

THE COMMISSION ON ADMINISTRATIVE JUSTICE ANNUAL REPORT 2015



Annual Report 2015 © The Commission on Administrative Justice (The Office Of The Ombudsman)

West End Towers, 2nd Floor, Waiyaki Way

P . O . Box: 20414 - 00200, Nairobi

Tel: 020-2270000/020-2303000/020-263765

Email: info@Ombudsman.go.ke (for general inquiries)

Complain@Ombudsman.go.ke (for complains)

Website: www.ombudsman.go.ke

Annual Report 2015 No. 29/2016

ISBN: 978-9966-1735-5-3

TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS.....	iv
STATEMENT FROM THE CHAIRPERSON.....	v
FOREWORD.....	vi
EXECUTIVE SUMMARY.....	vii
CHAPTER ONE	
1.0. BACKGROUND.....	1
1.1. ESTABLISHMENT OF THE COMMISSION.....	1
1.2. MANDATE OF THE COMMISSION.....	1
1.3. STRUCTURE OF COMMISSION.....	3
1.4. VISION, MISSION AND CORE VALUES.....	4
1.5. LOGO OF THE COMMISSION.....	5
CHAPTER TWO	
2.0. RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR.....	6
2.1. INTRODUCTION.....	6
2.2. COMPLAINTS HANDLING.....	6
2.3. CASES HANDLED IN 2015.....	8
2.4. CASES FROM BRANCH OFFICES.....	16
2.5. INTERGRATED PUBLIC COMPLAINTS REFERRAL MECHANISM.....	17
2.6. SUCCESS STORIES AND SAMPLE CASES.....	17
2.7. INVESTIGATIONS.....	33
2.8. UNRESPONSIVE AND MALFEASANT PUBLIC OFFICERS.....	36
CHAPTER THREE	
3.0. BUILDING COMPLAINTS HANDLING CAPACITY IN THE PUBLIC SECTOR.....	38
3.1. INTRODUCTION.....	38
3.2. BUILDING AND STRENGTHENING COMPLAINTS HANDLING.....	38
CHAPTER FOUR	
4.0. COMMUNICATION, PUBLIC EDUCATION AND ADVOCACY.....	55
4.1. INTRODUCTION.....	55
4.2. OUTREACH.....	55

CHAPTER FIVE

5.0. ENGENERING CONSTITUTIONALISM IN THE PUBLIC SECTOR.....	61
5.1. INTRODUCTION.....	61
5.2. ROLE IN CONSTITUTIONALISM.....	61
5.3. ADVISORY OPINIONS ON PUBLIC ADMINISTRATION.....	61
5.4. LEADERSHIP AND INTEGRITY.....	68
5.6. PUBLIC FORUM ON GOOD GOVERNANCE.....	69
5.7. PUBLIC INTEREST LITIGATION.....	69
5.8. HUDUMA OMBUDSMAN AWARD.....	71

CHAPTER SIX

6.0. PARTNERSHIPS, COLLABORATIONS AND LINKAGES.....	75
6.1. INTRODUCTION.....	75
6.2. NATIONAL ENGAGEMENTS.....	75
6.3. INTERNATIONAL ENGAGEMENTS.....	78

CHAPTER SEVEN

7.0. FINANCE AND ADMINISTRATION.....	82
7.1. INTRODUCTION.....	82
7.2. FINANCES.....	82
7.3. PROCUREMENT.....	83
7.4. HUMAN RESOURCE.....	83
7.5. SKILLS DEVELOPMENT.....	83
7.6. DECENTRALISATION SERVICES.....	84
7.7. ICT.....	84
7.8. INTERNAL POLICIES.....	84

CHAPTER EIGHT

8.0. CHALLENGES AND WAY FORWARD.....	85
8.1. CHALLENGES.....	85
8.2. LOOKING AHEAD: 2016 AND BEYOND.....	87

ANNEX 1: CAJ FINANCIAL STATEMENT.....	88
--	-----------

ABBREVIATIONS AND ACRONYMS

AOMA	African Ombudsman and Mediators Association
CAJ	Commission on Administrative Justice
ICT	Information, Communication and Technology
IPCRM	Integrated Public Complaints Referral Mechanism
IPOA	Independent Policing Oversight Authority
NCAJ	National Council for the Administration of Justice
TSC	Teachers Service Commission
ADR	Alternative Dispute Resolution
EACC	Ethics and Anti-Corruption Commission
MCA	Member of County Assembly
NSSF	National Social Security Fund
ASK	Agricultural Society of Kenya
IEC	Information, Education and Communication
UNDP	United Nations Development Programme
GoK	Government of Kenya
SRC	Salaries and Remuneration Commission
PSC	Parliamentary Service Commission
KNEC	Kenya National Examinations Council
IT	Information Technology
IFMIS	Integrated Financial Management Information System

STATEMENT FROM THE CHAIRPERSON

I am delighted to present the Annual Report of the Commission on Administrative Justice in accordance with Article 254 of the Constitution and Section 53 of the Commission on Administrative Justice Act, 2011. This is the Fourth Report issued under my stewardship as the Chairperson of the Commission. The Report is our accountability statement to the public on the progress made in enforcing administrative justice and promoting constitutional values in respect of addressing maladministration. It covers the period between January and December 2015.

I am encouraged by the accomplishments of the Commission during the reporting period, occasioned by strategic and visionary leadership, institutional strengthening, decentralization, innovation and strategic partnerships. The accomplishments were registered in all the functional areas of the Commission. Notably, the Commission handled 117,936 complaints and contacts which included 108,920 new matters lodged in 2015. Similarly, complaints from branch offices increased from 1,067 in 2014 to 2,379 in 2015.

Further milestones were manifested in key programmatic areas such as awareness creation, complaints handling capacity building in the public sector, promotion of constitutionalism, and partnerships and institutional development. In particular, the Commission enhanced its outreach activities to create awareness on administrative justice; trained 4,208 public officers from 212 public institutions; escalated inspections of service delivery by public institutions; increased its activities in relation to public interest litigation and alternative dispute resolution methods; and reviewed guidelines on public complaints indicator to strengthen the complaints handling capacity of public institutions. Above all, the Commission continued to employ innovative ways to attaining its mandate mainly through the Huduma Ombudsman Awards for the most responsive and outstanding public institutions and officers; and Ombudsman Committees in informal settlements in Nairobi.

Discharging our mandate has not been without challenges; there were a number of institutional and operational challenges. Notably, the Commission encountered budgetary constraints, increased workload due to low staff capacity and impunity. Moving forward, the Commission has adopted a number of strategies to overcome the challenges and deepen its activities. In this regard, the Commission intends to enhance its capacity through leverage on technology and countrywide presence; diversify funding sources; and partnerships with stakeholders in the governance process at the national and county levels.

The achievements outlined above would not have been possible without the innovation, resourcefulness and commitment of the Commissioners and staff who have lived the slogan 'Hata Mnyonge ana Haki.' I take this opportunity to commend them for work well done. As always, we will remain faithful to our mandate and continue to challenge ourselves with high expectations and demanding goals in the execution of our mandate. In this regard, I invite all stakeholders to partner with us in this journey.



DR. OTIENDE AMOLLO, EBS
CHAIRPERSON OF THE COMMISSION

FOREWORD

In the four years the Commission has been in existence, the fundamentals reported on in the previous years continued to hold true. The number of complaints received and processed continued to increase. This, was on the backdrop of under capacity and the need to have our services decentralised. These variables exist in the midst of constant competition for resources within the public sector. Despite all these challenges the Commission has made a concerted effort to offer its services efficiently and effectively.

This coming year, the Commission looks forward to fully automate its complaints handling system as we seek to migrate to a new Information Technology (IT) platform that is being developed with the help of our partners. This platform will assist in hastening the handling of complaints since IT is an essential catalyst of efficient service delivery. We do hope that in due time, we shall be able to loop in public institutions to this platform so that complaints can be forwarded to the institutions in real time for faster disposal.

In this coming year we also face threat of restructuring in light of the provisions of our enabling legislation. The law (the Commission on Administrative Justice Act, 2011) provides that Parliament shall upon expiry of five years, review the mandate of the Commission with a view to amalgamating it with the Commission responsible for human rights. As it has been off-cited, amalgamation of these two Commissions would relegate the functions of the ombudsman to the back burner, which will in one fell swoop wipe away the gains made in the last five years to entrench ombudsman services within the public sector. We hope that Parliament will act in the best interests of wanjiku and by preserving the independence of the Commission to enable it serve the public better.

Decentralisation is also top on the agenda of the Commission. In 2015 the Commission endeavoured to move its services closer to the people by establishing branch offices in Eldoret and Makueni. Decentralisation was also enhanced by our continued presence in over 10 Huduma Centres countrywide. It is our hope that with these instructions, we will realise our objective of countrywide presence.

I wish to commend the Commissioners and my staff for their efforts to deliver on the mandate of the Commission despite the myriad challenges we have faced. It is of universal acceptance that Ombudsman work requires dedication and often times going beyond the call of duty. Our commissioners and staff have exhibited just that hence the enormous work that the Commission has done towards improvement of public administration in just four years. Our development partners are also appreciated for their steadfast support. Last and more important we thank the Government of Kenya for its support in provision of the requisite resources despite it also faces in resource mobilisation.

Finally, I wish you all a pleasant read as we look forward to improve public service delivery in the coming period for common good.



LEONARD NGALUMA, MBS
COMMISSION SECRETARY/CEO

EXECUTIVE SUMMARY

This is the fourth Annual Report the Commission on Administrative Justice (Office of the Ombudsman) is issuing since establishment. It highlights the milestones and challenges the Commission encountered in 2015, and echoes the journey for the past four years the Commission has been in existence.

The Report is segmented into eight chapters with each addressing a singular thematic area. The first chapter gives background information: establishment and mandate, structure as well as the vision, mission and core values. The content of the subsequent chapters is highlighted below.

RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR

Dealing with maladministration in the public sector is at the core of the mandate of the Commission. In this respect, complaints handling and investigations are the primary redress mechanisms the Commission employs in executing this mandate. During the reporting period, the Commission handled an array of issues including unreasonable delay, administrative injustice, discourtesy, misconduct, incompetence, misbehavior, improper conduct, manifest injustice, abuse of power, unfair treatment, and unlawful, oppressive and unresponsive conduct.

Complaints Handling

During the period under review, the Commission handled 117,936 cases: 108,920 new cases and 9,016 complaints brought forward from the previous reporting period. Of the total number of complaints, 73,228 were handled by agencies under the performance contracting platform. In respect to service issues, most complaints were in relation to unresponsive official conduct with these complaints constituting 19.38% of the complaints received. Other most complained about issues are delay (15.67%), unfair treatment (13.43%), abuse of power (10.89%) and manifest injustice (7.38%). In the same vein, the most complained about public institutions are the National Police Service (13.07%), the Judiciary (9.30%), Ministry of Lands, Housing and Urban Development (8.23%) and Ministry of Interior and Coordination of National Government (7.77%).

Investigations

The Commission is mandated by the Constitution and the Act to investigate any conduct in state affairs or any act or omission in public administration in any sphere of government that is alleged or suspected to be prejudicial. The Commission conducted specific and systemic investigations to remedy administrative injustices, and come up with recommendations to improve public administration. In 2015, the Commission conducted one systemic and six specific investigations.

The specific investigations focused on a number of issues including: the collapse of a residential building in Huruma Estate, Nairobi; abuse of power and improper conduct by four members of the County Assembly of Migori; acquisition of Lang'ata Road Primary School playground; and allegations of impropriety prejudicial conduct by EACC (allegation of awarding Deputy Commission Secretary a salary beyond the rate ap-

proved by the Salaries and Remuneration Commission, and an allegation that some EACC officers had improperly acquired houses the National Social Security Fund at a time when they were investigating the Fund). The Commission made recommendations to relevant public agencies for action.

The Commission undertook one systemic investigation on the procedures and processes involved in the issuance of vital documents (identity cards, birth and death certificates, passports, passes and permits, among others). The investigation revealed rampant corruption, inefficiency and ineffectiveness by public officers leading to undue delays in processing and issuance of vital documents. The Commission made recommendations to relevant public agencies for appropriate action.

Citation Register

Pursuant to its mandate of addressing maladministration in the public sector, the Commission keeps a Citation Register (Black Book) in which unresponsive public institutions and officers are listed. In this regard, the Commission entered names of 13 public officers in the Citation Register. This is in line with its strategy of sanctioning unresponsive public officers on the basis of unresponsive official conduct; failure to implement a determination or recommendation of the Commission without a reasonable cause; improper conduct; and/or failure to honour summonses issued by the Commission.

Building Complaints Handling Capacity in the Public Sector

One of the core functions of the Commission is to set up and strengthen the complaints handling capacity in the public sector. To this end, the Commission plays a critical role in developing capacities of public officers and institutions at national and county governments. In the context of the national government, the Commission has a lead role of monitoring the "resolution of public complaints indicator" under the performance contracting system. The Commission carries out assessments and certifies public institutions based on established parameters.

In 2015, the Commission developed new guidelines to assist public institutions strengthen their internal complaints handling mechanisms and comply with the requirements of the indicator. The Commission also developed guidelines for implementing the indicator in line with the 12th Cycle of the National Government Performance Contracting Guidelines and CAJ Regulations. The Guidelines provide a framework for establishing and strengthening complaints handling and management infrastructure. Further, the Commission introduced regional trainings to enhance complaints handling capacity of public institutions. The trainings which targeted officers handling complaints and front office staff saw 4,208 officers from 212 institutions trained on complaints handling, and principles of good public administration. As a result, 73,228 complaints were handled by public institutions in the context of the indicator, 69,940 (about 93%) of which were resolved.

