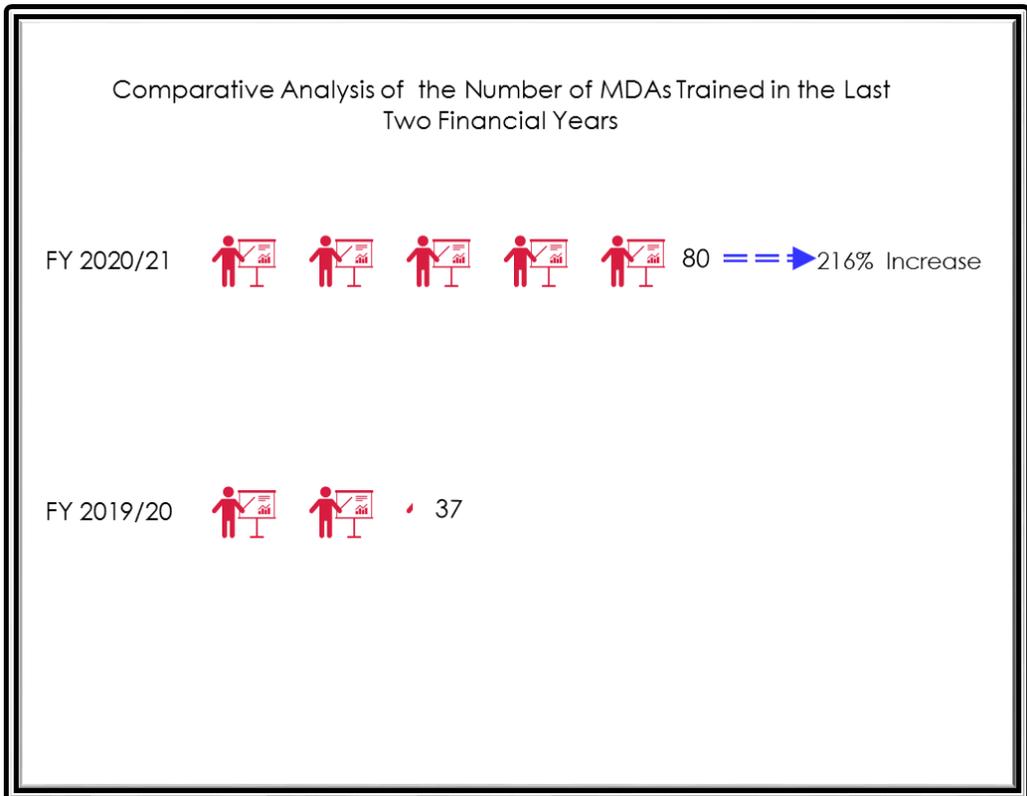
No.	Name of Public Institution	Number of participants
1.	University of Eldoret	75
2.	Olessos Technical Training Institute	60
3.	Kenya Marine Fisheries Research Institute	60
4.	Kamwenja TTC	54
5.	Tharaka University College	50
6.	Kenya Revenue Authority	50
7.	Kenya Dairy Board	48
8.	KICC	40
9.	Kenya Deposit Insurance Corporation	35
10.	Ministry of Petroleum and Mining	35
11.	Kentrade	32
12.	Kenya Universities and College Placements Service	30
13.	ICT Authority	30
14.	Dedan Kimathi University of Technology	30
15.	Kenya National Library Services	30
16.	South Eastern Kenya University	30
17.	Kenya Railways	30
18.	NACADA	29
19.	KASNEB	26
20.	PC Kinyanjui Technical Training Institute	26
21.	Kenya Ports Authority	26
22.	NEMA	26
23.	Ministry of Defence	25
24.	Energy & Petroleum Regulatory Authority	25
25.	Ministry of Devolution & ASAL- State Department for Devolution	25
26.	Machakos University	25
27.	Kenya Airports Authority	25
28.	Kenya School of Law	24
29.	Chuka University	23
30.	Kenyatta University	22
31.	Office of the Deputy President	20
32.	Kenya National Bureau of Statistics	20
33.	Kenya Literature Bureau	20
34.	University of Nairobi	20
35.	PcPB (pest Control Product Board)	20

No.	Name of Public Institution	Number of participants
36.	National Irrigation Authority	18
37.	Embu University	18
38.	Policy Holders Compensation Fund	18
39.	National Housing Corporation	17
40.	LAPPSET Corridor Development Authority	16
41.	National Housing Corporation	16
42.	National Youth Council	15
43.	Nairobi Center for International Arbitration	15
44.	Kenya Law Reform Commission	15
45.	National Transport and Safety Authority	15
46.	Kenya Water Institute	15
47.	Tana Water Works Development Agency	15
48.	National Council for Population Development	15
49.	Technical University of Mombasa	15
50.	National Registration Bureau,	15
51.	Meru National Polytechnic	14
52.	Competition Authority	13
53.	Tourism Fund	13
54.	Konza Technopolis Development Authority	13
55.	NETFUND	12
56.	Uwezo Fund Oversight Board	12
57.	Water Sector Trust Fund	12
58.	Kenya Film Classification Board	12
59.	Muraga Technical Training Institute	11
60.	County Assembly of Embu	10
61.	Kenya Civil Aviation Authority	10
62.	Jeremiah Nyaga TTI	10
63.	Regional Centre on Groundwater	10
64.	Nairobi Technical Training Institute	10
65.	Kenya Industrial Estates	10
66.	Kenya Maritime Authority	9
67.	National Council for Law Reporting	8
68.	Nyandarua National Polytechnic	8
69.	Kenya Institute of Mass Communication	8
70.	Ewaso Ngiro North Development Authority	8
71.	State Department for Regional & Northern Corridor Development	7
72.	Kenya Coast National Polytechnic	7

No.	Name of Public Institution	Number of participants
73.	Business Registration Service	6
74.	Media Council of Kenya	6
75.	Anti- FGM Board	5
76.	Kenya Film Commission	5
77.	Lake Victoria North Water Works Development Agency	5
78.	Sports, Arts and Social Development Fund	5
79.	Kenyatta University Teaching and Referral Hospital	5
80.	Tourism Finance Corporation	4
Total		1,652

There was a significant increase in the number of MDAs trained compared to previous period where 1,201 officers drawn from 37 institutions were trained. The increase was attributed to the relaxation of the Covid-19 health protocols by the Government and the adoption of ICT as platform for conducting training. Figure 9 presents the comparative analysis of the trainings.

Figure 9: Comparative Analysis of MDAs Trainings



3.3. Technical Support

In addition to the trainings, the Commission also provided technical support to five public institutions with regard to developing service delivery documents: -

- i. State Department of Devolution to develop a model County Grievance Redress Mechanism for use by county governments as a compliance requirement under KDSP.
- ii. Kenya Civil Aviation Authority to develop their internal complaints policy.
- iii. Retirement Benefits Authority to develop their Access to Information Policy.
- iv. Lap fund to develop their complaints policy held from
- v. Ministry of Energy and Mining in the development of their Citizen Service Delivery Charter & Complaints Policy

3.4. The Research and Development

In the financial year under review, the Commission undertook research on various emerging trends touching on the Commission's dual mandate in complaints handling and access to information. To this end, the Commission carried out research and surveys, key among:

- i. Evaluating the status of proactive and reactive disclosure of information within public sector institutions
- ii. End line customer satisfaction survey
- iii. Research on complaints handling policy gaps within county governments.

In its endeavor to enhance research capacity, the Commission equipped the Resource Centre, through acquisition of the following reference materials and systems:

- i. Acquisition of 374 new publications on topical subjects;
- ii. Upgraded the resource center systems;
- iii. Established resource centers in Mombasa and Kisumu regional offices.

CHAPTER FOUR

4.0. ACCESS TO INFORMATION

4.1. Introduction

The Access to Information Act mandates the Commission to oversee and enforce the right of access to information in Kenya. It requires the Commission to report to Parliament on implementation of the right of access to information. In this regard, the Commission undertook a number of initiatives to operationalize the law. Some of the specific areas of focus under the reporting period were establishment of a regulatory framework, handling of appeals on access to information, building capacity of public institutions and sensitization on the access to information law.

4.2. Operationalisation of the ATI Act

4.2.1. Public Participation on ATI Regulations:

The ongoing process of enacting draft ATI regulations progressed to the phase of public participation as obligated under Article 10 of the Constitution and Section 5 of the Statutory Instruments Act.

The Commission, through a public notice, invited submission of written comments and memoranda from stakeholders and general members of the public on the draft ATI regulations. The notice was widely circulated and shared with all stakeholders and members of the public through print and electronic media. The call elicited positive responses from all the stakeholders involved.

The Commission held public participation in eight Counties namely: -Kitui, Makueni, Mombasa, Taita-Taveta, Nandi, Nakuru, Garissa and Wajir. Through these fora MCDAs, Civil Society Groups, Community Based Organizations, special interest groups and members of the public/citizens in those Counties were engaged.

4.2.2. Capacity Building on ATI

The Commission, subject to Section 7 of ATI Act, supported county governments to comply with Section 96 of the County Governments Act 2012. These provisions require that every county government and its agencies designate an officer for purposes of ensuring access to information.

In this regard, a total of 82 County officers were conferred delegated powers of Information Access Officers (IAO) in 46 County Executives and 36 County Assemblies.

Further, the Commission developed a model ATI laws and guidelines for domestication by county governments. Most MCDAs have complied with information disclosure requirements.

4.2.3. Milestones

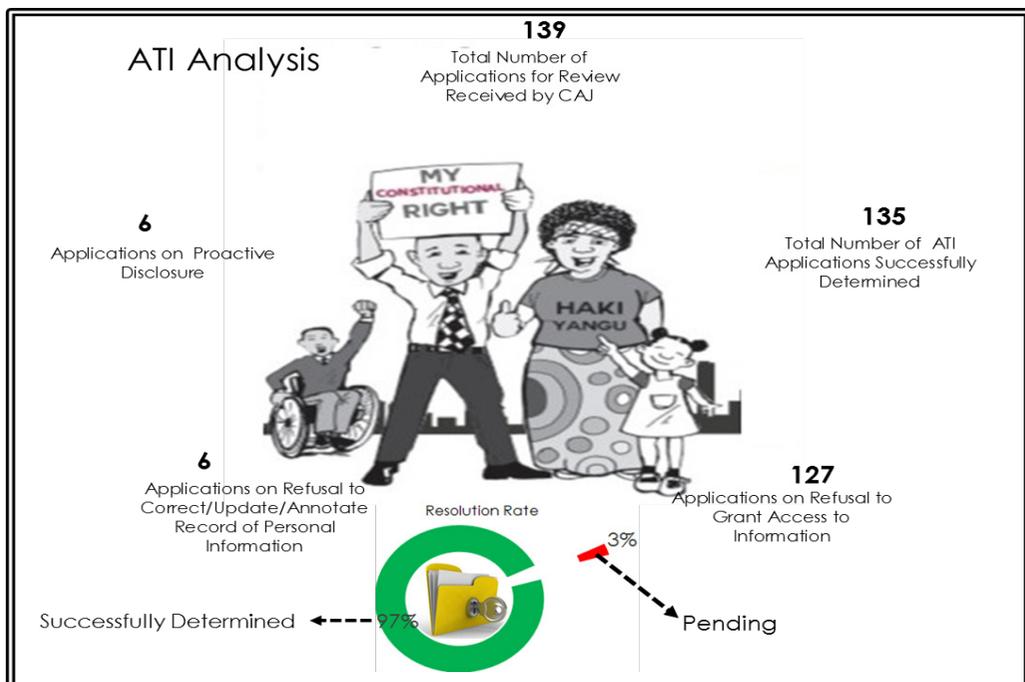
The Commission developed a journalists' handbook entitled 'Access to Information in Kenya'. The handbook, launched on 28th September, 2020 was envisaged to increase awareness and utilisation of the right in journalism work. Further, over 150 journalists drawn from different media houses and regions were trained. The Commission also developed an online monitoring tool on proactive disclosure used to monitor compliance of public entities on proactive disclosure.