Communication, Public Education and Advocacy

Communication, public education and advocacy are anchored on one of the key strategic objectives of the Commission which seeks to address relatively low public awareness on matters of administrative justice. The Commission's communication

strategy is grounded on the need for awareness amongst the various publics on its mandate, vision, plans, and programmes. The strategy is also aimed at providing a plan for influencing change in policy and practice and/or promoting policy implementation.

County Visits

During the period under review, the Commission carried out awareness in 14 counties, namely: Tana River, Lamu, Murang'a, Siaya, Elgeyo Marakwet, West Pokot, Migori, Vihiga, Kajiado, Nyeri, Embu, Uasin Gishu, Tharaka Nithi and Nairobi. Awareness efforts revolved on the mandate of the Commission and information on how the Commission can be accessed through the visits, the Commission established linkages with key stakeholders including county governments. Further, visibility of the Commission was bolstered leading to an increase in the number of complaints reported. Interactions with the public also gave insights on problematic areas in service delivery - delays in issuance of vital identification documents, payment of retirement benefits, etc - thus enabling the Commission to gauge the standards of service delivery.

Driving Administrative Justice Agenda through Media

The Commission employed both electronic and print media to create awareness and advocacy. Firstly, the Commission published key advisories in print media thereby creating awareness on issues of national importance. Secondly, the Commission informed public discourse on matters of national importance in respect to constitutionalism, observance of the rule of law, and administrative Justice through television and radio talk shows, as well as news stories. In addition, the Commission conducted awareness programmes on vernacular and community radio stations including Baliti FM, Wajir Community Radio and Athiani FM. Lastly, the Commission carried out awareness on the role of the Ombudsman through docu-drama series and a feature on success stories on national television (Citizen TV, KBC and KTN) thereby increasing awareness on its role, and deepening public trust.

The Commission continues to harness the interactive power social media to promote discourse on administrative justice issues thereby providing a platform for citizens to demand accountability and efficiency in service delivery. Through CAJ's Facebook page (Ombudsman Kenya), and Twitter handle, (@Kenyasombudsman), the Commission enhanced interactive communication and public engagement. In 2015, people used social media platforms to make inquiries, lodge complaints, and make follow-ups on ongoing cases. As such, social media has made the Commission more accessible.

In the last 12 months, the audience size on Twitter grew from 700 to 3,500, and that on Facebook from 1,990 to 3,700. The interaction rate has also grown by 20%, an indication that social media continues to be a vibrant platform for engaging the public.

Information, Communication and Education (IEC) Material

IEC materials are a critical part of mass communication as they provide tools for creating awareness and reinforcing what people already know. IEC materials have complemented efforts the commission has made through face-to-face awareness forums and trainings. In 2015, the Commission developed various IEC materials for relaying

diverse messages. They included posters on fair administrative action; brochures on frequently asked questions about the Commission, and the role of the Commission in performance contracting. As highlighted above, the Commission developed docu-drama series and a feature on success stories to augment public awareness efforts. It is worth noting that the Commission also transcribed its institutional brochure in Braille. The Braille copies have been distributed to 57 institutions for the visually impaired.

Other Outreach Engagements

During the year under review, the Commission participated in the Mombasa International Show, Mt. Kenya Regional Show (Nanyuki), and Nairobi International Trade Fair. The aim of the participation was to publicise the Commission's mandate, complaints handling processes, give advisory services, and provide a platform for lodging complaints. During the shows, 2,370 people made inquiries, of whom 25 lodged complaints, and 86 were referred to the relevant agencies assistance. The complaints were of diverse service issues including delay, unresponsiveness, and unfair treatment.

The Commission also used other existing structures to advance the administrative justice agenda. Ombudsman Committees which enlists the support of opinion leaders in informal settlements is one such platform. Through these contacts the Commission conducted awareness in 14 Churches and Mosques in informal settlements in Nairobi reaching about 7,000 people. In addition, the Commission created awareness through the Kenya National Secretaries Association in Kisumu, Embu and Mombasa. Other awareness creation platforms used included legal clinics in Nairobi, a county baraza in Eldoret, a women and youth's meeting in Kwale, and public forums in Siaya, Kisumu, and Laikipia.

Engendering Constitutionalism in the Public Sector

In line with its constitutional mandate, the Commission made contributions towards promotion of constitutionalism and good governance. The Commission employed a multi-faceted approach focusing on a number of strategies which included advisory opinions and recommendations, alternative dispute resolution methods and public interest litigation.

Advisory Opinions

Section 8(h) of the Act mandates the Commission to provide advisory opinions or proposals on the improvement of public administration including review of legislation, codes of conduct, processes and procedures. In furtherance of this function, the Commission issued ten advisory opinions to public institutions on various issues. The advisory opinions were disseminated through various fora, including the media. They include:

- i. Advisory Opinion on the Directive to County Commissioners regarding the Co-ordination and Delivery of Comprehensive HIV/AIDS Services to Counties ;
- ii. Advisory Opinion on the Boundary Disputes between County Governments;
- iii. Advisory Opinion on the Framework for Co-operation between the Senate and the Council of Governors;
- iv. Advisory Opinion on Restructuring of the Ethics and Anti-Corruption Commission;

- v. Advisory Opinion on the Vetting of Persons Nominated to the Positions of Cabinet and Principal Secretaries;
- vi. Advisory Opinion on the Parliamentary Service Bill, 2015;
- vii. Advisory Opinion on the Proposed Amendment to the Independent Policing Oversight Authority Act, 2011;
- viii. Advisory Opinion on the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015;
- ix. Advisory Opinion for the Removal of the Principal Secretary for the Ministry of Lands, Housing and Urban Development from Office; and
- x. Advisory Opinion on the Recruitment of the Managing Director of the Kenya Airports Authority.

Vetting of Public Officers

The Commission participated in the vetting of judges and magistrates in line with section 18(1)(e)(vi) of the Judges and Magistrates Vetting Board Act, No. 2 of 2011. To this end, the Commission processed information relating to the vetting of 59 judicial officers. Similarly, the Commission provided information to the National Police Service Commission regarding the vetting of 141 police officers. As such, the Commission contributed to the determination of suitability of the concerned officers.

Ensuring adherence to the Rule of Law

Pursuant to its mandate of ensuring adherence to the rule of law, the Commission made appropriate interventions, either on complaints by the public or on its own motion, on allegations of breaches of the principles of leadership and integrity. The interventions related to issues such as non-compliance with the law on appointments and promotions to public offices, misuse of public resources, disobedience of court orders, abuse of power, and unethical, improper or unlawful official conduct.

Promotion of Alternative Dispute Resolution (ADR) Mechanisms

The Commission employed ADR methods in the resolution of a number of complaints. It favoured the use of ADR due to the need to maintain relationships between the disputants, and produce an outcome that is satisfactory to both parties thus creating a win-win situation. In order to entrench ADR as a mechanism of resolving complaints, the Commission trained 24 of its officers on ADR to enhance its capacity, and incorporated a module in the curriculum for training of public officers under performance contracting framework.

Public Forum on Good Governance

The Commission convened a public forum in Nairobi to discuss the nature and extent of corruption, impunity and maladministration in Kenya and chart a way forward. The Forum was prompted by the need to have structured and deliberate engagement on how to address the rising incidences of impunity. The Forum which drew participation from key stakeholders in the governance sector, underscored the importance of col-

laboration in the promotion of good governance, while appreciating the serious consequences of bad governance on the country's growth and stability, and the need to implement Chapter Six of the Constitution which deals with integrity. The stakeholders appreciated the need to inter alia, review the anti-corruption laws to seal the extant loopholes, strengthen the oversight agencies and ensure protection of whistleblowers; mainstream anti-corruption in the education system and enhancement of civic education on leadership and integrity; and create timelines for implementation of the recommendation by oversight institutions.

Public Interest Litigation

The Commission participated in a number of matters of national importance before the court as a way of promoting public administration. The main aim was to advance constitutionalism and democratic governance. The cases handled in 2015 include Nairobi Judicial Review No. 304 of 2014: Republic versus the Commission on Administrative Justice ex-parte the National Social Security Fund, and Nairobi Petition No. 542 of 2013: Prof. Paul Musili Wambua versus the Attorney General.

Huduma Ombudsman Award

The Award Scheme, now in its second edition, is aimed at recognising and rewarding excellence in public service delivery. In 2015, the Huduma Ombudsman Award ceremony was presided over by the Attorney-General on behalf of the President. During the Award ceremony, seven individuals and four institutions were honoured for exemplary service.

Partnerships, Collaborations and Linkages

In order to enhance its capacity and expand its network base, the Commission cultivated partnerships with local and international institutions to promote administrative justice and good governance. Through this, the Commission participated in a number of conferences, workshops, seminars and meeting. Some of the engagements during the reporting period are:

- i. Forum of Chairpersons Constitutional Commissions and Holders of Independent Offices (where the Commission spearheaded development of a Charter to guide activities of the Forum, among other things);
- ii. Activities of the National Council for the Administration of Justice (a multi-agency co-operation platform established under the Judicial Service Act with the responsibility of overseeing and promoting sector-wide partnership through formulation of policies relating to the administration of justice, and mobilising resources for efficient administration of justice);
- iii. Policy and Legislative Development where the Commission provided input to key legislative bills such as the Access to Information Bill, Fair Administrative Action Bill, Public Service (Values and Principles) Bill and the County Boundaries Bill. The Fair Administrative Action Bill and the Public Service (Values and Principles);

Further, the Commission took part in shaping the governance and public administration agenda. In line with this, the Commission participated in a number of trainings and workshops, and made contributions in the subjects of governance and public administration in various institutions – both public and private.

On the international front, the Commission enhanced engagement with Ombudsman institutions for purposes of benchmarking, information sharing, and technical assistance. To this end, the Commission visited the Inspectorate of Government of Uganda and the Commission for Good Governance and Human Rights. In addition, the Commission enhanced its participation in the activities of the African Ombudsman and Mediators Association (AOMA) in 2015 - an umbrella organisation for Ombudsmen and Mediators across Africa with membership from 37 countries. The role of the Commission in AOMA was enhanced following the appointment of the Commission Chairperson as Secretary-General in November 2014.

It is worth noting that during the reporting period, the Commission hosted the Second Regional Colloquium of African Ombudsman Institutions. The Colloquium is a platform for Ombudsmen aimed at enhancing effectiveness of the Ombudsman institution through sharing of best practices, and an opportunity for networking. The Colloquium whose theme was "Securing the Ombudsman as an instrument of governance in Africa", explored ways of strengthening the institution and making it meaningful to the people.

Finance and Administration

In line with its strategic objective 5, the Commission continues to enhance its capacity to deliver its mandate in the following areas: human capital, financial resources and Information, Communication and Technology (ICT).

The Commission's main source of funding is the Exchequer which accounts for over 90% of its funds. In the 2014/2015 Fiscal Year, the Commission was allocated Ksh.393, 985,500 out of which Ksh.353, 190,496.60 was expended for the planned activities by the closure of the financial year on 30th June 2015. This, therefore, means that the absorption rate stood at about 90%. The non-realisation of 100% absorption rate was as a result of two main factors: challenges associated with e-procurement, and delay in getting Treasury's approval to recruit additional staff.

The Commission also received support of Ksh.32, 913,369 from Development Partners, namely: UNDP, Ford Foundation and GIZ.

Procurement

The Commission was one of the few public institutions that fully complied with the government requirement on Implementation of the Integrated Financial Management Information System (IFMIS) and e-procurement (despite initial teething problems). The Commission also complied with the government policy on reservation of 30% of the total procurement to special groups (youth, women and persons with disabilities). Compliance was nonetheless fraught with challenges: for instance, some of the bidders under this category lacked capacity in terms of infrastructure, equipment and expertise. This impacted negatively on the Commission's activities as some service providers found it difficult to deliver on time, and satisfy the quality demanded.

Human Resource

During the period under review, the Commission strengthened its capacity by employing 21 officers, bringing the current staff complement to 70. This represents 20.8% of the staff establishment which stands at 336. It is worth noting that while the workforce increased marginally, the workload increased exponentially thereby overstretching the human resource.

With respect to capacity development, the Commission sponsored 11 officers for various professional training courses, aimed at honing their skills. In addition, the Commission facilitated 27 members of staff to attend continuous professional development programmes and exposures through seminars and conferences.

Decentralisation of Ombudsman Services

The Ombudsman's services can now be accessed from 15 different locations across the country. The Commission now has offices in Nairobi, Kisumu, Mombasa and Eldoret. The Commission also has presence in the following Huduma Centres: Kisii, Nakuru, Kakamega, Nyeri, Kajiado, Mombasa, Nairobi (Teleposta Towers and Kibera), Embu, Eldoret, and Kisumu.

Embracing ICT

The commission continues to leverage ICT to improve its operations and accessibility. In line with this, the Commission rolled out a short code (SMS) platform (15700), and a toll free number (0800 221 349) which enables the public to lodge complaints with more ease. In addition, the Commission is in the process of installing a Complaints Management System. Once complete, the system will enable the public to lodge their complaints on the Internet and through mobile phones. The system is one of the projects undertaken under the auspices of the CAJ/ GIZ partnership.