4.3. Oversight and Enforcement

4.3.1. Review and Determinations

The Commission received a total of 139 applications for review of decisions by entities. A total of 135 applications representing 97% were successfully determined given that the concerned entities provided the requested information. Out of 139 applications, 92% were on refusal to grant access to information, while 4% were on refusal to correct/update/annotate record of personal information and 4% were on proactive disclosure.

Figure 10(a): ATI Application for Review Analysis



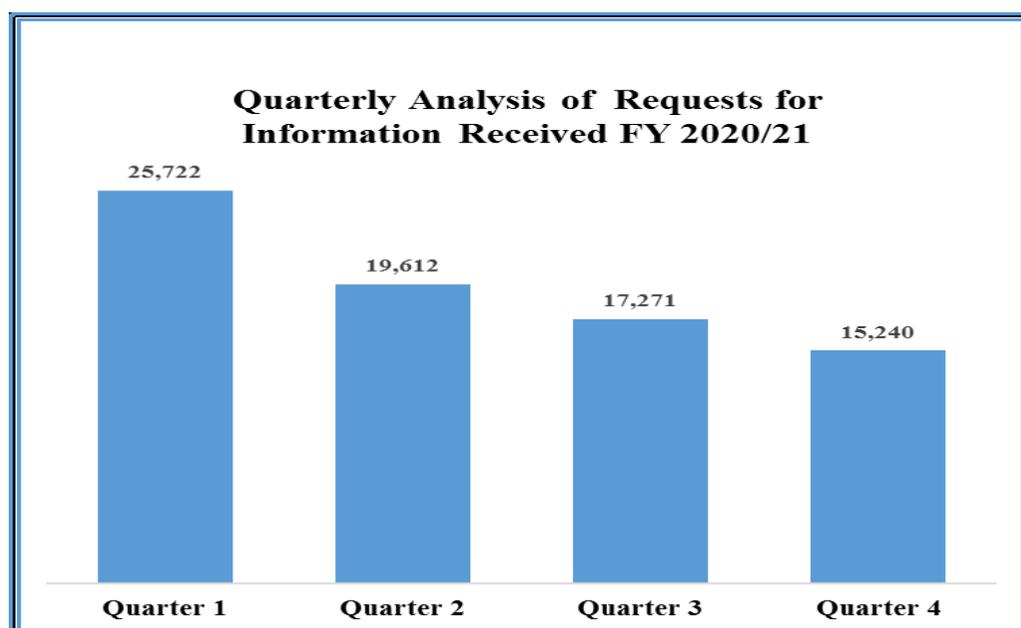
4.3.2. Access to Information Requests received by Public Institutions.

A total of 77,845 requests for information were received by public institutions during the financial year where 77,579 requests were disclosed, 213 requests were transferred while 28 requests were declined. Table 3 and figure 10(b) illustrates the access to information requests received and the corresponding decisions.

Table 3: number of requests for information received by public entities FY 2020/21

Details	Requests for information Disclosed	Requests for information Transferred	Requests for information Declined	Requests for information not acted upon at end of Reporting Period	Total Re-quests for information Received
Quarter 1	25,647	72	0	3	25,722
Quarter 2	19,560	39	11	2	19,612
Quarter 3	17,224	38	2	7	17,271
Quarter 4	15,148	64	15	13	15,240
Total	77,579	213	28	25	77,845

Figure 10(b): Quarterly Comparison on access to Information Requests received by Public Institutions



4.3.3. Success Stories

Table 4: Success Stories

No.	Information Requests	Institution	Determination
1	An application for review was lodged with the Commission by a Non-Governmental Organisation against Insurance Regulatory Authority (IRA) for information on coverage of payments in relation to Covid-19 by private insurance companies during the pandemic.	NGO vs IRA	Upon the Commission's intervention, the Authority responded to the request giving their position on the matter
2	An application for review was lodged with the Commission against Athi Water Works Development Agency (AWWDA) for project no. P-KE-EB0-010-Nairobi Rivers basin rehabilitation and restoration program sewerage improvement project phase II in Kariobangi.	Athi Water Works Development Agency (AWWDA)	Upon the Commission's intervention the Executive Officer, Athi Water Works Development Agency (AWWDA) provided the requested information
3	An application for review was lodged with the Commission against Micro Small Enterprises Authority relating to disclosure of information on criteria for shortlisting successful applicants.	Micro and Small Enterprises Authority	The Commission intervened and the Authority provided the information requested and invited the applicant to visit their offices in case he required any further information and clarification.

No.	Information Requests	Institution	Determination
4	The Commission received an application for review requesting for information regarding the upgrading of the 30 kilometres Sultan Hamud Kasikeu-Kyambeke-Kikoko (D515)	Kenya Rural Roads (KERRA)	The Authority provided all the information requested and attached the supporting documents relating to the contract and a progress report.
5	The Commission received an application against Kenya National Examinations Council on correction of personal information appearing on the applicant's examination certificates	Kenya National Examinations Council(KNEC)	KNEC declined to comply with the Commission determinations. The applicant sought judicial redress as advised by the Commission.

4.4. Disposal of Public Records

The Commission in consultation of KNADS reviewed requests for disposal of public records from various MCDAs in line with Section 17 of the ATI Act and Section 7 of Public Archives and Documentation Services Act Cap 19. In this regard, the following records were reviewed:

Table 5: Disposal of Public Records

No.	Description	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
1	No. of Institutions who applied for authority to dispose public records	12	17	33	15	77
2	Total number of records where Approval was granted	439,682	5,351	462,268	11,910	919,211
3	Total Number of records where Approval was not granted	0	0	10,405	1	10,406

CHAPTER FIVE

5.0. PUBLIC EDUCATION AND OUTREACH

5.1. Introduction

Public education and awareness remained a key area of focus for the Commission in line with strategic objective 5. This aimed at enhancing awareness and understanding of the Commission's mandate. Further, the need to create awareness on access to information, necessitated the scaling up of public education and outreach programs.

An exit survey conducted by research firm InfoTrack and Consulting in November 2020, revealed an increase of public awareness level about the Commission from 28% to 44%.

Towards this end, the Commission undertook various initiatives despite the challenges posed by budgetary constraints and the Covid-19 pandemic.

5.2. Outreach Programs

I. International Day for Universal Access to Information

The International Day for Universal Access to Information (IDUAI) is celebrated on September 28 of every year since 2016. This is after UNESCO adopted resolution 38 C/Resolution 57 in November 2015 declaring September 28 every year as International Day for Universal Access to Information. The IDUATI was celebrated under the theme - Saving Lives, Building Trust, Bringing Hope.

To commemorate the day, the Commission in partnership with the Media Council of Kenya hosted an event where they launched Access to information in Kenya: A Journalists' Handbook and a panel discussion on Access to Information in Times of COVID-19: Good Practices and Challenges in Kenya.



A panel discussing during the IDUATI

The celebration focused on the right to information in times of crisis and on the advantages of having constitutional, statutory and/or policy guarantees for public access to information to save lives, build trust and help the formulation of sustainable policies through and beyond the COVID-19 crisis.

II. Capacity Building of Media Stakeholders on Access to Information

The Commission trained 150 journalists, correspondents, and editors in Kisumu, Eldoret, Mombasa, and Nairobi. The training was aimed at developing the capacity of media stakeholders to promote the right to information, increase their knowledge on access to information and enhance their investigative journalism skills.



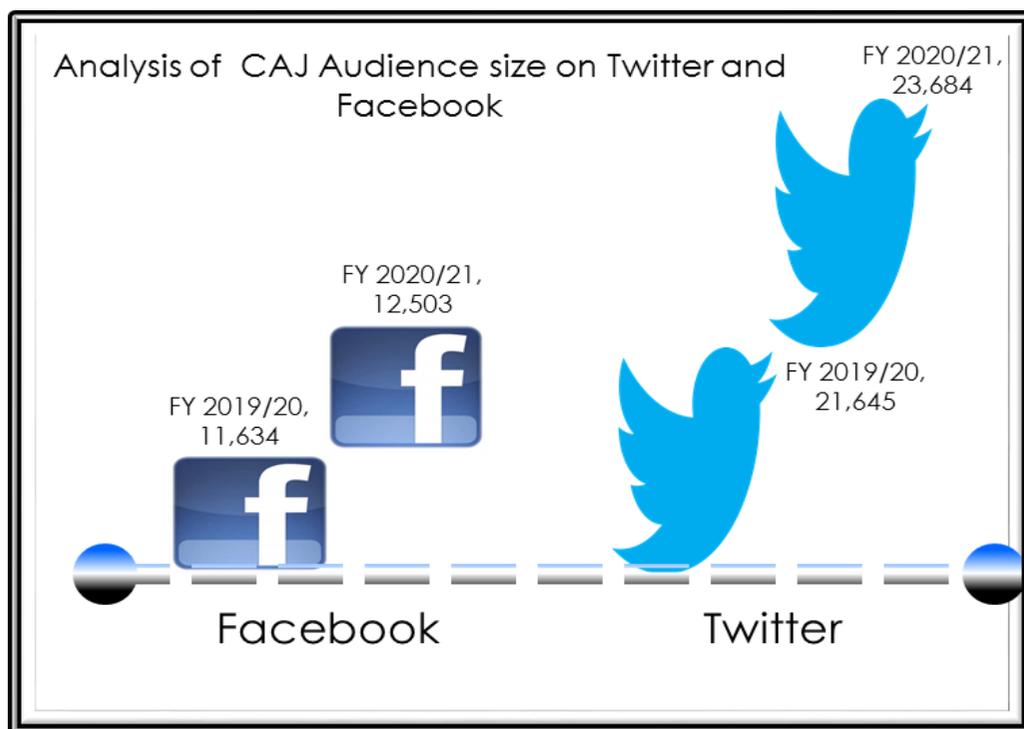
Editors during the access to information training at the Safari Park hotel, Nairobi date

5.3. Media Engagement

The Commission recognizes the critical role of media in educating and informing the public. In this regard, it used various mainstream and social media platforms to create awareness and receive feedback from the public.