Internal Policies

The Commission developed policy documents to guide its operations and enhance efficiency and governance. Policy documents include; Human Resource Policy, Risk Management Policy, Record Management Policy, Audit Manual and Citizen Service Delivery Charter. Challenges Despite the achievements realised under the reporting period, the Commission continues to face a number of challenges. They are highlighted below.

- i. Budgetary Constraints - The funds allocated by the Exchequer is not sufficient to cater for all the needs of the Commission, particularly in light of the increasing number of complaints. The Commission's institutional capacity is, therefore, overstretched.
- ii. Decentralisation of Ombudsman Services - Ideally, the Commission needs to be present in all 47 Counties. This is, however, not the case owing to financial constraints. To partly remedy this challenge, the Commission has established desks in 11 Huduma Centres to augment the few offices (Nairobi, Mombasa, Kisumu and Eldoret). This notwithstanding, accessibility of the Ombudsman services remains a major challenge.

- iii. Inadequate staffing - The proposed staff complement is 336. Currently, the Commission has only 70 members of staff and 20 interns. This not only limits the desired output, but strains the few members of staff.
- iv. Unresponsiveness in the Public Sector - Impunity remains a major obstacle to quick resolution of complaints. A number of public institutions and officers were cited for unresponsiveness in 2015. Whereas the Commission's strives to inquire and resolve complaints without delays, this attitude by public officers continues to affect the turn-around time and resolution rate.
- v. Restructuring of Government Agencies - The restructuring of Government departments and agencies has resulted in lack of proper coordination of activities, reporting and the fulfillment of Government Performance Contracting Obligations. The concerned institutions are struggling to streamline their service delivery and complaints handling infrastructure with the new structures.
- vi. Procurement Challenges – Service providers have often found it difficult to interact with the system to access tenders. Majority of women, youth and Persons Living with disabilities, for who the government has reserved 30% of procurements, experience technical and financial difficulties in meeting their obligations when awarded tenders.

Looking Ahead: 2016 and Beyond

The Commission will continue to execute its mandate and come up with ways of improving efficiency in a bid to enhance service delivery in the public sector. Specifically, in 2016 the Commission will:-

- i. Automate the complaints handling system to increase accessibility and efficiency of complaints handling.
- ii. Continue taking advantage of the Huduma Centres platform to enhance accessibility.
- iii. Train more public officers on complaints management to enhance the capacity of public institutions to handle complaints effectively within their institutions.
- iv. Develop a complaint handling manual for public institutions.
- v. Devolve its services to the counties through partnership with county governments.

CHAPTER ONE

1.0. BACKGROUND

1.1. ESTABLISHMENT OF THE COMMISSION

The Commission is established by the Commission on Administrative Justice Act (the Act), 2011, pursuant to Article 59(4) of the Constitution. Article 59 (4) of the Constitution empowers Parliament to enact such legislation that may restructure the Kenya National Human Rights and Equality Commission into two or more separate Commissions. Pursuant to this provision, Parliament created three separate Commissions which included the Commission on Administrative Justice, the Kenya National Commission on Human Rights and the National Gender and Equality Commission. The Commission is, therefore, a Constitutional Commission within the meaning of Chapter 15 of the Constitution and the successor Commission to Public Complaints Standing Committee.

1.2. MANDATE OF THE COMMISSION

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

The Commission draws its mandate from the Constitution, the Act and Regulations among others. The mandate of the Commission is summarised below.

i. Maladministration

Maladministration is the proper province of any Ombudsman. In the Kenyan context, it includes service failure, delay, inaction, inefficiency, ineptitude, discourtesy and unresponsiveness.

ii. Administrative Injustices

The Commission is mandated to inquire into allegations of administrative injustice, which includes an act, or decision carried out in the public service or a failure to act when necessary. The constitutional requirement of fair administrative action includes expeditious, efficient, procedurally fair action, and an entitlement to written reasons for such action. The Commission steps in to ensure compliance by public officers.

iii. Misconduct and Integrity Issues

The Commission investigates improper conduct, abuse of power and misbehaviour in the public service. Accordingly, the Commission has a complimentary mandate to ensure compliance with the integrity requirements in the law by public officers.

iv. Advisory Opinions and Recommendations

The Commission provides advisory opinions or proposals on improvement of public administration and makes recommendations on legal, policy or administrative measures to address the specific concerns. This may be published or confidential, and covers offices and processes in national and county governments.

v. Capacity Development in Government

The Commission develops capacity of national and county government officials in Ministries, Institutions and Departments on effective methods of handling complaints in-house. Additionally, the Commission assists county and national governments, and independent state institutions to set up complaints handling facilities.

vi. Performance Contracting

Resolution of public complaints is an indicator in performance contracting. Public institutions submit quarterly reports detailing complaints received and action taken. The Commission rates institutions and issues certificates on compliance, which inform the overall national rating of the institution.

vii. Alternative Dispute Resolution

The Commission works with different public institutions to promote alternative dispute resolution through alternative dispute resolution on matters affecting public administration.

viii. Promotion of Special Rights

Apart from the complimentary duty to secure protection and promotion of human rights and freedoms in public administration, the Commission serves to promote compliance of minority and marginalised group rights in the context of public administration.

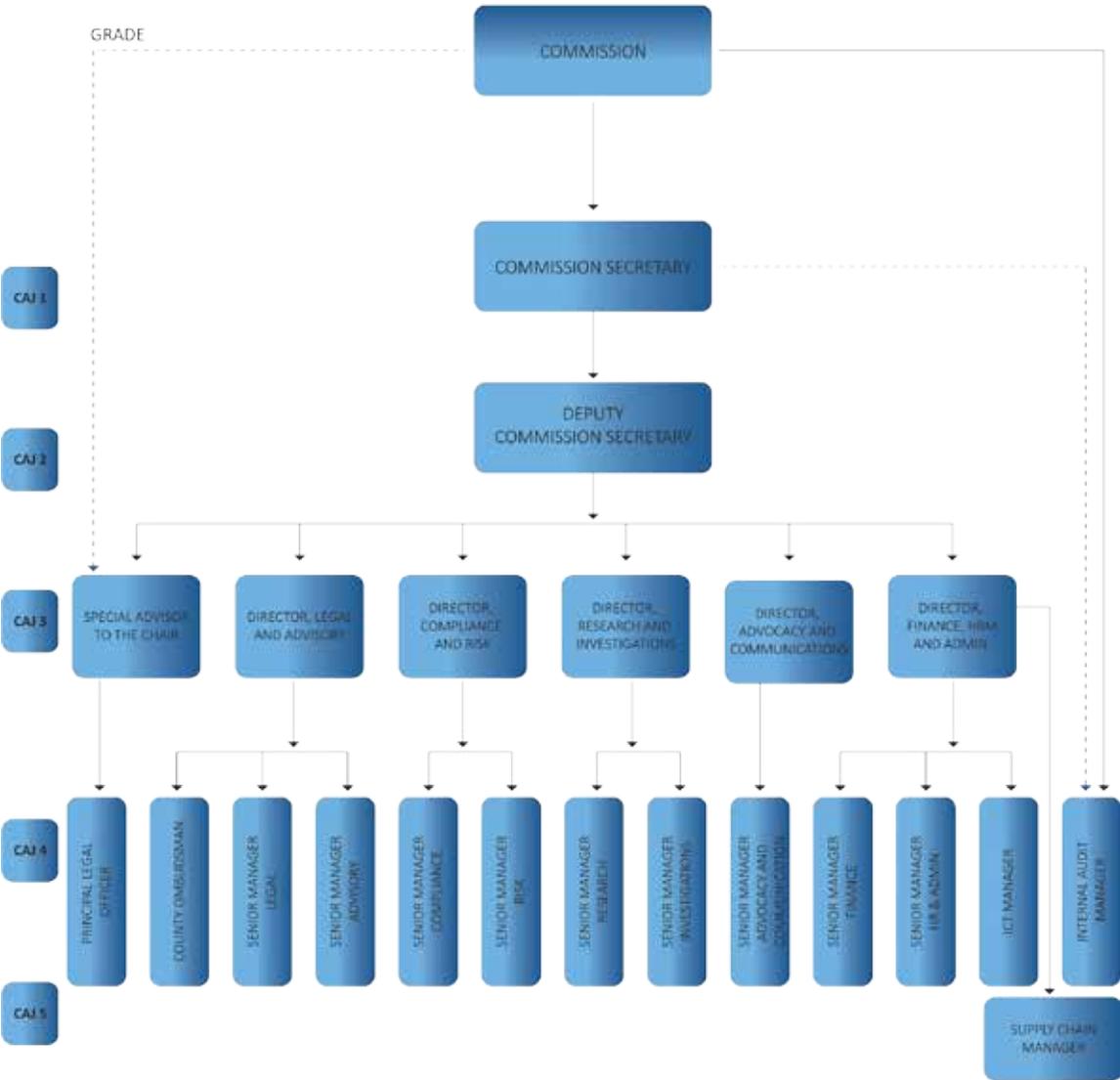
ix. Promotion of Constitutionalism

The Commission serves to protect the sovereignty of the people of Kenya by ensuring all state organs observe the principles of democracy, constitutional values and respect the supremacy of the Constitution.

1.3. STRUCTURE OF THE COMMISSION

The Commission comprises three Commissioners, and a secretariat clustered in six directorates, with offices spread in various parts of the country.

ORGANIZATIONAL STRUCTURE FOR THE COMMISSION ADMINISTRATIVE JUSTICE



KEY: HR & ADMIN HUMAN RESOURCE MANAGEMENT AND ADMINISTRATION
 ICT INFORMATION COMMUNICATION TECHNOLOGY

1.4. VISION, MISSION AND CORE VALUES

1.4.1. Vision

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

1.4.2. Mission

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

1.4.3. Core Values

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

- **Fairness**

Treating people equitably, reasonably impartiality and in a just manner.

- **Accountability**

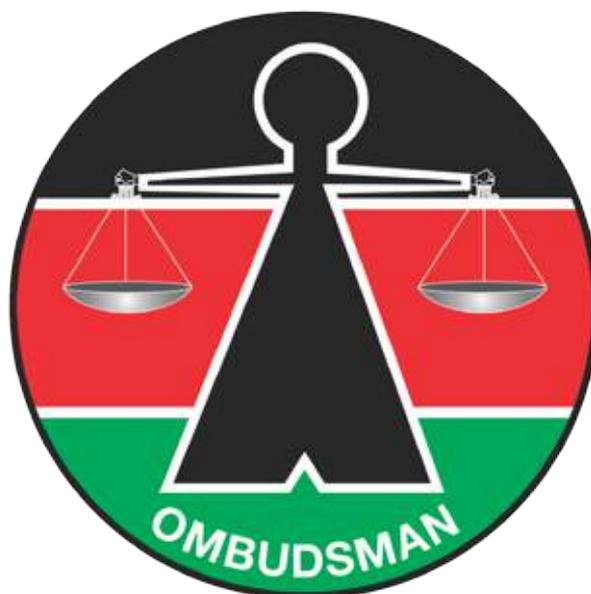
Acting with integrity, accounting for actions and inactions, and taking responsibility.

- **Diversity**

Recognising and appreciating individual and group differences.

1.5. LOGO OF THE COMMISSION

THE COMMISSION ON ADMINISTRATIVE JUSTICE “Office Of The Ombudsman”



The Commission's Logo captures four essential features:

- i. The background depicts the colours of the flag of Kenya. Nothing, perhaps, represents unity and patriotism of Kenyans more than the flag. Thus, the flag stands for sovereignty. Our logo, therefore, captures the sovereignty of the people of Kenya for whom the Commission was established.
- ii. Astride the flag is Mwananchi, the enduring personification of the ordinary citizens. The citizens, irrespective of gender, are central to the work of the Commission. A responsive and accountable public service is the right of Mwananchi, and the Office of the Ombudsman is mandated to enforce it.
- iii. The scale of justice in the logo is balanced because the Ombudsman does not just look at the legality and lawfulness but also considers an array of issues including equity, fairness, legitimacy, administrative justice, equality and inclusivity thereby resulting in a win-win situation for all parties.
- iv. The Logo is circumscribed in a perfect “O”, representing the word ‘Ombudsman’.

CHAPTER TWO

2.0. RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR

2.1. INTRODUCTION

The primary responsibility of the Commission is captured under Article 59(2) (h-k) of the Constitution and Section 8(a-d) of the Act which mandate the Commission to deal with maladministration in the public sector. Towards this end, the Commission is empowered to inquire and investigate instances of maladministration such as unreasonable delay, administrative injustice, discourtesy, misconduct, incompetence, misbehaviour, improper or prejudicial conduct, manifest injustice, abuse of power, unfair treatment, or unlawful, oppressive, or unresponsive official conduct. The overall goal of the Commission in this regard is to nurture a public service that upholds fairness, responsiveness, accountability and efficiency. The primary redress mechanism employed by the Commission in addressing maladministration is through complaints handling. In discharging this function, the Commission provides oversight across the entire public sector, acting as a check on administrative action, processes, systems and procedures.

2.2. COMPLAINTS HANDLING

2.2.1. Lodging a Complaint

A complaint may be lodged at the Commission's offices or at such place or places as the Commission may from time to time designate. A complaint may be lodged by an aggrieved person or by a person acting on their behalf or by any other person authorised by law.

Complaints may also be instituted anonymously or by the Commission on its own initiative. A complaint may be made orally or in writing.