Social media is increasingly becoming an important medium of interaction between organisations and their clients. Its interactive nature provided a platform for citizens to access services and demand accountability from institutions. The Commission engaged the public through its website (www.ombudsman.go.ke) and social media platforms. During the reporting period, many Kenyans made enquiries and reported cases through the Commission's Facebook page (OmbudsmanKenya), Instagram (Kenyasombudsman) and Twitter handle (@Kenya ombudsman). It is worth noting that the Commission's audience size on Twitter grew from 21,645 to 23,684, and from 11,634 to 12,503 on Facebook. In the same period, the interaction rate increased by about 70 percent on both Twitter and Facebook. From the issues highlighted on social media, the Commission took up and handled 15 matters on its own motion.

Figure11: Analysis of CAJ Audience on Twitter and Facebook



5.4. County Visits

The Commission undertook outreach activities at the counties aimed at creating awareness about the Commission.

Specifically, the Commission was able to undertake public awareness creation in the following Counties: - Kitui, Makueni, Mombasa, Taita-Taveta, Nandi, Nakuru, Garissa and Wajir in phase one which was conducted between 21st June 2021 and 25th June 2021. The Commission targeted and was able to reach MCDAs, County Assembly Members, Civil Society Groups, Community Based Organizations, Special Interests Groups and members of the public/citizens in these Counties. A total 1000 people were engaged during the public engagement forums. The Commission also conducted awareness through radio programs.

5.5. Roundtable dialogue forum with public oversight institutions

The Commission reached out and sensitised 60 social auditors from Laikipia County on the mandate of the Commission. The Commission in partnership with the Centre for Enhancing Democracy and Good Governance (CEDGG) organised a forum and took place on November 20, 2020 in Nanyuki town.

5.6. Webinar

The Commission conducted webinars to sensitise the public on its mandate.

5.7. Information Education and Communication Materials

During the reporting period, the Commission disseminated various information, education and communication materials on diverse thematic areas, namely complaints management and access to information, to augment awareness creation efforts. These included posters and fliers on the rights of persons in custody, brochures on access to information, and brochures on the most frequently asked questions. The Commission produced and disseminated access to information handbook.

CHAPTER SIX

6.0. PARTNERSHIPS AND LINKAGES

6.1. Introduction

The Commission, enhanced its efforts in the promotion of good governance through strategic local and international partnerships and linkages. This entailed cooperation with other Ombudsman institutions, joint initiatives with players in the administration of justice and engagement with development partners as highlighted below.

6.2. Ombudsman Institutions

The institution of the Ombudsman operates in a global arena that has more than 196 institutions of similar mandate worldwide. Accordingly, the Commission maintains relationships with counterparts in other parts of the world for purposes of cross learning and optimization of capacity through peer review within the ombudsman community. The Commission collaborated with other regional and international under the auspices of:-

6.2.1. International Ombudsman Institute (IOI)

The Commission Chairperson attended the 12th IOI World Conference and General Assembly held on theme of “Giving Voice to the Voiceless.” Other conference attended include among others,

- I. IOI Webinar on “Ombudsman Dealing with the Media” held on 26th November 2020.
- II. IOI Webinar on “Covid-19 and the Ombudsperson - Rising to the Challenge of a Pandemic” held on 24th November 2020
- III. IOI World Conference held on 17 – 22 May 2020

6.2.2. African Ombudsman and Mediators Association (AOMA)

AOMA is a continental body whose objective is to address regional issues of mutual interest on the role of the ombudsman in promoting transparency, accountability, fairness and the rule of law. It is decentralised to six regions namely: Northern Africa; Southern Africa; Western Africa; Central Africa and the Indian Ocean region. The Chairperson of the Commission serves as the Secretary General.

During the period, the Commission

- I. Hosted the 18th and 19th meetings of the Association’s Executive

Committee Organized webinars and trainings in collaboration with the African Ombudsman Research Centre (AORC) key among them 20th AORC Board Meeting on 7th October 2020 AORC Webinar on “Threats Facing the Ombudsman”

- II. Attended the regional meeting of AOMA East Africa.
- III. Attended AOMA Southern Africa Regional Meeting on 24th June 2021

6.3. International Linkages

6.3.1. The Geneva Centre for Security Sector Governance (DCAF)

The Commission forged partnership with Geneva Centre for Security Sector Governance (DCAF) institute. On the basis of this partnership, the Commission participated in a DCAF conference on Security and the Rule of Law and mutual study visits. The Commission contributed to the development of a compendium on the armed forces by DCAF. The collaboration provided a platform for experience sharing and peer learning with a view to establish a similar ombudsman in the security sector.

6.3.2. International Conference of Information Commission

The Commission joined the International Conference for Information Commissioners (ICIC) in 2019, which is a global forum that connects information commissioners responsible for the protection and promotion of access to information laws in order to improve transparency and accountability. In May 2021, the Commission was elected to the Executive Committee whose main objective is to focus on the implementation of the strategic priorities of the Conference one of which is to champion for the enactment and implementation of Access to Information laws for a term of three years.

6.4. Local Partnerships and Linkages

6.4.1. Constitutional Commissions and Independent Offices (CCIOs)

These are institutions established under Article 249 of the Constitution to realise the objectives of protecting the sovereignty of the people of Kenya; promote constitutionalism and secure the observance by all State organs of democratic values and principles. Through this partnership good governance and service delivery has been enhanced in the public sector. The Commission Chairperson was elected to the position of Vice Chairperson of the Forum.

6.4.2. NCAJ

National Council on the Administration of Justice

NCAJ is a multi-agency co-operation platform established under the Judicial Service Act with the responsibility of overseeing and promoting sector-wide partnership through policy formulation and resource mobilization for effective administration of justice. The members include the Judiciary, Office of the Attorney General, Office of the Director of Public Prosecutions, Witness Protection Agency, Office of the Inspector General of Police, the Law Society of Kenya, Kenya Prison Service, the Independent Electoral and Boundaries Commission, the Ethics and Anti-Corruption Commission and the Kenya Law Reform Commission among others.

During the reporting period, the Commission participated in the quarterly meetings of NCAJ. It actively engaged in adhoc committees and task forces in the administrative of justice and been instrumental in peer review and validation of nine policy documents and guidelines.

6.4.3. Media Council of Kenya

In recognition of the critical role played by the media in promotion of good governance, the Commission signed a Memorandum of Understanding with the Media Council of Kenya to enhance transparency and accountability in the public sector.

6.4.4. International Development Law Organization (IDLO)

The Commission partnered with IDLO to develop a comprehensive ATI training Curriculum- *Access to Information in Public Service* and *Facilitator Guide* for public officers.

6.4.5. GIZ

The Commission, through collaboration with GIZ under its Good Governance Programme in Kenya prepared a two-work plan (2021-2023) for support. The objective of the support was to improve good governance in selected public sectors institutions. The CAJ-GIZ support focused on realization of two main indicators, namely,

- i. Number of users of digital mechanisms for public complaints increases by 50%, with a 35% share of women in the total number of complainants of all complaints handled by CAJ
- ii. Satisfaction of complainants with the complaint handling procedures monitored by CAJ has increased by 25%.

6.4.6. KDSP

The Commission through the support of KDSP, partnered with the Ministry of Devolution and ASALs to develop a generic draft county complaints management policy for adoption by counties in addressing grievances.

6.4.7. ICJ

Existing Memorandum of Understanding. Supported in training the Min of health and Min of education on access to information and the respective obligations.

6.4.8. Facilitative Discussions

- I. Participated **Gender equality and anticorruption - two themes, one goal" June 2, 2021** , which the German Federal Ministry for Economic Cooperation and Development organised in cooperation with SIDA, the Swedish International Development Cooperation Agency.
- II. Participated In The Launch Of Gender Policies And The Women Economic Empowerment(Wee) Strategy

The state department launched the gender policies and the women economic empowerment strategy on 23/March 2021 In commemoration of the Sixty fifth session of the United Nations Commission on the Status of Women (CSW65), and as part of the 'Bring CSW65 Home' initiatives- 25th March 2021
- III. Presentation During The Wilton Park/Ids Virtual Dialogue In Partnership With The University Of Nairobi 'Kenya's good governance moment: at home, regionally, and globally' on 15thmarch 2021

6.4.9 Development of a Curriculum on Access to Information in partnership with the Kenya School of Government (KSG).

The Kenya School of Government is the lead public agency charged with the role of capacity building in the public sector. As a result, the Commission has partnered with and have an existing MOU with them in furtherance to its function. The two institutions have collaborated in developing a comprehensive Access to Information Curriculum targeting public officers in order to equip them with knowledge, skills and competences to implement the legal framework on access to information.

CHAPTER SEVEN

7.0. Governance and Corporate Services

This chapter covers governance, human resource management, financial management, ICT and general administration.

7.1. Governance

The Commissioners who assumed office on 2nd August 2018 continued to steer the Commission to greater heights of success and offered leadership and policy direction.

In this regard, the Commission: -

- i. Operationalised the revised organisational structure.
- ii. Provided oversight on implementation of Strategic Plan (2019 -2023)
- iii. Developed ATI regulations and guidelines
- iv. Approval of policy:- Gender Mainstreaming Policy, Complaints Handling Manual, Internal Audit Service Charter, Terms of Reference for Audit Committee and Guidelines for Administration of Declaration of Incomes, Assets and Liabilities.

The above achievements enhanced synergy and performance.

7.2. Corporate Affairs

The Commission continued to encounter challenges associated with the COVID-19 pandemic, necessitating the adoption of both innovative and creative ways of ensuring that service delivery was not adversely affected by the scourge. In particular, the Commission embraced use of technology to counter the challenge of curtailed social interaction owing to the protocols introduced by the Ministry of Health, to mitigate on the pandemic. In the year under review, flexible hours working and from home were maintained where applicable and Staff provided with personal protective equipment. Despite the challenges, the Commission achieved notable milestone as follows: -

7.3. Strengthening Human Resource Capacity:

The Commission continued to strengthen its human resource capacity, through recruitment of additional staff in order to fortify the various departments charged with executing the broad

mandate of the Commission. To this end, the Commission recruited nine additional officers who were deployed in the to various departments. Guidelines on staff establishment and staffing norms were also developed, to bolster efforts by the Commission to attract, retain and motivate a highly qualified and competent, work-force.

7.4. Skills Development

Cognizant of the important role played by the human resource towards realizing its mandate, the Commission continues to invest in skills development for its work-force through training. In this regard staff members were sponsored for various courses and training programmes as indicated in the figure 12:

Figure 12: Analysis of CAJ Officers Trained



7.5. Decentralization of Ombudsman Services

The Commission continued with its endeavor to decentralize its services to the counties, in order to ensure that its services are closer to the people in line with the Constitution. In this regard, the Commission managed to refurbish office premises acquired to establish an office in Laikipia county and finalized on acquisition of office space for the establishment of an office in Garissa. Apart from that, the necessary human resource for the two offices were

recruited. The offices will not only serve the two counties but also adjacent ones. In the current strategic plan, the Commission committed to establish at least two branch offices per financial year, depending on availability of resources.