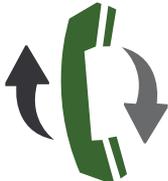
 <p>PERSONAL VISITS (Nairobi, Mombasa, Kisumu)</p>	 <p>P. O. Box 20414 - 00200 Nairobi</p>
 <p>complain@ombudsman.go.ke</p>	 <p>Tel: 020 2270 000/ 2303 000</p>
 <p>www.ombudsman.go.ke</p>	 <p>Huduma centers</p>
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <p><i>Sema!</i> Piga Ripoti</p> <p>YOUR COMPLAINTS REFERRAL CENTRE</p> </div> <div style="text-align: center;">   </div> <div style="text-align: center;">   </div> <div style="text-align: center;"> <p>THE COMMISSION ON ADMINISTRATIVE JUSTICE</p>  <p>Hata Mnyororo ana haki</p>  </div> </div> <p style="text-align: center; font-weight: bold;">INTERGRATED PUBLIC COMPLAINTS REFERRAL (IPCRM) MECHANISM CENTRES</p>	

Figure 1: Ways of Lodging Complaints to the Commission

The languages of communication are the two national/official languages namely, English and Swahili. However in the event a complainant cannot communicate in the said languages, he or she may lodge a complaint in his preferred language. It is worth noting that the Commission does not charge any fee for any of its services and observes the principles of natural justice.

2.3. CASES HANDLED IN 2015

During the period under review, the Commission handled a total of 108,920 new cases and 9,016 complaints carried over from the previous reporting period totaling to 117,936. The breakdown is as presented in table 1 below.

TABLE 1: SUMMARY OF CASES HANDLED

DESCRIPTION	NUMBER
Complaints where formal inquiries commenced	5,835
Contacts & inquiries (on-spot resolution)	29,857
Complaints handled under the Commission's performance contracting obligation	73,228
Sub-total for new cases in 2015	108,920
Complaints from previous reporting period	9,016
Total cases handled	117,936
Total cases resolved	101,882
Total cases carried forward to the next reporting period (ongoing cases)	7,038
Average monthly cases handled in 2015	9,828

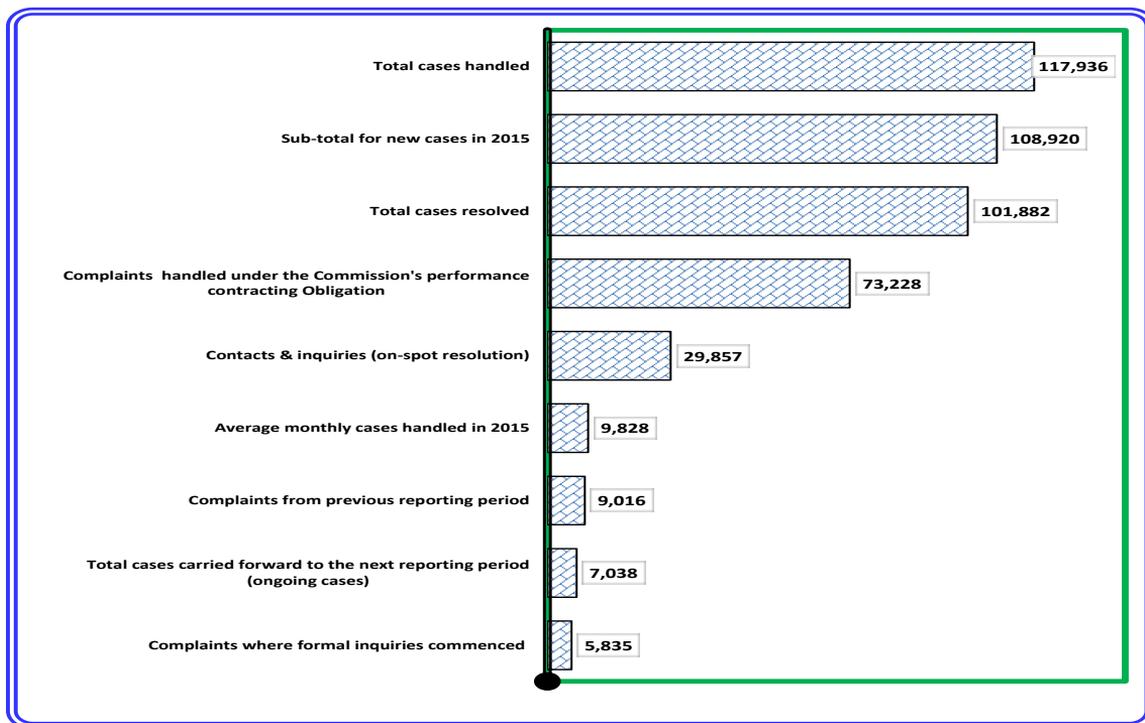


Figure 2: Analysis of Cases Handled in 2015.

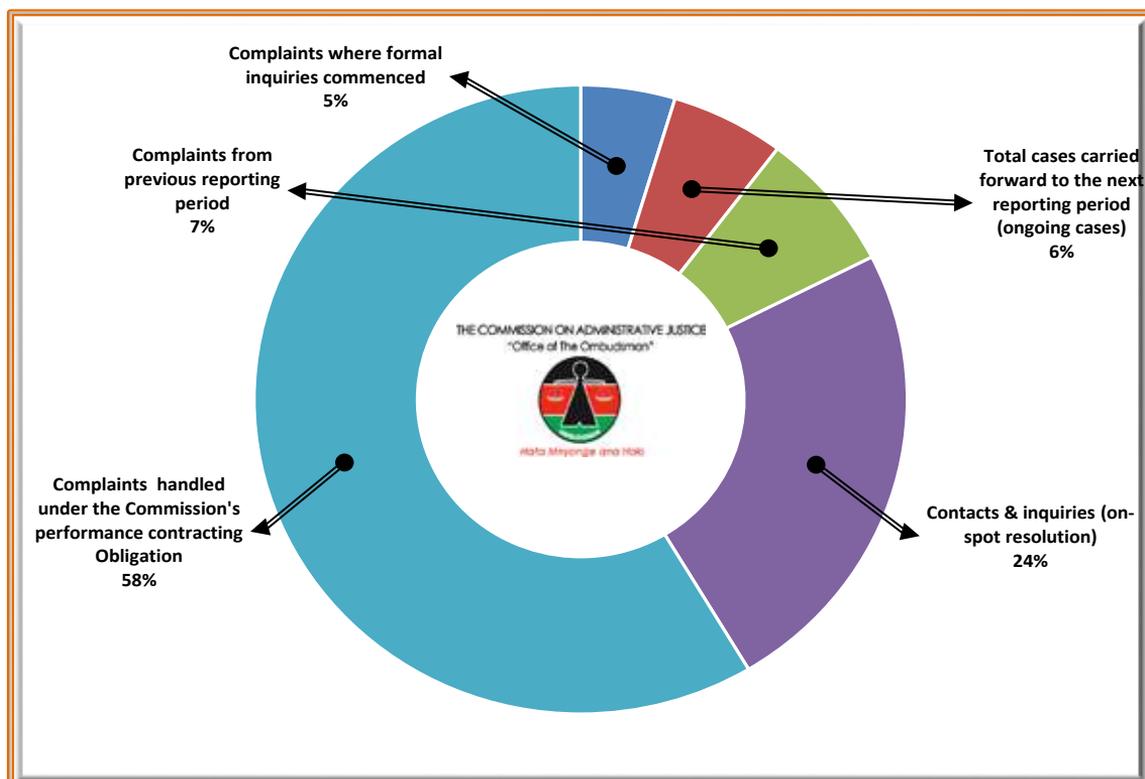


Figure 3: A Chart of Cases Handled in 2015

2.3.1. ANALYSIS OF COMPLAINTS AND INQUIRIES

The Commission through various channels received complaints and enquiries as shown in table 2 below.

TABLE 2: SUMMARY OF CASES HANDLED

DESCRIPTION	TOTAL RECEIVED.	NO. RESOLVED
Complaints where formal inquiries commenced	5,835	4,085
Complaints handled under the Commission's performance contracting obligation	73,228	69,940
Contacts & inquiries handled - (on-spot resolution)	29,857	29,857
Cases carried forward to the next reporting period	7,038	-

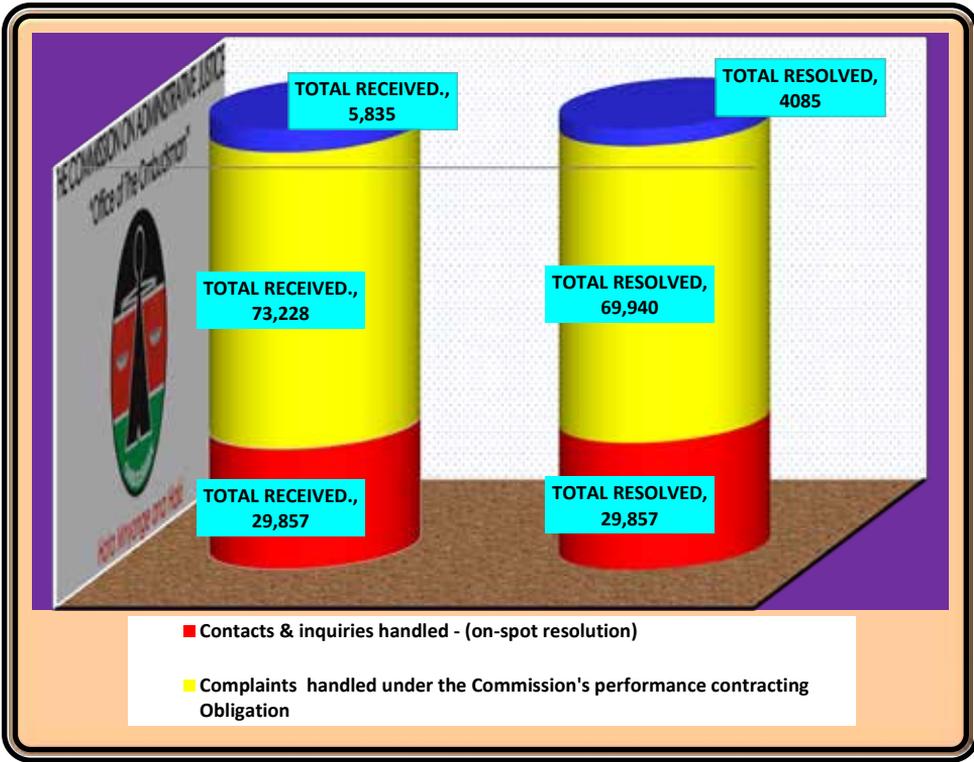


Figure 4: Status of Complaints Handled in 2015

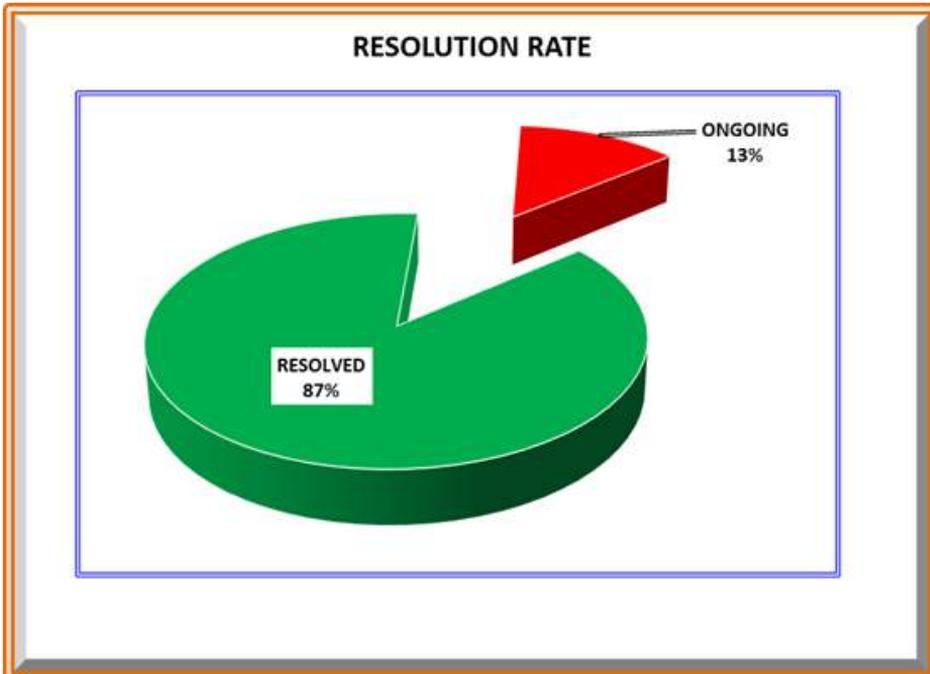


Figure 5: Analysis of Cases (Resolution Rate)

2.3.2. ANALYSIS OF CASES LODGED AGAINST PUBLIC INSTITUTIONS

The Commission received a wide range of complaints against public institutions. The figures below provide a synopsis of the number of complaints lodged against public institutions.

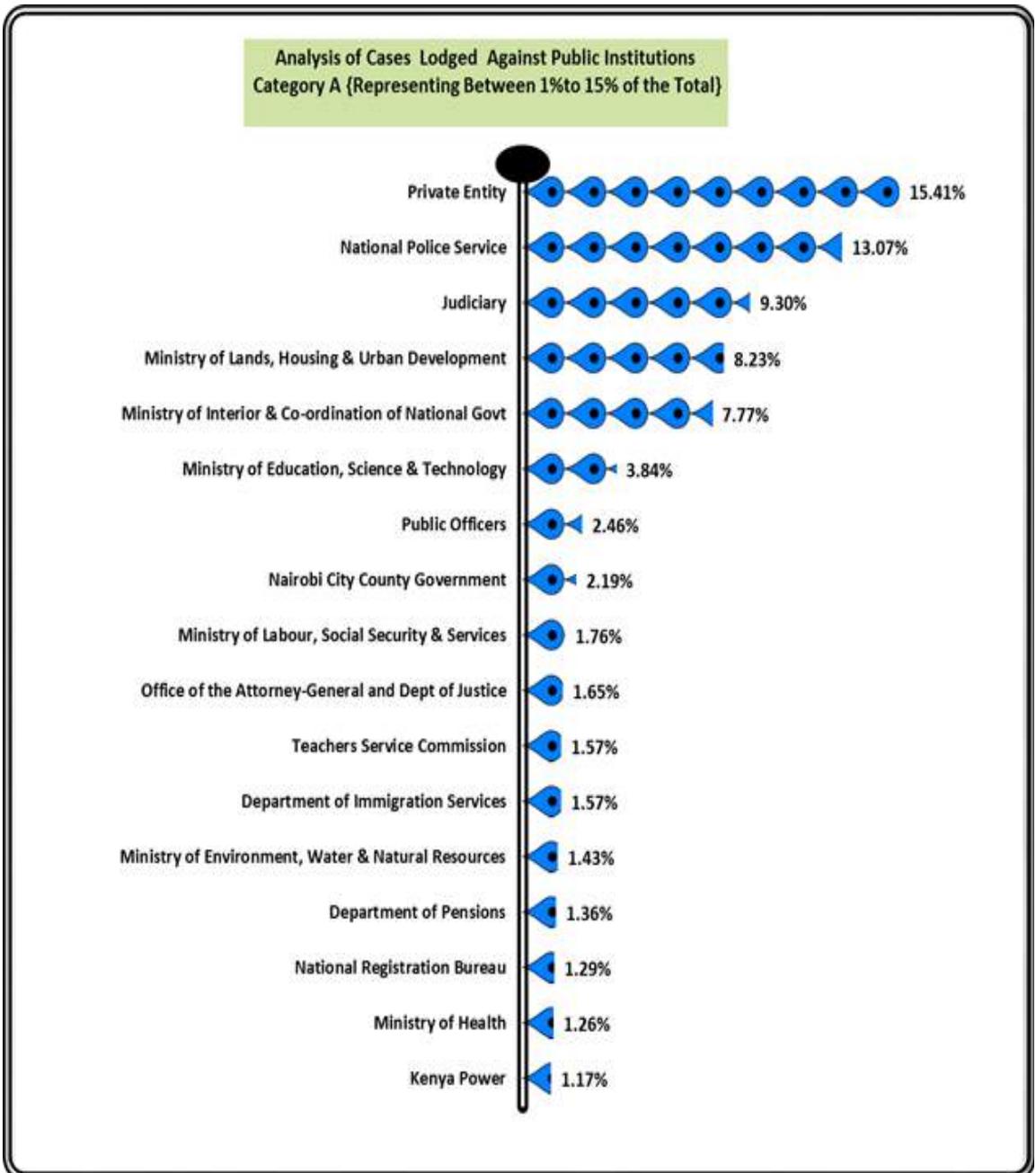


Figure 6: Percentage of Cases Handled against Public Institutions – Category A

**Analysis of Cases Lodged Against Public Institutions
Category B (Representing Between 0.2 %to 0.9 % of the Total)**

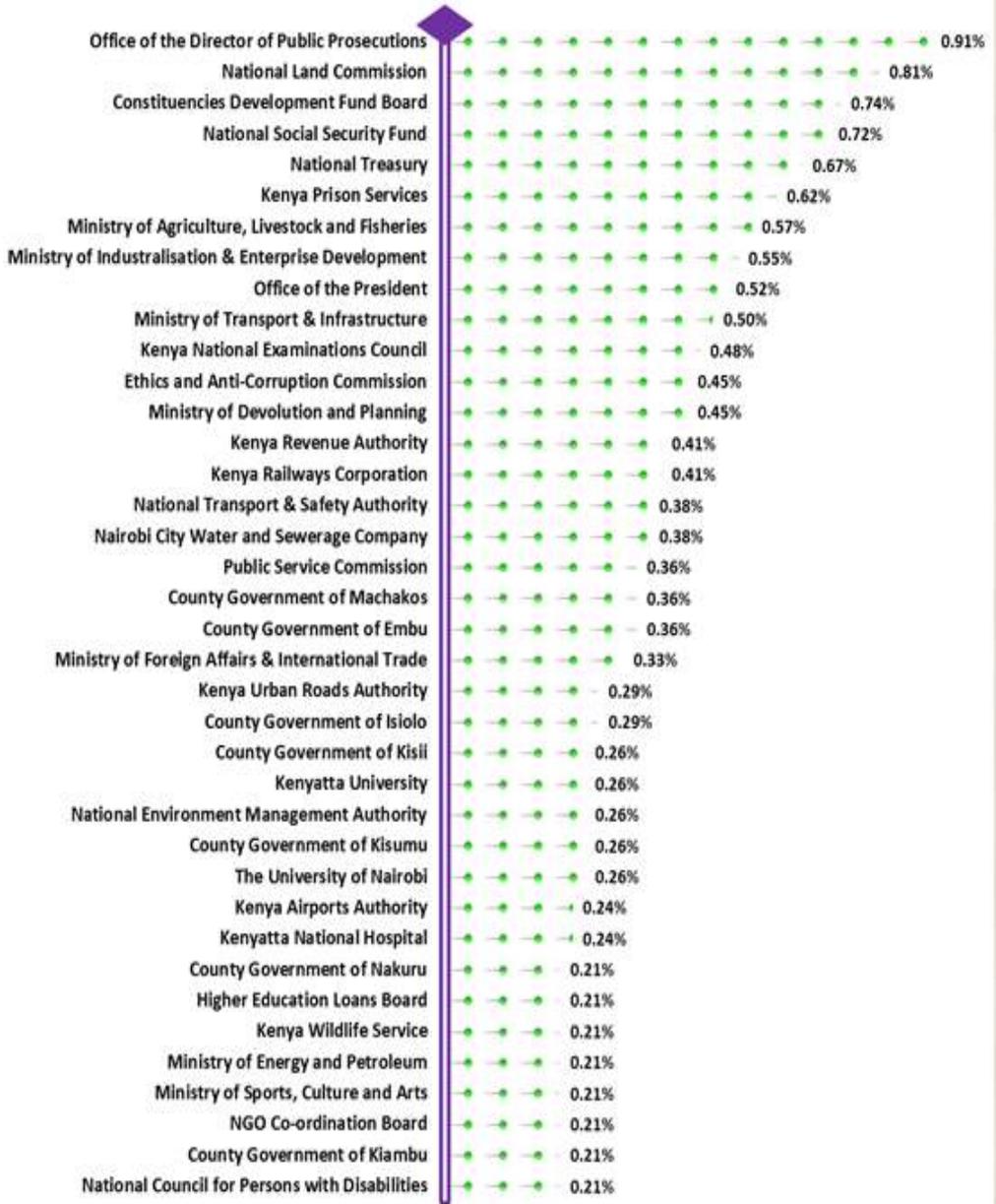


Figure 7: Percentage of Cases Handled against Public Institutions – Category B

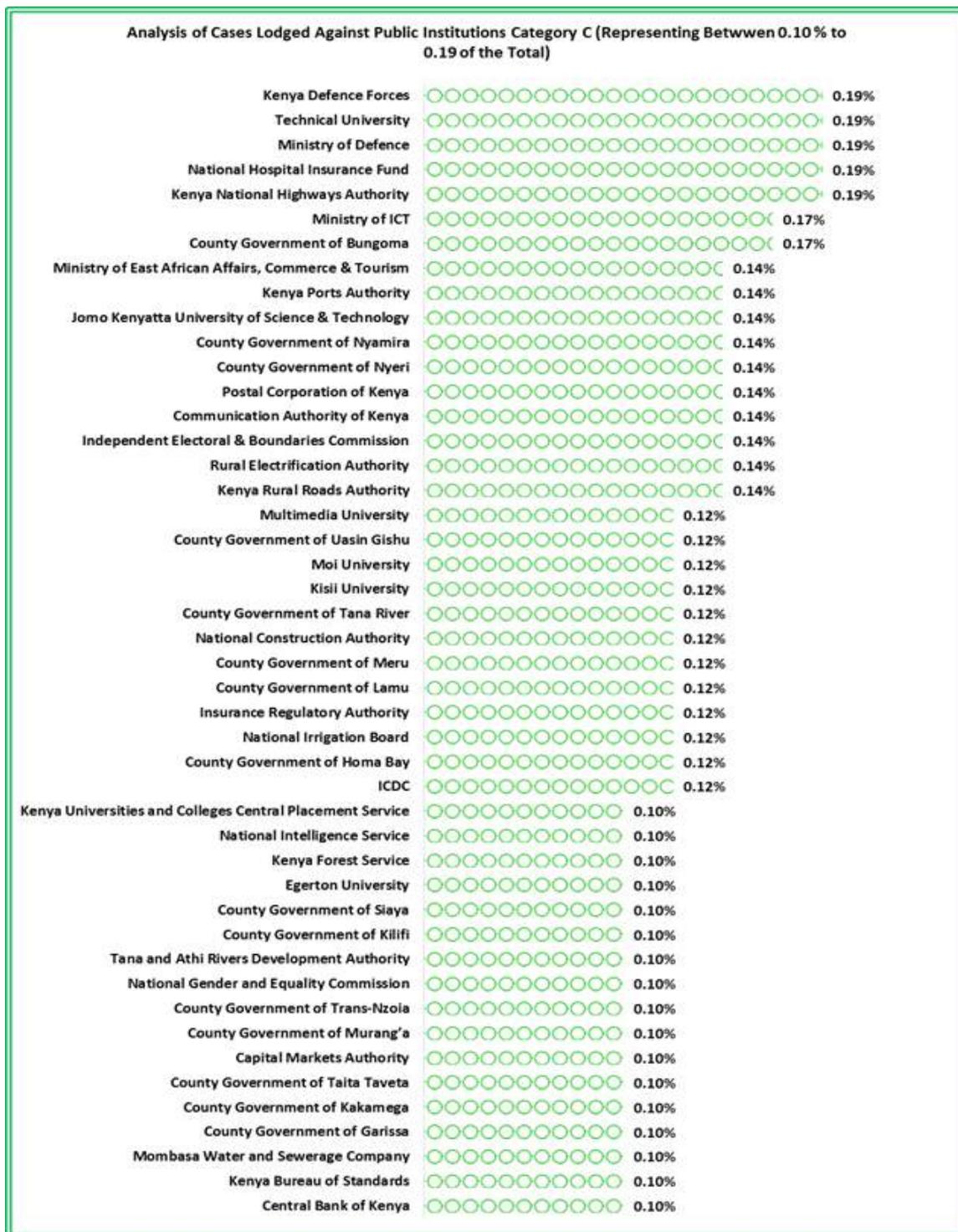


Figure 9: Percentage of Cases Handled against Public Institutions – Category C

**Analysis of Cases Lodged Against Public Institutions
Category D {Representing Between 0.02 %to 0.07 % of the Total}**

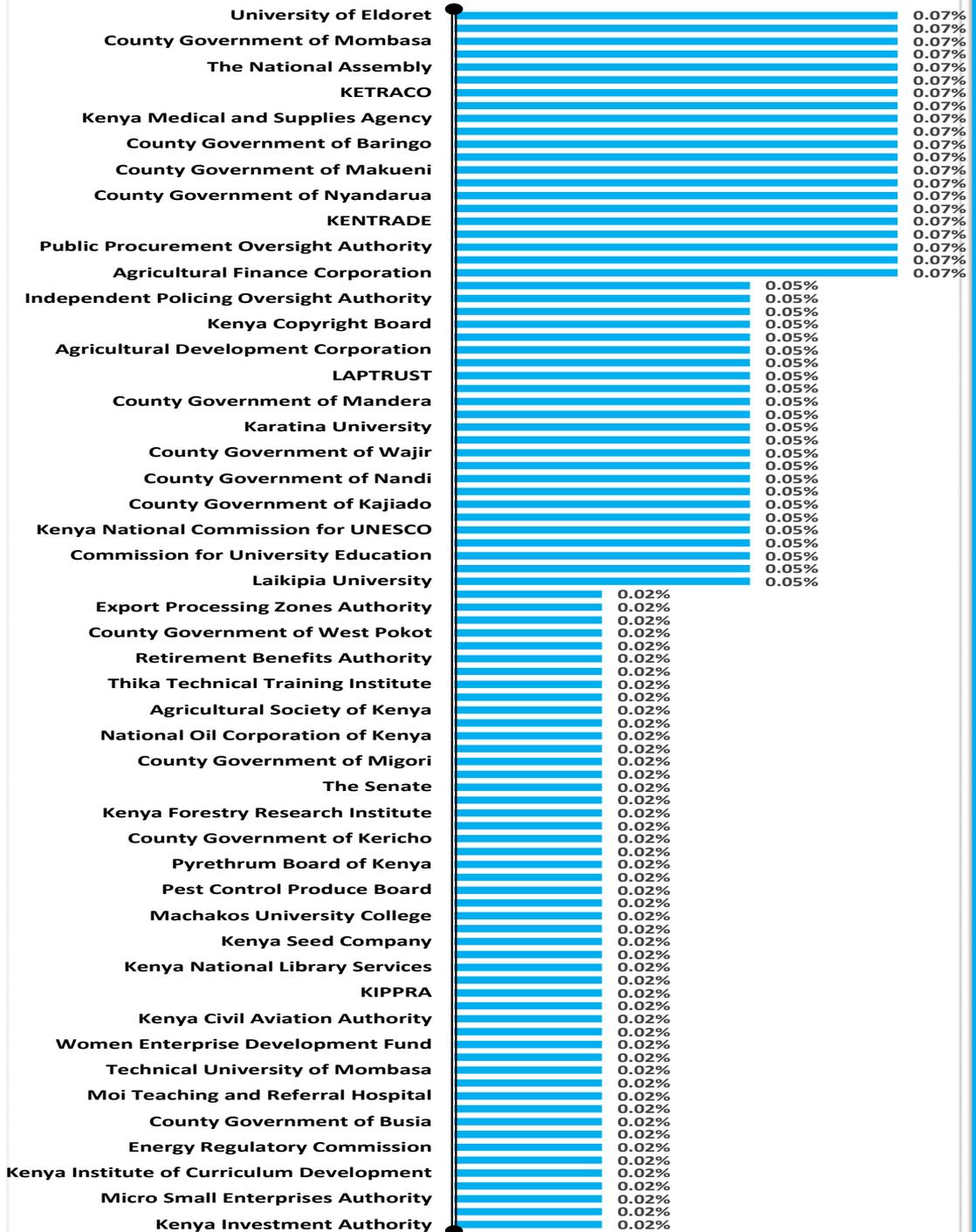


Figure 10: Percentage of Cases Handled against Public Institutions – Category D

2.3.3. ANALYSIS OF CASES RECEIVED BY SERVICE ISSUES

The Figure below provides a summary of the categorisation of cases received during the period.