7.6. Financial Management:

7.6.1. Resource allocation and Utilization:

During the period under review, the Commission was allocated KES 474,480,613 through the Exchequer, out of which KES 458,235,989 was expended to implement planned activities for the period. This signifies 98 per cent absorption as compared to 97 per cent the previous year's. Figure 13 presents a summary of budgetary Allocation and expenditure.

Figure 13: Analysis of Budgetary Allocation and Expenditure

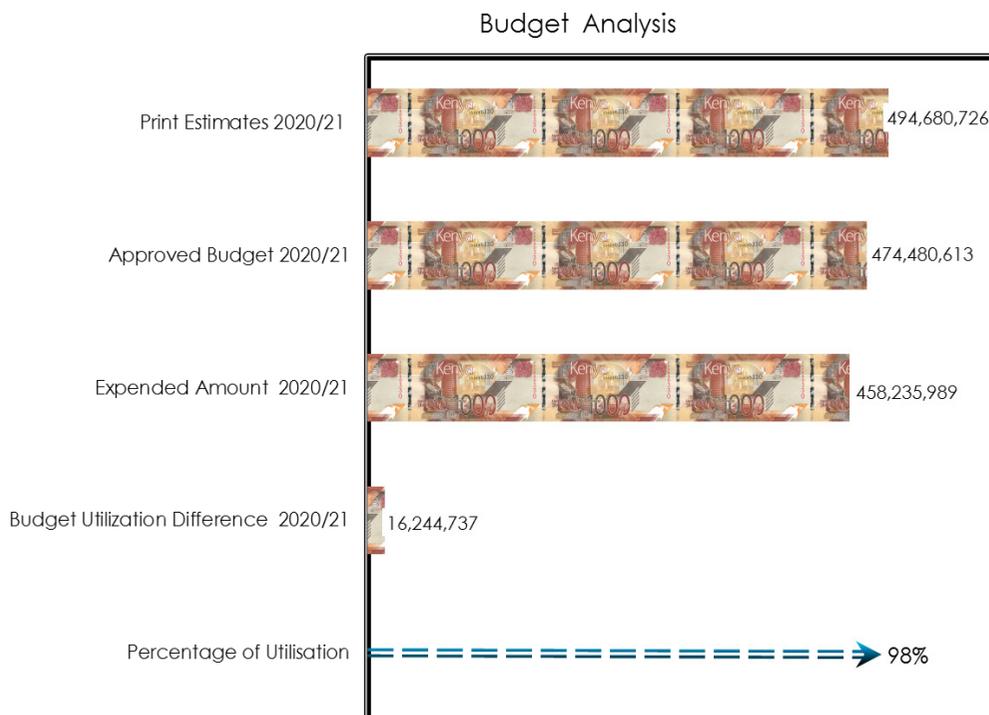


Table 6: Budget Analysis by Economic Classification

Receipt/Expense Item	Print Estimates 2020/21	Approved Budget 2020/21	Expended Amount 2020/21	Budget Utilization Difference 2020/21	% of Utilization
Compensation of Employees	305,920,000	300,020,000	299,473,383	546,617	99.8%
Use of goods and services	136,965,676	126,015,676	111,362,391	14,653,285	88.4%
Social Security Benefits	14,345,050	11,445,050	11,241,010	204,040	98.2%
Acquisition of Assets	37,450,000	37,000,000	36,159,205	840,795	97.7%
TOTAL	494,680,726	474,480,613	458,235,989	16,244,737	97.9%

7.6.2. Procurement of Goods and services

During the 2020/21 Financial Year, the procurement budget was approximately y KES. 121,079,579. The Commission procured goods, works and services from various suppliers worth KES 90,014,254.49 which represents 74.34% utilization rate. This was distributed under the various categories of suppliers, with KES 5,869,306 (6.5%) to the special group category, of women, youth and people with disabilities. This is in line with the government initiative on Access to Government Procurement Opportunities (AGPO), which requires 30% of the total procurement budget be earmarked for the special groups. It is worthwhile to note is that the highest proportion of the total procurement budget amounting to **KES 84,144,948.49 (93.5%)** was spent on rent, insurance and motor vehicle maintenance, which fall outside the procurement items earmarked for special category. This being the case, the Commission did not meet the 30 percent AGPO requirement.

7.6.3. Pending Bills

The Commission carried forward Pending bills amounting to Kshs 2,545,903.40. The bills will be settled in the 2021/2022 Financial Year as a first charge on the budgetary allocation. The pending bills accrued due to late release of funds by the exchequer and inability of suppliers to submit supporting documents for payment in good time among others. The bills are indicated in Table 7

Table 7: Pending Bills for the FY 2020-2021

Pending Bills for the FY 2020-2021			
No	Supplier	Nature of Service/Goods	Amount (Kshs)
1	Little Limited	Taxi services	403,587.00
2	Young Works Youth Group	Conference services	104,380.00
3	Mission to Seamen	Conference services	270,000.00
4	Postal Corporation	EMS /Postage services	1,079,964.99
5	Dataline International Ltd	Safety and health, fire safety audit	60,520.00
6	Toyota Kenya	Maintenance of motor vehicle	536,751.41
7	Favotech Ltd	Annual payroll upgrade and maintenance	90,700.00
Total			2,545,903.4

7.6.4. Financial Statements

The Commission is required by law to prepare financial statements at the end of a financial year, to account for the resources allocated for its operations. To this end, detailed financial statements prepared in accordance with the International Public Sector Accounting Standards. The audited accounts are as shown below: -

REPUBLIC OF KENYA



REPORT

OF

THE AUDITOR-GENERAL

ON

**THE COMMISSION ON ADMINISTRATIVE
JUSTICE**

**FOR THE YEAR ENDED
30 JUNE, 2021**

**THE COMMISSION ON ADMINISTRATIVE JUSTICE
(OFFICE OF THE OMBUDSMAN)**



Hata Mnyonge ana Haki

**ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2021**

**Prepared in accordance with the Cash Basis of Accounting Method under the International
Public Sector Accounting Standards (IPSAS)**

COMMISSION ON ADMINISTRATIVE JUSTICE
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For the year ended 30, June 2021.

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1. KEY COMMISSION INFORMATION AND MANAGEMENT

a. Background information

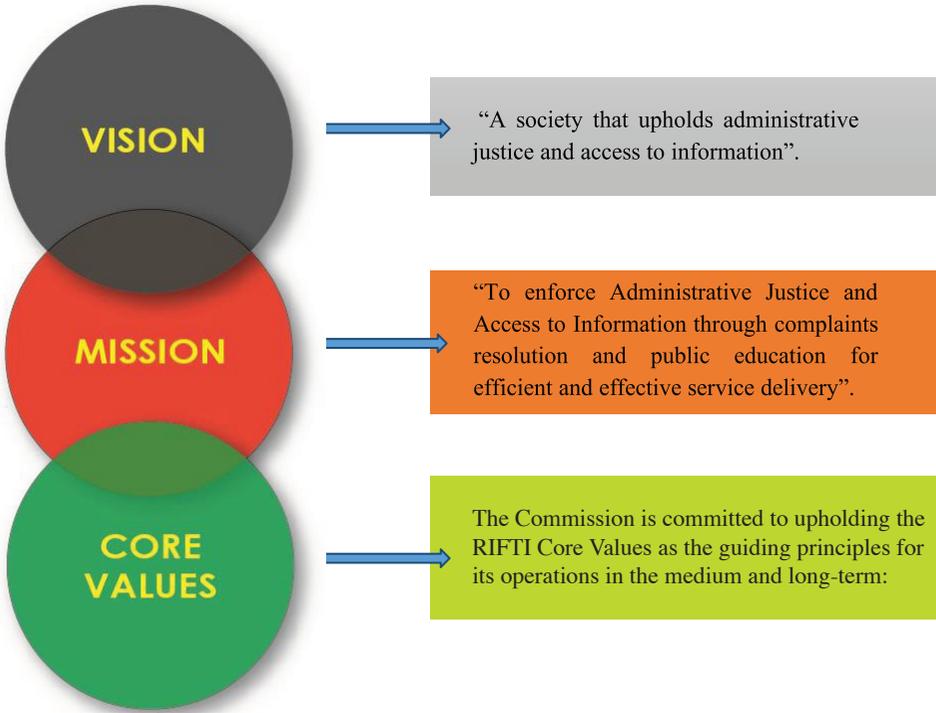
The Commission on Administrative Justice (Office of the Ombudsman) is a Constitutional Commission established under Article 59(4) of the Constitution of Kenya and the Commission on Administrative Justice Act, 2011 which provides for its modus operandi, functions and powers. It has powers and privileges as stipulated under Chapter Fifteen of the Constitution.

Mandate

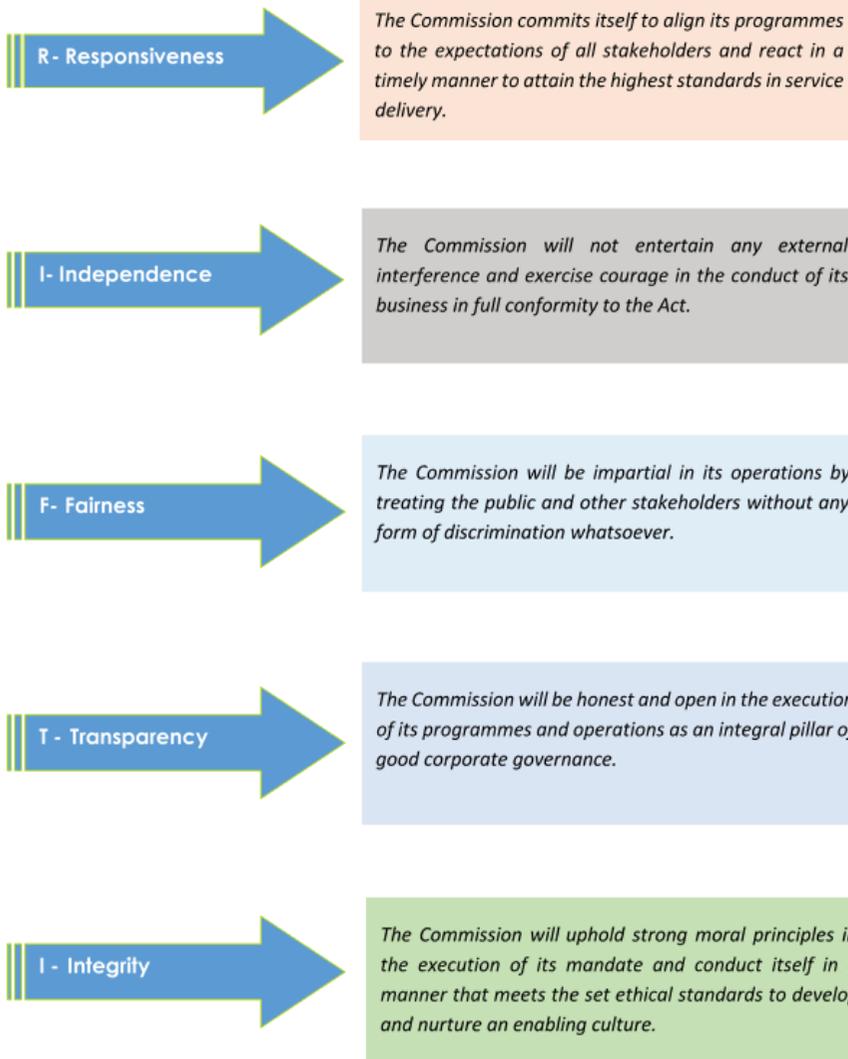
The mandate of the Commission is anchored constituting Act, Access to Information Act, 2016 and the Fair Administrative Action Act. Under the establishing Act, the Commission's mandate entails addressing maladministration in the public sector. In this regard, the Commission is empowered to investigate complaints on delay, abuse of power, improper, unlawful or oppressive conduct, administrative injustice, unfair treatment, and manifest injustice or discourtesy. The second mandate is to oversee and enforce implementation of Access to Information Act, 2016.