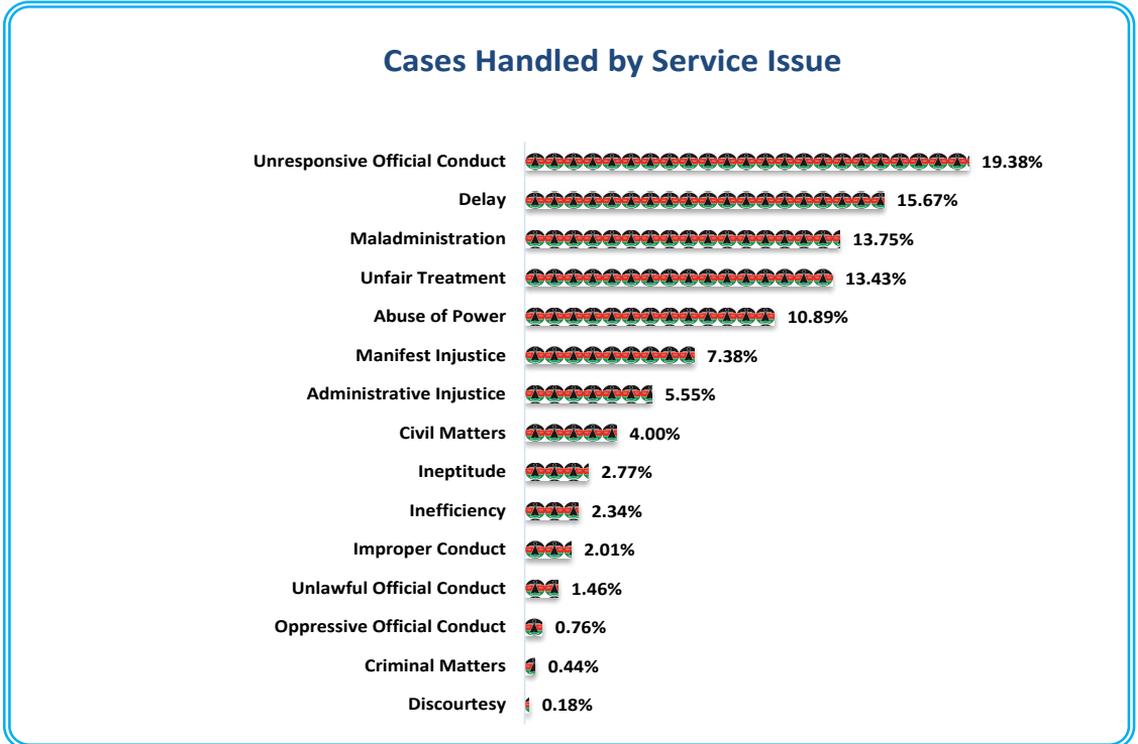


Figure 11: Cases Handled by Service Issue (Percentage Representation)

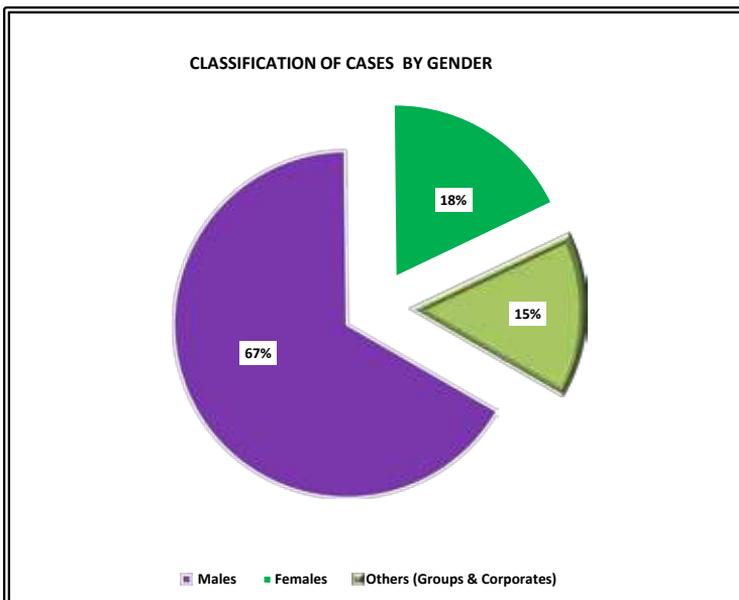


Figure 12: Cases Handled in 2015 (Classification by Gender)

2.4. CASES FROM BRANCH OFFICES

In line with its strategy, the Commission opened a branch office in Eldoret bringing the number of branch offices to three. In addition, the Commission partnered with the government to establish desks at the Huduma Centres.

2.4.1. KISUMU BRANCH OFFICE

In 2015, the Kisumu Branch Office handled a total of 1,419 including 623 which were carried forward from the previous year. The complaints included those filed through the Huduma Centres in Kakamega, Kisii and Kisumu.

2.4.2. MOMBASA BRANCH OFFICE

The Mombasa Branch Office handled a total of 713 complaints in 2015, including 139 from the previous year, 5 from IPCRM and 130 from the Huduma Centre in Mombasa.

2.4.3. ELDORET BRANCH OFFICE

The Eldoret office commenced operations on 1st September 2015 and handled a total of 247 complaints by 31st December 2015. This translates into a complaints flow of 60 and above complaints per month.

Of the 247 complaints, 113 were lodged at the branch office, 83 from Nakuru Huduma Centre, 42 from Eldoret Huduma Centre and 9 through IPCRM.

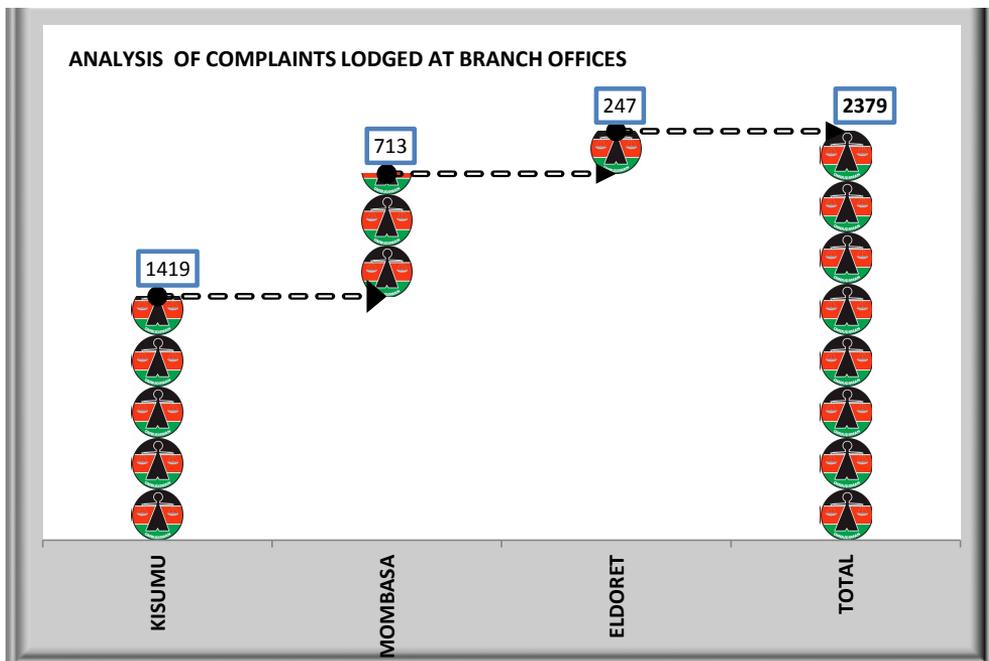


Figure 13: Analysis of Complaints from Branch Offices

2.5. INTERGRATED PUBLIC COMPLAINTS REFERRAL MECHANISM

The Commission received a total of 73 complaints from the Integrated Public Complaints Referral Mechanism in 2015. This included 59 at the Head Office, 5 at the Mombasa Branch Office and 9 at the Eldoret Branch Office.

2.6. SUCCESS STORIES AND SAMPLE CASES

2.6.1. SUCCESS STORIES

2.6.2. SAMPLE CASES

The table below represents a sample of different complaints handled by the Commission for the period under review.

CASE 1: CAJ/UON/013/956/15

The Commission received a complaint against the University of Nairobi alleging that the complainant had enrolled for an undergraduate course in Political Science and Public Administration in 2007 at the University. However, she was unable to graduate in 2012 since her results were missing. The matter was reported to the Commission which made an inquiry where after the missing results were reconciled and the University gave an assurance that the complainant would graduate in the following graduation ceremony.

CASE 2: CAJ/KPLC/021/178/15

A complaint that the Rural Electrification Authority had failed to replace a faulty transformer to the complainant's property located on plot No. 1889 Njaabinio/Cheese Road-Mukeu in South Kinangop since November 2014 despite several follow-ups. This inconvenienced the complainant who had to stay without power for several months despite paying the requisite fees. The matter was reported to the Commission which intervened and the transformer was repaired

CASE 3: CAJ/LVWSB/009/111/14

The complainant alleged that the West Uyoma Water Project spear-headed by Lake Victoria South Water Services Board in 2009 had stalled in 2011 and the community was keen to ensure that the same was finalised. The matter was reported to the Commission which initiated an inquiry and the implementation of the Project recommenced in April 2015.

CASE 4: CAJ/TSC/013/704/14

A complaint that the Teachers Service Commission had unfairly treated the complainant through frequent and unjustified transfers to far flung areas which greatly affected him. It was also alleged that the Commission had failed to respond to his appeals for transfer to a school of his convenience. Upon receiving the complaint, the Commission made an inquiry and the complainant was transferred to a school of his choice.

CASE 5: CAJ/M.EDU/013/575/13

The Commission received a complaint against the Ministry of Education, Science and Technology for failure to approve the request by Kiriko Special School in Gatundu North District to open an account to enable them secure funds from Liliane Foundation of the Netherlands. The action of the Ministry was alleged to have frustrated the partnership and care of children with special needs in the School. Upon the intervention of the Commission, the request was approved by the Ministry which further stipulated that the account would be subject to audit like other school accounts.

CASE 6: CAJ/M.LAB/017/536/15

A complaint that the Nairobi County Labour Office had refused to take up the complainant's case against his former employer who had failed to pay his dues. The matter was reported to the Commission which intervened and the Labour Office successfully conciliated the parties.

CASE 7: CAJ/M.IMM/003/226/15

The complainant alleged that his relative had applied for a replacement of an Identity Card on 1st April 2015 whose processing delayed. He further alleged that in July 2015, he was informed that the Identity Card had been processed and sent to Masimba Sub County, but when his relative went to collect it, she was informed that her Identity Card could not be traced. The matter was reported to the Commission that intervened and the Identity Card was issued.

CASE 8: CAJ/POL/015/2504

A complaint that Kiserian Police Station had failed to take action on an assault case reported to them by the complainant on 22nd April 2015. The complainant had been seriously injured by his employer by using a crusher machine at a quarry in Kiserian in Kajjado County. The matter was reported to the Commission which intervened and the police investigated the matter and forwarded a recommendation for prosecution to the Director of Public Prosecutions.

CASE 9: CAJ/FIN/000/882/13

The complainant alleged that his monthly pension amounting to Kshs. 298,000 was erroneously deposited into his old bank account at Barclays Bank, Karatina Branch from September 2011 to December 2012. The money was later returned to the Pensions Department for further remittance to his new bank account. However, upon remittance to the new account, only Kshs. 204,783 was deposited leaving a balance of Kshs. 93,015 and his inquiries into the matter bore no fruits. The matter was subsequently reported to the Commission which intervened and the outstanding pension was paid to him.

CASE 10: CAJ/RG/001/1373/15

The complainant alleged that he applied for registration of a business name known as 'Divine Heritage Enterprise' and paid the requisite fee of Kshs. 850 on 19th February 2015 to the Registrar of Companies, but his application was rejected for the reason that the name sounded as though it was a religious entity. The complainant subsequently lodged a complaint with the Commission alleging unfair treatment. Upon intervention by the Commission, the name was admitted and subsequently registered.