In executing the its mandate, the Commission is guided by principles and ideals, that are articulated through its Vision, Mission and Core values, as indicated below: -

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Key Strategic Objectives

In the period under review, the Commission focused on four Key Result Areas (KRAs) namely: -

1. Resolution of Public Complaints;
2. Oversight and enforcement of the right to Information;
3. Public Education, Awareness and Visibility; and
4. Institutional Strengthening and Capacity Building.

Strategic Programmes

The Commission endeavoured to utilize the allocated resources prudently, by ensuring value for money, while implementing planned activities towards the realization of the following programmes:

1. Resolution of Public Complaints and determination of Access to Information Applications
2. Outreach and awareness creation on matters administrative justice and access to information;
3. Decentralization of Ombudsman services
4. Strengthening public institution's capacity to handle complaints
5. Promotion of Good Governance and the rule of Law,
6. Operationalization of Access to Information Act,2016
7. Strengthening Commission's internal capacity

Key Strategic Priorities

The Commission's key strategic priorities for the period under review were:

1. Promotion of responsiveness in the public service;
2. Strengthening of public sector capacity to handle complaints
3. Public education and awareness creation on matters of administrative justice and access to information
4. Constitutionalism and Good Governance in the conduct of state/public affairs.
5. Strengthening the capacity of the Commission on Administrative Justice to deliver its mandate.

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The Commission members

The Commission which is the apex organ is comprised of three Commissioners, who are charged with the responsibility of policy direction and oversight. In the period under review, the members were as follows: -

	NAME	DESIGNATION
	Hon. Florence Kajuju, MBS	Chairperson
	Mr. Washington O. Sati	Vice Chairperson
	Mrs. Lucy Ndung'u, EBS	Access to Information Commissioner

Senior Management staff

The Commission is supported by a secretariat which is headed by the Commission Secretary who is the Chief Executive Officer. In the year under review, the senior management staff was as indicated below.

NO.	NAME	DESIGNATION
1.	Mr. Leonard Ngaluma, MBS	Commission Secretary/CEO
2.	Mr. Daniel Karomo	Director, Corporate Services
3.	Ms. Florence Mumbi	Director, Complaints Investigations & Legal Services
4.	Mr. Ismail Maaruf	Director, Strategy Research & Compliance
5.	Ms. Viola Ocholla	Director, Access to Information
6.	Mr. Osman Mohamed	Director, Public Education Advocacy & Communications
7.	Dr. Mary Kimari	Assistant Director, Advisory unit

COMMISSION ON ADMINISTRATIVE JUSTICE***Annual Report and Financial Statements******For the year ended 30, June 2021.***

8.	Ms. Christine Omollo	Assistant Director, Human Resource & Administration
9.	Mr. Sammy Cheboi	Assistant Director, Public Education Advocacy & Communications
10.	Mr. Amos Musundi	Assistant Director, Internal Audit & Risk
11.	Mr. Benard Nyariki	Assistant Director, Finance & Accounts
12.	Ms. Damaris Mburu	Assistant Director, Supply Chain Management
13.	Mr. Moses Mnawe	Chief Information Communication & Technology (ICT) Officer

b. Key Management

The Management team responsible for the management of day-to-day operations of the Commission comprises of the Commission Secretary who is the Chief Executive Officer and five Directors each in charge of a directorate as indicated below;

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c. Fiduciary Management

The key management personnel who held office during the financial year ended 30th June 2021 and who had direct fiduciary responsibility were:

No.	Designation	Name
1.	Accounting Officer	Mr. Leonard Ngaluma, MBS
2.	Director, Corporate Services	Mr. D. M. Karomo
3.	Assistant Director, Finance & Accounts	Mr. Benard Nyariki
4.	Assistant Director, Human Resource Management	Ms. Christine Omollo

d. Fiduciary Oversight Arrangements

The Commission has put in place various Committees, through which it oversees the Secretariat. Apart from the Audit Committee which is chaired by a member who is not an employee of the Commission, the Committees are chaired by the Commissioners. These Committees include: -

1. Finance, Administration and Human Resource committee
2. Complaints, Investigations and Access to Information committee
3. Programmes and Strategy committee
4. Audit and Risk committee

At the Secretariat level, four Committees offer technical advice and oversee operations and functions of the Secretariat as follows: -

1. The Senior Management Committee
2. Public Finance Committee
3. Human Resource Management and Advisory Committee
4. Occupational Health and Safety Committee

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The membership to these Committees are drawn from all directorates, where members possess diverse of skills and competencies that enrich decision-making. The appointment is made by the Accounting Officer in writing, where the terms of reference for the Committee and individual obligations are clearly stipulated. Tailored induction training is provided to newly appointed members, to prepare them on their role. Committee members exercise discharge their mandate independently.

Audit Committee Activities

The Commission is cognizant of the provisions under Section 73(5) of the Public Finance Management Act, 2012 which requires every national government public entity to establish an audit committee, whose composition and functions shall be as prescribed by the regulations. In this regard, the Commission has an Audit Committee in place. The Committee is charged with the responsibility to advise on risk management and ensure that the Commission upholds appropriate financial management, accounting and reporting standards.

The Committee monitors the effectiveness of the internal control systems and regularly receives reports from the internal and external auditors.

The membership of the Audit Committee for the period under review is as follows:

- | | |
|-----------------------------------|---------------|
| 1. David Mwangi Gichimu | - Chairperson |
| 2. Sarah Barasa | - Member |
| 3. John O Matagaro | - Member |
| 4. Commissioner Lucy Ndung'u, EBS | - Member |
| 5. Amos Musundi | - Secretary |

Senior Management Committee

The Committee is chaired by the Commission Secretary/CEO, and it comprises the five Head of Departments and seven heads of Divisions and Units. It makes recommendations on major decisions that have impact on the office operations. The role and functions of the Management Committee include:

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1. Planning – establishing and reviewing strategic and annual operational plans for the Commission.
2. Decision making – Deliberating on key policy and administrative issues and makes decisions and/recommendations to the Commission as applicable.
3. Management – Overseeing the harmonious implementation of the annual work plans, staff supervision and compliance with the Commission’s performance management system.
4. Legal – ensuring that Commission complies with the legal framework while discharging its mandate.
5. Financial – ensuring prudent management of financial resources and statutory reporting standards are adhered to.

In execution of its functions, the Management Committee may appoint sub-committees on a need- basis.

Human Resource Management Advisory Committee Activities

The Human Resources Management Advisory Committee advises the Commission Secretary/CEO on human resource matters that touch on skills development, performance management, staff motivation and disciplinary matters among others. Membership to this committee comprises of six directors who head the six directorates of the Commission, and the Human Resource Management and Administration Manager, who is the Secretary. The members are: -

- | | |
|-------------------------|---------------|
| 1. Mr. Daniel Karomo | - Chairperson |
| 2. Mr. Osman Mohamed | - Vice-person |
| 3. Ms. Florence Mumbi | - Member |
| 4. Ms. Viola Achola | - Member |
| 5. Mr. Ismail Maaruf | - Member |
| 6. Mr. Christine Omollo | - Secretary |

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Parliamentary committee activities

The Commission reports to parliament through various house committees including the Justice and Legal Affairs Committee and the Public Accounts committee of the National Assembly.

e. Commission's Headquarters

The head-office of the Commission is domiciled at the West End Towers, 2nd floor along Waiyaki way in Westlands, Nairobi City County.

f. Commission Contacts

P.O. Box 20414-00200 Nairobi, Kenya
Telephone - +254 -20-2270000/0800221349 (Toll free)
Email: info@ombudsman.go.ke (for general enquiries)

g. Entity Bankers

1. Central Bank of Kenya
Haile Selassie Avenue
P.O. Box 60000 City Square 00200
NAIROBI, KENYA
2. Cooperative Bank of Kenya
Westlands Branch
P.O Box 66589-00800
NAIROBI, KENYA

h. Independent Auditors

Auditor General
Office of The Auditor General
Anniversary Towers, University Way
P.O. Box 30084 GPO 00100
NAIROBI, KENYA

i. Principal Legal Adviser

The Attorney General
State Law Office
P.O. Box 40112 City Square 00200
Nairobi, Kenya

2. FORWARD BY THE CHAIRPERSON

The Commission on Administrative Justice (Office of the Ombudsman) is pleased to present the tenth edition of its annual report for the Financial Year 2020/2021. The report is testament to the work done by the Commission in its efforts to enforce administrative justice and the right to access information in Kenya. Notably, the past year presented heightened challenges with the continued battle against the Covid-19 pandemic. Despite the pandemic, the Commission undertook various programmes and leveraged on technology to fulfil its mandate across the entire spectrum of public administration.

The Commission is in the second year of implementation of its strategic plan of 2019 – 2023 launched on 13th February 2020. Guided by this plan, the Commission pursued strategies aimed at resolving public complaints, and enhancing awareness creation, open governance, and quality delivery of public services. These included the continuous training of Ministries, Departments, Agencies (MDAs) and the County Governments on effective complaints handling and obligations of duty bearers to the citizen on the right to access of information. I am pleased to report the Commission's commitment in discharging its mandate despite the overwhelming presiding pandemic challenges. This was displayed by innovative response by on boarding virtual trainings for the first time in our efforts to support MDAs and the County Governments while observing Covid-19 social distancing protocols. The Commission also continued to review administrative justice complaints and appeals on the right to access information as well as conduct systemic and specific investigations.

I would be remiss if I do not highlight that the Commission, in consultation with the Ministry of ICT, the Attorney General's Office and other stakeholders, developed the draft Access to Information (General) Regulations in the 2020/2021 Financial Year. Successful implementation of the Access to Information Act requires development of appropriate regulatory frameworks and tools for the Commission to effectively oversee and enforce the right in the public and private sphere. The Commission is presently undertaking public participation on the regulations, which will no doubt strengthen the access to information regime when rolled out.

The support of Government and partners, particularly budgetary support that made it possible for the Commission to realize the activities implemented in the last financial year is acknowledged with gratitude.

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We affirm the Commission's commitment to ensure effective and efficient service delivery and enforcement of the right of access to information in Kenya.

Forwarded herewith, please find the Financial Statements of the Commission on Administrative Justice for the financial year 2020/ 2021.



HON. FLORENCE KAJUJU, MBS
CHAIRPERSON OF THE COMMISSION

COMMISSION ON ADMINISTRATIVE JUSTICE
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3. STATEMENT OF PERFORMANCE AGAINST PREDETERMINED OBJECTIVES

Introduction

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the accounting officer when preparing financial statements of each National Government entity in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board includes a statement of the national government entity’s performance against predetermined objectives.

The key strategic objectives of the Commission on Administrative justice 2019-2023 plan are to:

Strengthen public service systems, processes, procedures and practices.

Strengthen complaints handling capacity in the public sector.

1. Promote disclosure of information within public and private sector.
2. Strengthen the framework on access to information.
3. Enhance awareness and understanding of the Commission’s mandate
4. Strengthen the capacity of the Commission to effectively deliver on its mandate.
5. To mobilize adequate resources.

Progress on attainment of Strategic Objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

Commission’s Programme	Objective	Outcome	Indicator	Performance
Promotion of Administrative Justice	To address maladministration and promote the right to access to information.	Effective public service delivery and accountability.	% of public complaints resolved and access to information applications processed	In FY 2020/21 we resolved 22% public complaints and processed 90% of applications on access to information.

4. CORPORATE SOCIAL RESPONSIBILITY STATEMENT/SUSTAINABILITY REPORTING

Sustainability strategy and profile

Commission on Administrative Justice (CAJ) is accountable to its stakeholders, in achieving its mandate of tackling maladministration (improper administration) in the public sector and enforcing the implementation of the Access to Information Act, 2016, we acknowledge our responsibility to the environment and to local communities in which we operate in/co-exist. We embrace responsibility for corporate actions and to encourage a positive impact on the environment and the stakeholders including but not limited to our citizens, employees, partners and existing communities. The Commission actively encourages all stakeholders to recognise those responsibilities and behave in a responsible manner towards the society.

Environmental performance

The Commission believes that, by nature of its operations have minimal impact on the environment. However, we acknowledge that there are inevitable environmental impacts associated with our daily operations, in general. We aim to minimize any harmful effects and consider the development and implementation of environmental standards to achieve this to be of great importance. As such, we strongly encourage the internationally established 3 Rs: Reduce, Re-use and Recycle.

Employee welfare.

Our success as a Commission is largely dependent on our human capital (people). We recruit, retain, reward and develop the best talent. We recognise the need to inculcate among our employees the culture of being sensitive to matters of safety, security, society and the environment. This ensures that employees act with integrity and responsibility with the people they deal with and the environment they interact with.

We train employees to value each other, provide necessary support systems for people with different needs and have a system in place that encourages acceptance of cultural diversity. Further, we have

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embrace, uphold gender parity, and have given opportunity to people with disability and from the minority groups of our society and indeed the commission effort have been recognized with Dial award in two consecutive years.

Market place practices

The commission have deliberately made it easier for wananchi to access information on our website, information available are such as careers openings and list of pre-qualified suppliers awarded tenders/contracts, disposal assets and procurement plans since information is Power! In addition, it is a right for all citizens to be able to receive any information that makes it possible for them to enjoy or protect their rights.

Responsible competition practice.

The Commission takes responsibility of ensuring fair competition practices, Commission adhere to ethical practices including anti-corruption measures and whistle-blower mechanisms Extend this responsibility to their supply chain and ensure their suppliers and other third parties uphold these principles by Embrace accountability and transparency in its operations.

Responsible Supply chain and supplier relations

The Commission takes responsibility of maintaining good business practices, Commission adhere to good business practices, including Ensure your suppliers know and meet expectations of responsible behavior regarding issues such as fair pricing, for example. Screen them to determine their past conduct, and tell them what you expect besides honoring contracts once they have delivered their mandate within two weeks and lastly made it a practice to only deal with suppliers who are tax compliance.

Responsible marketing and advertisement

The commission is socially responsive in marketing practices its taking that encourage a positive impact on all the stakeholders, including employees, community, and citizens.

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Community Engagements-

The Commission contributed towards COVID19 Emergency fund to assist people adversely affected by COVID effects, we have also participate in legal clinics participated in public awareness and legal aid in situation where member of public are not able to meet legal costs.

5. STATEMENT OF MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting Officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

The Accounting Officer in charge of the Commission on Administrative Justice is responsible for the preparation and presentation of the entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2021. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the Commission on Administrative Justice accepts responsibility for the entity's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Commission's financial statements give a true and fair view of the state of entity's transactions during the financial year ended June 30, 2021, and of the Commission's financial position as at that date. The Accounting Officer in charge of the Commission on Administrative Justice further confirms the completeness of the accounting records maintained for the Commission, which have been relied upon in the preparation of the Commission's financial statements as well as the adequacy of the systems of internal financial control.

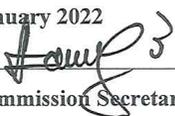
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The Accounting Officer in charge of the Commission on Administrative Justice confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the Commission's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the Commission's financial statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the financial statements

The Commission's financial statements were approved and signed by the Accounting Officer on 3rd

January 2022



Commission Secretary/CEO
Leonard Ngaluma, MBS



Director, Corporate Services
D. M. Karomo

REPUBLIC OF KENYA

Telephone: +254-(20) 3214000
E-mail: info@oagkenya.go.ke
Website: www.oagkenya.go.ke



HEADQUARTERS
Anniversary Towers
Monrovia Street
P.O. Box 30084-00100
NAIROBI

REPORT OF THE AUDITOR-GENERAL ON THE COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE, 2021

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure government achieves value for money and that such funds are applied for intended purpose.
- C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment, and the internal controls developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided under Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.

Report of the Auditor-General on The Commission on Administrative Justice for the year ended 30 June, 2021

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of The Commission on Administrative Justice as set out on pages 1 to 20, which comprise the statement of assets and liabilities as at 30 June, 2021, and the statement of receipts and payments, statement of cash flows and summary statements of appropriation – recurrent and development combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of The Commission on Administrative Justice as at 30 June, 2021, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012 and the Commission of Administrative Justice Act, 2011.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Commission of Administrative Justice Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Other Matter

Pending Bills

As disclosed in Note 13.1 to the financial statements, the Commission had pending bills totalling Kshs.2,545,903 as at 30 June, 2021 that were not settled during the year 2020/2021 but were instead carried forward to 2021/2022. Failure to settle bills during the year to which they relate adversely affects provisions of the subsequent year as they form a first charge.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether processes and systems of internal control, risk management and governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and Commissioners

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and overall governance.

In preparing the financial statements, Management is responsible for assessing the Commission's ability to continue to sustain its services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of

Report of the Auditor-General on The Commission on Administrative Justice for the year ended 30 June, 2021

accounting unless Management is aware of the intention to terminate the Commission or cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

The Commissioners are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the Commission monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to overall governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution of Kenya. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and overall governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs.

Report of the Auditor-General on The Commission on Administrative Justice for the year ended 30 June, 2021

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Commission to cease to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Commission to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.


CPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

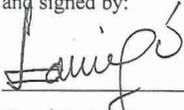
25 January, 2022

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7. STATEMENT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30TH JUNE 2021

	Note	2020-2021	2019-2020
		Kshs	Kshs
RECEIPTS			
Exchequer releases	1	464,880,613	525,936,473
Other Receipts		-	-
TOTAL RECEIPTS		464,880,613	525,936,473
PAYMENTS			
Compensation of Employees	2	299,473,383	297,089,145
Use of goods and services	3	111,362,392	140,496,690
Social Security Benefits	4	11,241,010	18,305,444
Acquisition of Assets	5	4,159,205	66,930,398
Transfers to the fund	6	32,000,000	-
TOTAL PAYMENTS		458,235,990	522,821,676
SURPLUS		6,644,623	3,114,797

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission's financial statements were approved on 3rd January 2022 and signed by:



 Commission Secretary/CEO
 Leonard Ngaluma, MBS



 Director, Corporate Services
 D. M. Karomo

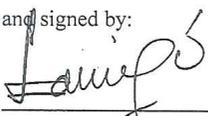
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8. STATEMENT OF ASSETS AND LIABILITIES AS AT 30TH JUNE 2021

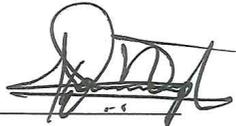
	Note	2020-2021	2019-2020
		Kshs	Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	7A	7,798,552	103,723,074
Cash Balances	7B	183,657	568,396
Total Cash and cash equivalent		7,982,209	104,291,470
Accounts Receivables	8	-	23,445
TOTAL FINANCIAL ASSETS		7,982,209	104,314,915
FINANCIAL LIABILITIES			
Accounts Payables	9	1,195,745	100,956,172
NET FINANCIAL ASSETS		6,786,464	3,358,743
REPRESENTED BY			
Fund balance b/fwd	10	3,358,743	15,579,371
Prior year adjustment	11	(3,216,902)	(15,335,425)
Surplus/Deficit for the year		6,644,623	3,114,797
NET FINANCIAL POSITION		6,786,464	3,358,743

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission's financial statements were approved on 3rd January 2022

and signed by:



 Commission Secretary/CEO
 Leonard Ngaluma, MBS



 Director, Corporate Services
 D. M. Karomo

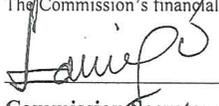
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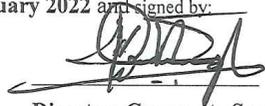
9. STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30TH JUNE 2021

		2020-2021	2019-2020
		Kshs	Kshs
Receipts for operating income			
Exchequer Releases	1	464,880,613	525,936,473
		464,880,613	525,936,473
Payments for operating expenses			
Compensation of Employees	2	299,473,383	297,089,145
Use of goods and services	3	111,362,392	140,496,690
Social Security Benefits	4	11,241,010	18,305,444
		422,076,785	455,891,278
Adjusted for:			
Changes in receivables		23,445	24,055
Changes in payables		(99,760,427)	75,837,336
Adjustments during the year		(3,216,902)	(15,335,425)
		(60,150,056)	
Net cash flow from operating activities			130,571,161
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	5	(4,159,205)	(66,930,398)
Transfers to Funds	6	(32,000,000)	-
Net cash flows from Investing Activities		(36,159,205)	(66,930,398)
CASHFLOW FROM BORROWING ACTIVITIES			
Net cash flow from financing activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		(96,309,261)	63,640,764
Cash and cash equivalent at BEGINNING of the year		104,291,470	40,650,706
Cash and cash equivalent at END of the year		7,982,209	104,291,470

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements.

The Commission's financial statements were approved on 3rd January 2022 and signed by:


 Commission Secretary/CEO
 Leonard Ngaluma, MBS


 Director, Corporate Services
 D. M. Karomo

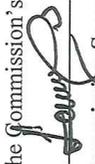
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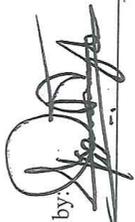
10. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED.