CASE 11: CAJ/POL/015/2152/14

A complaint that Saba Police Station had unlawfully released the complainant's son from custody and further failed to charge him in court for assault which had been reported to them under OB Nos. 18/25/07/2014 and 9/21/8/2014. The complainant reported the matter to the Commission which intervened and the suspect was charged in court with creating disturbance and assault causing actual bodily harm.

CASE 12: CAJ/JUD/001/1377/15

A complaint that the Advocates Complaints Commission had failed to act on a case lodged by the complainant against Advocate Alfred Mirewa on 12th February 2014. He alleged that his many follow-ups on the matter were unsuccessful. The matter was subsequently reported to the Commission that intervened and it was resolved.

CASE 13: CAJ/CID/015/2101/14

A complaint that the Directorate of Criminal Investigations had delayed to determine the complainant's appeal relating to his transfer. The matter was reported to the Commission that intervened and the appeal was determined expeditiously in his favour.

CASE 14: CAJ/KPLC/021/181/15

A complaint that Kenya Power had failed to repair a transformer in Kitambo Village in Rarieda District for one week despite follow-ups by the residents. The matter was reported to the Commission that intervened and the transformer was repaired.

TABLE 3: SAMPLE OF COMPLAINTS HANDLED BY THE COMMISSION

No.	Complaint Reference Number	Respondent	Classification of Complaint	Summary of Complaint	Remedial Action
1.	HUD/GPO/M. IGC/062/69/15	Department of Immigration Services	Delay	An allegation that the Department of Immigration Services had delayed to process the complainant's passport despite an application being made 17th July 2014 and paying the requisite fee.	File closed on 2nd February 2015 as the complainant had been issued with his passport.
2.	HUD/GPO/KRA/000/25/15	National Transport and Safety Authority	Delay	An allegation that the complainant applied for a driving license on 8th January 2014 but the same was yet to be issued to him.	File closed on 2nd February 2015 as the complainant had been issued with his driving license.
3.	HUD/GPO/OP/046/1/15	Office of the President	Delay	An allegation that the complainant bought an Ex GKY 644 Land Rover during an auction at Industrial Area Prisons on 22nd June 2012 but was yet to be issued with a verification and authorisation letter from the Office of the President, which was needed for payment of stamp duty at Kenya Revenue Authority.	The file was closed on 10th February 2015 since the complainant was issued with a verification and authorisation letter.
4.	HUD/GPO/MU/013/30/15	Kisii University	Unfair Treatment	An allegation that the complainant was hired by Kisii University as a part-time lecturer in the Agriculture and Natural Resources Department, but was not given an appointment letter. Further, he alleged non-payment of salary since September 2014.	Initiated an inquiry which is ongoing.
5.	HUD/GPO/PE/040/19/15	National Police Service	Criminal Matter	An allegation that the complainant's son bought a mobile phone from his friend which was stolen. As a result, he was arrested and remanded at the Industrial Area Police Station.	The matter was inadmissible since it related to commission of a crime.

No.	Complaint Reference Number	Respondent	Classification of Complaint	Summary of Complaint	Remedial Action
6.	HUD/GPO/M. LAN/022/27/15	Ministry of Lands, Housing and Urban Development	Unfair Treatment	An allegation that that the Ministry of Lands, Housing and Urban Development informed the complainant that land adjacent to his land parcel, Block 105/4579, which he had acquired from Embakasi Ranching Company had been the subject of court proceedings without his knowledge. Even though his land was not affected, the Ministry went ahead to place a caution on both parcels of land.	The file was closed since the matter was successfully resolved.
7.	HUD/GPO/M. IND/020/9/15	Ministry of Industrialisation and Enterprise Development	Abuse of Power &Corruption	An allegation that the complainant applied for the registration of a SAC-CO and paid the requisite fee at the Kasarani Co-operatives Office on 16th October 2014. It was further alleged that Kasarani Co-operatives Officer had demanded Kshs. 5,000 for a pre-registration meeting and Kshs. 150,000 bribe for registration.	The file was closed as the complainant's application was processed.
8.	HUD/GPO/POL/015/20/15	National Police Service	Abuse of Power	An allegation that the complainant's car was towed to Kilimani Police Station on 29th January 2015 despite passing the Alcoblow test.	The file was closed on 24th February 2015 since the car was released.
9.	HUD/GPO/NCC/005/8/15	Nairobi City County Government	Inefficiency	An allegation that the complainant had unsuccessfully sought documents from City Mortuary to facilitate processing of a death certificate for the late John Owino who died in 1975.	The file was closed since the Civil Registrar had facilitated the processing of the death certificate.
10.	CAJ/MSA/M. EDU/013/16/15-	Moi University	Delay	A complaint against Moi University for allegedly failing to pay the complainant who is a part-time lecturer at Mombasa Campus, his salary from April 2012 to April 2013.	The Commission intervened and the complainant was paid his salary arrears.

11.	CAJ/MSA/ JUD/001/48/15	Judiciary	Discourtesy	A complaint that a clerk at the Mombasa Criminal Registry had refused to assist the complainant after he visited the Registry on 5th May 2015 to peruse a file where his relative had been charged in court.	The Commission intervened and the complainant was able to peruse the file.
12.	CAJ/MSA/ JUD/001/49/15	Judiciary	Delay	A complainant alleging that he was experiencing delays in his case since May 2015 when he submitted his decree for execution at the Industrial Court in Mombasa, Case No. 24 of 2014.	The Commission intervened and the decree was executed.
13.	CAJ/MSA/M. ICG/062/49/15	Ministry of Interior and Co-ordination of National Government	Administrative Injustice	A complainant alleging that on 27th May 2015, Kongowea Location Chief in Kisauni Sub-County within Mombasa County refused to write a letter confirming that he hailed from his area and a pauper for purposes of obtaining legal aid from Kituo Cha Sheria.	The Commission intervened and the complainant was issued with the letter confirming that he was a pauper.
14.	CAJ/MSA/ JUD/001/45/15	Judiciary	Inefficiency	A complainant alleging that his file had been missing at the Kwale Law Courts on three occasions since May 2014 which prolonged his suffering.	The Commission intervened and the file was found and a judgment date fixed.
15.	CAJ/MSA/ KRA/000/26/15	Kenya Revenue Authority	Delay	A complaint against the Mombasa Office of the Kenya Revenue Authority for failure to issue the complainant with a logbook since March 2015.	The Commission initiated an inquiry and the complainant was issued with a logbook.

16.	CAJ/M. IGC/062/281/15	Ministry of Interior and Co-ordination of National Government	Unresponsive Official Conduct	A complaint that the Assistant Chief of Mwi-hoko Location in Ruiru Sub-County in Kiambu County had refused to intervene to have a pit latrine that had been left uncovered at Juha Kalulu plots covered up since it posed a danger to the people.	The complaint closed after it was successfully resolved.
-----	--------------------------	---	-------------------------------	---	--

17.	CAJ/CID/015/2446/15	National Police Service	Unfair Treatment	A complaint that the Criminal Investigations Department had refused to take the complainant husband's fingerprints and issue him with a clearance certificate to enable him acquire Kenyan citizenship. He had been advised to first get a clearance certificate from United Nations High Commissioner for Refugees.	The Commission found that the procedure followed by the police was legal. The complainant was therefore advised to first obtain the clearance certificate.
18.	CAJ/POL/015/2592/15	Judiciary	Manifest injustice	Complainant alleged that he was maliciously arrested and charged in Cr. No. 802/2014 at the Resident Magistrate Court in Ravine.	The Commission considered the matter and advised the complainant to pursue it in court.
19.	CAJ/M. LAN/022/1215/15	Ministry of Lands, Housing & Urban Development	Delay	A complaint that the Ministry had failed to pay the complainant for supplying newspapers.	The matter was resolved amicably as the complainant reported to have been paid for the supplies
20.	CAJ/M. EDU/013/898/15	Ministry of Education Science and Technology	Unfair Treatment	A complaint that a lecturer at Egerton University had wrongfully withheld the complainant's marks since 2013 which led to him not graduating.	The matter was resolved and the complainant's marks released.
21.	CAJ/NSSF/017/521/15	National Social Security Fund	Delay	A complaint that the Fund had delayed in remitting the complainant's benefits despite making several follow-ups.	The matter was resolved and the benefits were released.
22.	CAJ/P. ADM/015/1429/2012	National Police Service	Unresponsive Official Conduct	The complaint that officers at Kakamega Police Station had failed to take action against a person who stole his livestock.	The complaint was resolved and the suspect arrested and prosecuted.
23.	CAJ KNEC/013/814/15	Kenya National Examinations Council	Delay	An allegation that KNEC had failed to give the complainant's results of the Primary Teachers Examination that he sat in July 2013.	The matter was resolved following the Commission's intervention.
24.	CAJ/PE/040/757/15	Judiciary	Delay	The complainant alleged that there was a delay in hearing of Busia Succession Cause No. 297 of 2010.	The matter was resolved upon the Commission's intervention.
25.	CAJ/M. IGC/062/263/15	National Police Service	Inefficiency	The complainant alleged that he was lawfully issued with a firearm certificate on 15th October 2014, but had not been given the Identity Card in respect of the same.	The matter was resolved following Commission's intervention and the certificate issued.

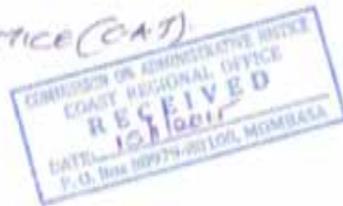
26.	CAJ/CG/MURANGA/116/3/15	County Government of Murang'a	Administrative Injustice	An allegation that the complainant was not paid between March and May 2013 for services he rendered to the County Government of Murang'a despite getting assurances for payment.	The matter was resolved upon the Commission's intervention.
27.	CAJ/M. PLA/008/124/15	Ministry of Devolution and Planning	Unlawful Official Conduct	An allegation that the award of tender for the establishment of a Huduma Centre in Eastleigh was not transparent and participatory.	Matter was successfully resolved upon the intervention of the Commission.
28.	CAJ/JUD/001/1282/15	Judiciary	Manifest Injustice	The complainant alleged that he was dissatisfied with the judgment in the Court of Appeal Case No. 89 of 2012 and wished to have the same reviewed.	The matter was not admitted since it was outside the Commission's mandate. The complainant was advised accordingly.
29.	CAJ/M. TRA/004/192/15	Ministry of Transport and Infrastructure	Unfair Treatment	The complainant alleged that he was not paid severance pay for the seven years he had worked for Kenatco Taxis Company Limited.	The Commission examined the matter and advised the complainant that the Company acted within the law.
30.	CAJ/PO/047/64/15	Public Officer	Abuse of Power	A complaint that the Embu County Administration Police Commander had abused the powers of his office through unfair and irregular transfer of officers.	The matter was inadmissible since it was under consideration of the National Police Service Commission.
31.	CAJ/M. EDU/013/924/15	Ministry of Education, Science and Technology	Unfair Treatment	A complaint that the Principal and Board of Governors of Kivea Secondary School had unlawfully dismissed and unfairly treated the complainant.	The matter was inadmissible since it was under consideration of the National Gender and Equality Commission.
32.	CAJ/POL/015/2510/15	National Police Service	Unlawful Official Conduct	A complaint that the OCS Langata Police Station had failed to comply with an order of the court to arrest a suspect and present him in court	The Commission examined the matter and advised the complainant to pursue execution in the judicial proceedings.
33.	CAJ/M. ENE/021/165/15	Kenya Power	Unlawful Official Conduct	A complaint of vandalism of the complainant's property by officials from Kenya Power.	The Commission examined the matter and requested the complainant to provide more information.

34.	CAJ/TSC/013/926	Teachers Service Commission	Unfair Treatment	A complaint that the Teachers Service Commission had unfairly purported to promote the complainant to a position to which he had been promoted in 2004. The complainant also alleged that he had been treated unfairly since the promotion was not done immediately after successful completion of the 1997/98 Proficiency Course.	Initiated an inquiry which is ongoing.
35.	CAJ/POL/015/2520/15	National Police Service	Unresponsive Official Conduct	A complaint that the OCS of Kikuyu Police Station had failed to take action against a person who had stolen the engine of his vehicle.	The Commission initiated an inquiry and received a response that the matter had been taken to court and a warrant of arrest issued against the accused person.
36.	CAJ/POL/015/2521/15	National Police Service	Unfair Treatment	An allegation that a CID officer based at Narok Police Station was biased in service delivery towards the complainant's opponent in Narok SPMC Civil Suit No. 78 of 2014 which led to the eviction of his family from the disputed land.	The Commission examined the matter and noted it related to a concluded court case. The complainant was therefore advised accordingly.
37.	CAJ/KSM/POL/015/235/15	National Police Service	Unresponsive Official Conduct	A complaint of failure by the OCS, Mase-no Police Station to address a complaint concerning an adult male who eloped with an underage girl which was reported at the Station vide OB. No. 22/19/12/2014.	The Commission intervened and the suspect was arraigned in court.
38.	CAJ/KSM/JUD/001/125/15	Judiciary	Unresponsive Official Conduct & Inefficiency	A complaint that the Executive Officer at Kisumu Law Courts had failed to respond to a complaint concerning a missing file in Kisumu CMCC No. 53 of 2003 despite several follow-ups by the complainant.	The Commission intervened and the court file was traced.