Receipt/Expense Item	Original Budget		Adjustments		Final Budget		Actual on Comparable Basis		Budget Utilization Difference		% of Utilization
	a	Kshs	b	Kshs	c=a+b	Kshs	d	Kshs	e=c-d	f=d/c %	
RECEIPTS											
Exchequer releases	494,680,726		(20,200,000)		474,480,726	464,880,613	9,600,113				98%
TOTAL	494,680,726		(20,200,000)		474,480,726	464,880,613	9,600,113				98%
TOTAL RECEIPTS											
PAYMENTS											
Compensation of Employees	305,920,000		(5,900,000)		300,020,000	299,473,383	546,617				99%
Use of goods and services	136,965,676		(10,950,000)		126,015,676	111,362,392	14,653,284				88%
Social Security Benefits	14,345,050		(2,900,000)		11,445,050	11,241,010	204,040				98%
Acquisition of Assets	5,450,000		(450,000)		5,000,000	4,159,205	840,795				98%
Transfer to the Fund	32,000,000		-		32,000,000	32,000,000	-				100%
TOTAL	494,680,726		(20,200,000)		474,480,726	458,235,990	16,244,736				
Surplus/ Deficit						6,644,623					

Note:

The changes between the original and final budget are as a result of reduction in funding by the exchequer to the tune of KSh. 20,200,000 therefore adjustment of the budget was necessary.


Commission Secretary/CEO
Leonard Ngaluma, MBS


Director, Corporate Services
D. M. Karomo

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11. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Receipt/Expense Item	Original Budget		Adjustments		Final Budget		Actual on Comparable Basis		Budget Utilization Difference		% of Utilization f=d/c %
	a	Kshs	b	Kshs	c=a+b	Kshs	d	Kshs	e=c-d	Kshs	
RECEIPTS											
Exchequer releases	494,680,726		(20,200,000)		474,480,726		464,880,613		9,600,113		98%
TOTAL	494,680,726		(20,200,000)		474,480,726		464,880,613		9,600,113		98%
TOTAL RECEIPTS											
PAYMENTS											
Compensation of Employees	305,920,000		(5,900,000)		300,020,000		299,473,383		546,617		99%
Use of goods and services	136,965,676		(10,950,000)		126,015,676		111,362,392		14,653,284		88%
Social Security Benefits	14,345,050		(2,900,000)		11,445,050		11,241,010		204,040		98%
Acquisition of Assets	5,450,000		(450,000)		5,000,000		4,159,205		840,795		98%
Transfer to the Fund	32,000,000		-		32,000,000		32,000,000		-		100%
TOTAL	494,680,726		(20,200,000)		474,480,726		458,235,990		16,244,736		
Surplus/ Deficit							6,644,623				

Note:

The changes between the original and final budget are as a result of reduction in funding by the exchequer to the tune of KSh. 20,200,000 therefore adjustment of the budget was necessary.


Commission Secretary/CEO
Leonard Ngaluma, MBS


Director, Corporate Services
D. M. Karomo

COMMISSION ON ADMINISTRATIVE JUSTICE
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12. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget		Adjustments		Final Budget		Actual on comparable basis		Budget utilization difference	
	2021	Kshs	Kshs	Kshs	2021	Kshs	2021	Kshs	Kshs	Kshs
Programme: Promotion of Administrative Justice										
General Administration and support services	330,149,467		(28,211,925)		301,937,542		295,532,828		6,404,714	
Administrative Justice services	137,783,657		312,160		138,095,817		133,449,494		4,646,323	
Access to information services	26,747,602		7,699,765		34,447,367		29,253,668		5,193,699	
Total	494,680,726		(20,200,000)		474,480,726		458,235,990		16,244,736	

This statement is a disclosure statement indicating the utilization in the same format as the Commission's budgets which are programme based.

The Commission's financial statements were approved on 31st January 2022 and signed by:


 Commission Secretary/CEO
 Leonard Ngaluma, MBS


 Director, Corporate Services
 D. M. Karomo

COMMISSION ON ADMINISTRATIVE JUSTICE

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13. SIGNIFICANT ACCOUNTING POLICIES

The principle accounting policies adopted in the preparation of these financial statements are set out below:

1. Statement of Compliance and Basis of Preparation

The financial statements have been prepared in accordance with Cash-basis International Public Sector Accounting Standards (IPSAS) as prescribed by the Public Sector Accounting Standards Board (PSASB) and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for; a) receivables that include imprests and salary advances and b) payables that include deposits and retentions.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB. The accounting policies adopted have been consistently applied to all the years presented.

2. Reporting Entity

The financial statements are for the Commission on Administrative Justice. The financial statements encompass the reporting entity as specified under section 81 of the PFM Act 2012.

3. Reporting Currency

The financial statements are presented in Kenya Shillings (KShs), which is the functional and reporting currency of the Government and all values are rounded to the nearest Kenya Shilling.

4. Significant Accounting Policies

The accounting policies set out in this section have been consistently applied by the Commission for all the years presented.

Recognition of Receipts

The Commission recognises all receipts from the various sources when the event occurs and the related cash has actually been received by the Commission.

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Transfers from the Exchequer

Transfers from the exchequer are recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the Commission.

Recognition of payments

The Commission recognises all payments when the event occurs, and the related cash has been paid out by the Commission.

i) Compensation of Employees

Salaries and wages, allowances, statutory contribution for employees are recognized in the period when the compensation is paid.

ii) Use of Goods and Services

Goods and services are recognized as payments in the period when the goods/services are paid for. Such expenses, if not paid during the period where goods/services are consumed, shall be disclosed as pending bills.

iii) Acquisition of Assets

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment.

A fixed asset register is maintained by the Commission and a summary provided for purposes of consolidation. This summary is disclosed as an annexure to the financial statements.

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5. In-kind contributions

In-kind contributions are donations that are made to the Commission in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the Commission includes such value in the statement of receipts and payments both as receipts and as payments in equal and opposite amounts; otherwise, the contribution is not recorded.

6. Cash and Cash Equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year.

Restriction on Cash

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation.

Amounts maintained in deposit bank accounts are restricted for use in refunding third party deposits. As at 30th June 2021, this amounted to Kshs 1,195,745 compared to Kshs 100,956,172 in prior period as indicated on note 8. There were no other restrictions on cash during the year.

7. Accounts Receivable

For the purposes of these financial statements, imprests and advances to authorised public officers and which were not surrendered or accounted for at the end of the financial year are treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or AIE holders. This is an

COMMISSION ON ADMINISTRATIVE JUSTICE
Annual Report and Financial Statements
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enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

8. Accounts Payable

For the purposes of these financial statements, deposits and retentions held on behalf of third parties have been recognized on an accrual basis (as accounts payables). This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted by National Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

9. Pending Bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as ‘memorandum’ or ‘off-balance’ items to provide a sense of the overall net cash position of the Commission at the end of the year. When the pending bills are finally settled, such payments are included in the Statement of Receipts and Payments in the year in which the payments are made.

10. Budget

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament on June 2020 for the period 1st July 2020 to 30th June 2021 as required by Law and there were two supplementary adjustments to the original budget during the year.

A comparison of the actual performance against the comparable budget for the financial year under review has been included in the financial statements.

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Government Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers.

11. Comparative Figures

Where necessary, comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

12. Subsequent Events

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended 30th June 2021.

13. Errors

Material prior period errors shall be corrected retrospectively in the first set of financial statements authorized for issue after their discovery by: i. restating the comparative amounts for prior period(s) presented in which the error occurred; or ii. If the error occurred before the earliest prior period presented, restating the opening balances of assets, liabilities and net assets/equity for the earliest prior period presented. During the year, errors that have been corrected are disclosed under note 10 explaining the nature and amounts.

14. Related Party Transactions

Related party relationships are a normal feature of commerce. Specific information with regards to related party transactions is included in the disclosure notes.

15. Contingent Liabilities

Section 148 (9) of the PFM Act regulations 2015 requires the Accounting officer of a National Government entity to report on the payments made, or losses incurred, by the National Government entity to meet contingent liabilities as a result of loans during the financial year.

A contingent liability is:

- a) A possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or

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- b) A present obligation that arises from past events but is not recognised because:
 - i) It is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
 - ii) The amount of the obligation cannot be measured with sufficient reliability.

Some of contingent liabilities may arise from: litigation in progress, guarantees, indemnities. Letters of comfort/ support, insurance, Public Private Partnerships, The Commission does not recognize a contingent liability but discloses details of any contingencies in the notes to the financial statements unless the possibility of an outflow of resources embodying economic benefits or service potential is remote.

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NOTES TO THE FINANCIAL STATEMENTS

1 Exchequer Releases

Description	2020-2021	2019-2020
	Kshs	Kshs
Total Exchequer Releases for quarter 1	84,526,693	109,098,848
Total Exchequer Releases for quarter 2	155,812,214	154,450,897
Total Exchequer Releases for quarter 3	114,888,525	146,204,608
Total Exchequer Releases for quarter 4	109,653,181	116,182,120
Total	464,880,613	525,936,473

During the reporting period, the Commission was to receive exchequer of Ksh. 474,480,726, however the Commission received Ksh. 464,880,613 only falling short by Ksh. 9,600,113 during the financial year.

2 Compensation of Employees

	2020-2021	2019-2020
	Kshs	Kshs
Basic salaries of permanent employees	202,392,101	201,530,390
Basic wages of temporary employees	8,337,971	8,214,344
Personal allowances paid as part of salary	55,684,687	55,839,889
Employer Contributions Compulsory national social security schemes	33,058,624	31,504,521
Total	299,473,383	297,089,145

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3 Use of Goods and Services

	2020-2021	2019-2020
	Kshs	Kshs
Utilities, supplies and services	1,662,970	2,079,221
Communication, supplies and services	9,371,656	5,881,506
Domestic travel and subsistence	11,706,755	15,862,048
Foreign travel and subsistence	167,021	6,557,953
Printing, advertising and information supplies & services	1,427,904	2,955,978
Rentals of produced assets	45,186,707	46,361,535
Training expenses	971,465	5,559,982
Hospitality supplies and services	6,520,893	6,051,873
Insurance costs	19,831,014	21,373,443
Specialized materials and services	763,434	34,920
Office and general supplies and services	2,230,338	6,821,699
Fuel Oil and Lubricants	1,388,000	4,136,100
Other operating expenses	5,135,627	10,288,698
Routine maintenance – vehicles and other transport equipment	3,192,750	4,500,897
Routine maintenance – other assets	1,805,858.00	2,030,837
Total	111,362,392	140,496,690

4 Social Security Benefits

Explanation	2020-2021	2019-2020
	Kshs	Kshs
Government pension and retirement benefits	11,241,010	18,305,444
Total	11,241,010.	18,305,444

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5 Acquisition of Assets

	2020-2021	2019-2020
Non -Financial Assets	Kshs	Kshs
Refurbishment of Buildings	3,455,633	-
Purchase of Vehicles and Other Transport Equipment	-	15,752,638
Purchase of Office Furniture and General Equipment	703,572	1,177,760
Sub Total	4,159,205	16,930,398
Financial Assets		
Domestic Loans to Individuals and Households	-	50,000,000
Sub Total	-	50,000,000
Total	4,159,205	66,930,398

6 Transfers to the fund

	2020-2021	2019-2020
	Kshs	Kshs
Transfers to the fund	32,000,000	-
Total	32,000,000	-

Transfers to the fund relate to the scheme for staff mortgage and car loans. The funds for this purpose are deposited with Cooperative Bank of Kenya, Westland branch who are the fund managers for the Commission's staff Mortgage and Car loan scheme.

7A: Bank Accounts

Name of Bank, Account No. & currency	Amount in bank account currency	Indicate whether recurrent, Development, deposit	Exchange rate (if in foreign currency)	2020-2021	2019-2020
				Kshs	Kshs
Central Bank of Kenya, Account No. 1000181524	KES	Recurrent	N/A	6,602,807	2,766,902
Central Bank of Kenya, Account No. 1000182377	KES	Deposit	N/A	1,195,745	950,172
Cooperative Bank of Kenya Account No.01141588083600	KES	Deposit	N/A	-	100,006,000
Total				7,798,552	103,723,074

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7B: Cash Balances

	2020-2021	2019-2020
	Kshs	Kshs
Cash in Hand – Held in domestic currency	183,657	568,396
Cash in Hand – Held in foreign currency	-	-
Total	183,657	568,396

Cash in hand is analyzed as follows:

	2020-2021	2019-2020
	Kshs	Kshs
Location 1 – Head office, West End Towers	183,657	568,396
Location 2 – Kisumu office	-	-
Location 3 – Mombasa office	-	-
Location 3 – Eldoret office	-	-
Total	183,657	568,396

The cash count certificates for the above amount has been provided as an attachment to the financial statements.

8: Accounts Receivable

<i>Description</i>	2020-2021	2019-2020
	Kshs	Kshs
Government Imprests	-	-
Salary advances	-	23,445
Total	-	23,445

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9. Accounts Payable

Description	2020-2021	2019-2020
	Kshs	Kshs
Retention	-	637,566
Deposits	1,195,745	100,318,606
Total	1,195,745	100,956,172

These are contractors' retention moneys and deposit moneys held in the deposit accounts for release when due.

10. Fund Balances Brought Forward

Description	2020-2021	2019-2020
	Kshs	Kshs
Bank accounts	103,723,074	40,454,261
Cash in hand	568,396	196,445
Accounts Receivables	23,445	47,500
Accounts Payables	(100,956,172)	(23,118,836)
Total	3,358,743	15,579,370

These are the fund balances that were brought forward from the 2019/20 financial year. The recurrent account bank balances were however taken back by exchequer as shown in note 10 below.

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11. Prior Year Adjustments

	Balance b/f FY 2019/2020 as per audited financial statements	Adjustments during the year relating to prior periods	Adjusted Balance b/f FY 2019/2020
Description of the error	Kshs	Kshs	Kshs
Bank account Balances	103,723,074	103,222,902	500,172
Cash in hand	568,396	-	568,396
Accounts Payables - Deposits	(100,956,172)	(100,006,000)	(950,172)
Receivables	23,445	-	23,445
	3,358,743	3,216,902	141,841

The prior year adjustment relates to recurrent bank account balances that were swept back to exchequer at the beginning of the financial year amounting to Ksh. 3,216,902. The other prior year adjustment relates to mortgage and car loan fund balance of Ksh. 100,006,000 which has now been separated and accounted for by separate financial statements for the fund. This adjustment affects the statement of Assets and Liabilities as it results to reduction of fund balances brought forward.

12.(Increase)/ Decrease in Receivables

	2020-2021	2019-2020
	KShs	KShs
Receivables as at 1 st July (a)	23,445	47,500
Receivables as at 30 th June (b)	-	23,445
Decrease in Receivables (c=(b-a))	(23,445)	(24,055)

13. Increase/ (Decrease) in Accounts Payables

	2020-2021	2019-2020
	Kshs	Kshs
Payables as at 1 st July	100,956,172	25,118,836
Payables as at 30 th June	1,195,745	100,956,172
Increase/ (Decrease) in payables	(99,760,427)	75,837,336

COMMISSION ON ADMINISTRATIVE JUSTICE
Annual Report and Financial Statements
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14. Other Important Disclosures

14.1: Pending Accounts Payable (See Annex 1)

	Balance b/f FY 2019/2020	Additions for the period	Paid during the year	Balance c/f FY 2020/2021
Description	Kshs	Kshs	Kshs	Kshs
Construction of buildings	-	-	-	-
Construction of civil works	-	-	-	-
Supply of goods	-	-	-	-
Supply of services	2,174,251	2,545,903	2,174,251	2,545,903
Total	2,174,251	2,545,903	2,174,251	2,545,903

COMMISSION ON ADMINISTRATIVE JUSTICE
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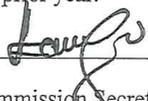
14. PROGRESS ON FOLLOW UP OF PRIOR YEARS AUDITOR'S RECOMMENDATIONS

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor.

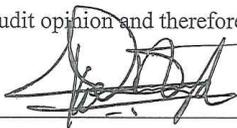
Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Status: (Resolved / Not Resolved)	Timeframe: (Put a date when you expect the issue to be resolved)

Note:

The Commission got an unqualified (clean) audit opinion and therefore no audit observations for the prior year.



Commission Secretary
 Leonard Ngaluma, MBS



Director, Corporate Services
 D. M. Karomo

COMMISSION ON ADMINISTRATIVE JUSTICE
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ANNEXES

ANNEX 1 - ANALYSIS OF PENDING ACCOUNTS PAYABLE

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2020/21	Outstanding Balance 2019/20	Comments
	A	B	c	d=a-c		
Supply of services	Kshs			Kshs	Kshs	
1. Little Cab Limited	403,587		-	403,587	-	
2. Young Works Youth Group	104,380		-	104,380	-	
3. Mission to Siemen	270,000		-	270,000	-	
4. Postal Corporation	1,079,965		-	1,079,965	733,786	Running service contract
5. Dataline International Ltd	60,520		-	60,520	-	
6. Favotech Ltd	90,700		-	90,700	-	
7. Toyota Kenya	536,751		-	536,751	65,511	Running service contract
Total	2,545,903			2,545,903		

Note:

The pending bills were on services rendered to the Commission and were incurred mainly due to the budgetary cuts effected during the 2020/21 period, which affected running contracts for hire of transport services, postal services and repair of motor vehicles which had already commenced by the time the budgetary cuts were affected.

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ANNEX 2 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost b/f (Kshs) 2019/2020	Additions during the year (Kshs)	Disposals during the year (Kshs)	Transfers in/(out) during the year	Historical Cost c/f (Kshs) 2020/21
Buildings and structures	83,047,591	0	-	(80,000,000)	3,047,591
Transport equipment	80,938,934	-	-	(20,000,000)	60,938,934
Office equipment, furniture and fittings	18,588,547	4,159,205	-	-	22,747,752
ICT Equipment	16,946,681	-	-	-	16,946,681
Machinery and Equipment	6,518,633	-	-	-	6,518,633
Total	206,040,386	4,159,205	-	(100,000,000)	110,199,591

Since, we did not prepare Fund account for Mortgage and Car Loan for financial year 2018/2019 and 2019/2020, Funds meant for mortgage and car loan were shown under Building and structure and Transport equipment in fixed asset register and with introduction of separate Fund account, we have transfer out the funds set for mortgage and car loan as scheduled below:

- a) Financial year 2018/2019 -Kshs 40,000,000 for mortgage and kshs 10,000,000 for Car loan.
- b) Financial year 2019/2020 -Kshs 40,000,000 for mortgage and kshs 10,000,000 for Car loan.

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ANNEX 3- REPORTS GENERATED FROM IFMIS

The following financial Reports Generated from IFMIS are attached as appendices to these financial statements.

- i. GOK IFMIS Comparison Trial Balance
- ii. FO30 (Bank reconciliations) for all bank accounts
- iii. GOK IFMIS Receipts and Payments Statement
- iv. GOK IFMIS Statement of Financial Position
- v. GOK IFMIS Statement of Cash Flows
- vi. GOK IFMIS Notes to the Financial Statements
- vii. GOK IFMIS Statement of Budget Execution
- viii. GOK IFMIS Statement of Deposits
- ix. GOK IFMIS Budget Execution by Programme and Economic Classification
- x. GOK IFMIS Budget Execution by Heads and Programmes
- xi. GOK IFMIS Budget Execution by Programmes and Sub-programmes

CHAPTER EIGHT

8.0. CHALLENGES AND RECOMMENDATIONS

8.1. Challenges

The Commission faced a number of challenges in the period under review, which hindered achievement of some of the planned activities. Some of the major challenges include the following:

- I. The Covid-19 pandemic necessitated scaling down of staff and suspension of physical interaction which disrupted normal operations.
- II. Financial constraints attributed to inadequate budgetary allocations and austerity measures instituted by the National Treasury, to combat the Covid-19 pandemic.
- III. Low public awareness of the Commission mandate
- IV. Insufficient legal framework which inhibits enforcement of the decisions and recommendations of the Commission.
- V. Non-Responsiveness and impunity in the public sector.
- VI. Manual records management system in the public sector.

8.2. Recommendations

- I. Embracing technology to adopt new ways of doing business and mitigate the effects of Covid-19 and other pandemics.
- II. Budgetary allocation to the Commission should be in compliance with Article 249 of the Constitution which requires parliament to allocate adequate funds to perform its functions.
- III. The National Treasury should consult the relevant MCDAs prior to instituting austerity measures on expenditure.
- IV. Scale-up awareness creation campaigns and decentralise ombudsman services.
- V. Strengthen legal framework to ensure that the decisions and recommendations of the Commission are binding.
- VI. Facilitate automation of records management systems in the public sector.

8.3. Priorities – FY 2021/22

Below are some of the key issues the Commission will focus on moving forward.

- I. Implementation of the strategic plan (2019-2023).
- II. Strengthening policy, legal and regulatory framework.
- III. Digitisation and automation of systems and processes.
- IV. Enhancement of resource mobilisation and partnerships.
- V. Scale up outreach and awareness creation.
- VI. Decentralisation of Ombudsman services to enhance accessibility.
- VII. Monitor and observe the electioneering process
- VIII. Commemoration of the Commission's tenth (Aluminum Anniversary).
- IX. Huduma Ombudsman Award

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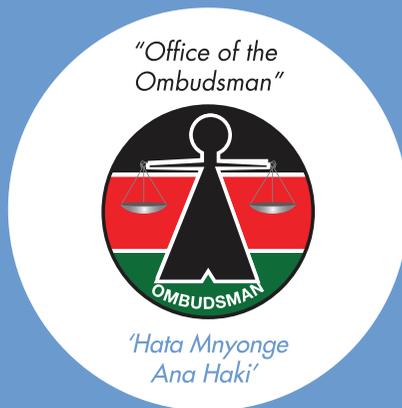
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