39.	CAJ/KSM/ PE/040/175/15	Private Entity	Civil Matter	A complaint of delay by Ecobank to release funds belonging to the complainant's deceased husband which were in a fixed deposit account despite her getting the letters of Administration to his Estate.	The matter was inadmissible since it was against a private entity. The complainant was therefore advised to report to Central Bank of Kenya for assistance.
40.	CAJ/KSM/M. LAB/017/35/15	Ministry of Labour, Social Security and Services	Manifest Injustice	A complaint of failure by Kisumu County Officer to issue an order to the complainant's employer to pay him salary for three months in lieu of notice instead of the proposed salary for one month.	The Commission examined the matter and noted that the Labour Officer acted within the law. The complainant was therefore advised accordingly.
41.	CAJ/KSM/M. TRA/004/7/15	Kenya Airports Authority	Abuse of Power	A complaint that the Manager, Kisumu International Airport was practicing nepotism and favouritism in employment of staff with the senior staff employing their relatives.	Initiated an inquiry which is ongoing.
42.	CAJ/PSC/016/80/15	Ministry of Transport and Infrastructure	Manifest Injustice	The complainant alleged that he applied for the position of Chief Engineer (Mechanical) after it was advertised. He was shortlisted and called for an interview and was later informed that he had been selected as the successful candidate. However, he was not appointed to the position since the Ministry had extended the tenure of the previous holder of the position who had retired.	Initiated an inquiry and the complainant was appointed to the position.

SALIM OMAR FAHMI
PO BOX 675-80200
MALINDI
15/1/2015

THE CHAIRPERSON
COMMISSION ON ADMINISTRATIVE JUSTICE (CAJ)
OFFICE OF THE CHAIRMAN
PO BOX 80777 - MOMBASA
ATT ESHA MOHAMMED



RE: COMPLAINTS REGARDING LAND PARCEL NO. KILIFI
TOWNSHIP BLOCK 3/359 IN KILIFI COUNTY

The above case was being handled by your office and I thank you for your assistance and cooperation. I have so far been able to get certified copies from the District Land Registrar - Kilifi which will enable me to justice on case.

I will get back for any assistance when and where necessary. Thank you for your continued support.

Yours faithfully,

SALIM OMAR FAHMI
0721448207/0732916018

HWA 021/14

P.O BOX 394-10104
MWEIGA
06-10-2015

TO:
CMMR.SAADIA A MOHAMED, OGW, MBS
THE COMMISSION ADMINISTRATIVE JUSTICE
OFFICE OF THE OMBUDSMAN
WEST END TOWERS 2ND FLOOR, WAIYAKI WAY
P.O. BOX 20414-00200
NAIROBI



Dear Sir/Madam

YOUR LETTER REF HUD/NYERI REA/021/14/15- AOL DATED 28-9-2015

Thank you very much for your quick response to my complaint regarding rural electrification which took too long and which necessitated me to request for assistance from your good office.

However, on 15th September, 2015, I received a telephone call from an official from rural electrification authority, Nairobi who told me that my refund cheque was ready for my collection. I did not waste any time and on 16th September 2015 I proceeded to Nairobi with a guardian where I collected my cheque and returned home.

I appreciate very much your understanding of my predicament because I sourced the money after selling my 2 cows. I was disappointed for the failure to be supplied with electricity after disposing my cows. However, the matter is now settled.

Once again I sincerely thank you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Muturi Waithaka'.

(PETER MUTURI WAIHAKA)

CC.
MR. NG'ANG'A MUNYU
CHIEF EXECUTIVE OFFICER
RURAL ELECTRIFICATION AUTHORITY
THE CHANCERY, 6TH FLOOR, VALLEY ROAD
P.O. BOX 34585-00100
NAIROBI.

HOWARD NYAGA KINYUA
P.O BOX 37178-00200
NAIROBI.
hownyaga@gmail.com
12/05/2015.

THE CHAIRPERSON
THE COMMISSION ON ADMINISTRATIVE JUSTICE
P.O. BOX 20414-00200
NAIROBI.

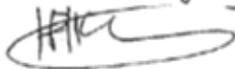
Dear Sir/Madam,

RE: THANK YOU.

I would like to extend my deepest gratitude for the work you do. I am writing to thank the Commission on Administrative Justice for assisting me in gaining my Certificate from Multimedia University of Kenya. I filed a complaint form at Huduma Centre G.P.O in Nairobi. I was assisted professionally by Madam Carol Korir. I filled the form on December 2014, and by February 2015, I was able to get my certificate.

I would also like to commend madam Atkinyi Onam for her services. She assisted me in following up with the University to assure me that I obtain my certificate. Thank you for your assistance and all the help I got from your team.

Yours Faithfully,



HOWARD NYAGA KINYUA.

Ref/HUD/GPO/NHC/028/2/14-AOL

27th AUGUST 2015

THE CHAIRPERSON
COMMISSION OF ADMINISTRATIVE JUSTICE
OFFICE OF THE OMBUDSMAN
NAIROBI

RE: COMPLAINT AGAINST THE NATIONAL HOUSING CORPORATION (NHC)

I acknowledge receipt of your letters dated 20th August, 2015 on the above subject matter.

I again I wish to convey my sincere apology for not having communicated to your office on the same, including responding to a reminder that your office had sent in March 2015. This was as a result of the then talks that were on - going between NHC and myself on the amicable way to settle the dispute.

The dispute was in-deed later sorted out and NHC officially communicated the same to me Mid this year and I have been in the process of informing your office of the outcome. Once again I want to sincerely thank your office for the intervention which I believe made the difference in sorting out the long standing case.

Thank you for your good work for I am convinced that it plays a crucial role in helping ordinary people to get justice in the long run, like was in my case, 2 years down the line!

Yours faithfully,



SHADRACK OWANDO

received 6/3/15
Huduma GPO

Hub/000/21

Simon Mwangi
P.O. Box 1547 GPO
0722818498
Nairobi
6/march/2015

THE COMMISSION ON ADMINISTRATIVE JUSTICE
" OFFICE OF THE OMBUDSMAN
Haki House 2nd Floor
P.O. Box 80999 - Nairobi
Nairobi



ATT: DR. RICHARD MWANGI

Dear Madam,

RE: Thank You Letter (to case file KRA/013/15/101)

In reference to letter dated 29/11/14, launched to your office concerning MIV KAS 698 D, given to one Audrey Onan Lucy, I here wish to say thank you to your office for the great assistance you gave me, and say that I got my log book after you wrote that letter to Kenya Revenue Authority, (KRA). May God bless you as you continue serving needy Kenyans,

Thank you in advance,

Yours faithfully

[Signature]

Simon Mwangi

2.7. INVESTIGATIONS

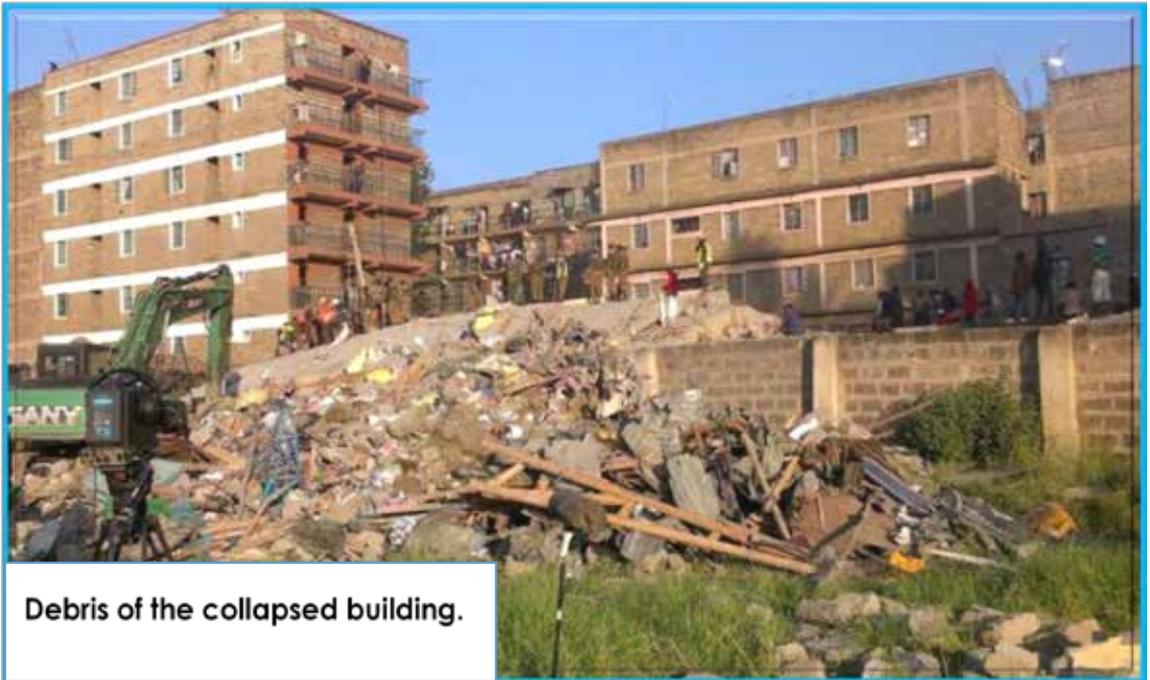
2.7.1. INTRODUCTION

The Commission is mandated by the Constitution and the Act to investigate any conduct in state affairs or any act or omission in public administration in any sphere of government that is alleged or suspected to be prejudicial. These investigations are either specific or systemic. As is common with Ombudsman services worldwide, the aim of the investigations is to remedy administrative injustices and come up with recommendations to improve public administration. In 2015, the Commission conducted one systemic and six specific investigations. Below are some of the investigations carried out during the reporting period.

2.7.2. Investigations into the Collapse of a Residential Building in Huruma Estate, Nairobi

The Commission investigated the circumstances surrounding the collapse of a residential building in Huruma Estate, Nairobi on 4th January 2015 in which five people died and 32 others injured. The investigation revealed the following:

- i) The construction of the building did not follow the building and construction regulations owing to poor workmanship,
- ii) There was dereliction of duty by the County Government for failing to execute an enforcement notice dated 1st January 2012 and a warrant of arrest issued in October 2014.
- iii) There was a parallel system of approval for construction plans within the County. On the basis of the foregoing, the Commission made the following key recommendations:
 - i) The County Government should take disciplinary action against the officers who failed to enforce the notice and warrant of arrest in respect of the building,
 - ii) The criminal cases before the court in respect to the matter be disposed of expeditiously,
 - iii) The County Government should strengthen the capacity of the Compliance and Enforcement Department to effectively discharge its mandate and
 - iv) The County Government in consultation with the National Construction Authority should develop a single approval system for constructions in the City.



Debris of the collapsed building.

2.7.3. Investigation into abuse of power by Migori County Assembly Members (MCAs)

The Commission undertook investigations into allegations of abuse of power and improper conduct by four members of the County Assembly of Migori. In particular, it was alleged that they had unlawfully and unjustifiably failed to surrender imprest for a benchmarking trip to India which they never went. Indeed the investigation revealed that the four MCAs had received imprest for the trip, failed to travel, and did not surrender the imprest. Based on the above, the Commission made the following recommendations:

- i. The Clerk of the County Assembly should recover the imprest from the three out of the four MCAs and report to the Commission within 90 days.
- ii. The Clerk of the County Assembly should develop stringent financial controls in line with the Public Finance Management Act, 2012.
- iii. The Clerk of the County Assembly should institute accountability mechanisms by ensuring that reports of foreign and local travels are prepared within 14 days after the visit or training and tabled in the County Assembly for discussion and record. It is worth noting that one of the MCAs, during the course of the investigation, surrendered the imprest.

2.7.4. Investigation into allegations of impropriety prejudicial conduct by EACC

The investigation centered on two components: allegation of awarding Deputy Commission Secretary a salary beyond the rate approved by the Salaries and Remuneration Commission (SRC), and an allegation that some EACC officers had improperly acquired houses from the National Social Security Fund (NSSF) at a time when they were investigating the Fund.

In respect to this investigation, the Commission deemed that while EACC officers were free to invest in NSSF, the fact that the Vice Chairperson bought houses from NSSF at a time when they were investigating the body was unwise. In respect to the salary of the Deputy Commission Secretary, the Commission recommended recovery of Ksh. 1,231,392.20 and implementation of the recommended SRC salary structure.

2.7.5. Investigation on Acquisition of Lang'ata Road Primary School Playground

The investigation was prompted by demonstrations and public outcry on alleged grabbing of land belonging to Lang'ata Road Primary School. The investigation revealed that the School had been allocated 3.0233 hectares in 1970 and an additional 0.7973 in 1975 bringing the total acreage to 3.816hactares. Despite having followed the requisite procedures, the School had not been issued with title documents which led private developers to encroach into part of the land. The Commission recommended that the appropriate authorities recover the grabbed land and issue title documents to the School.

2.7.6. Investigation into the Issuance of Vital Documents

The Commission conducted a systemic investigation into the procedures and processes involved in the issuance of vital documents (identity cards, birth and death certificates, passports, passes and permits, among others) with a view to recommending appropriate remedies.

The investigation revealed rampant corruption, inefficiency and ineffectiveness by public officers leading to undue delays in processing and issuance of the sad documents.

The Commission recommended

- (i) EACC to investigate and take appropriate action on the culpable officers on instances of corruption.
- (ii) Automation of systems.
- (iii) Review of policies, processes and procedures governing issuance of vital documents and allocation of adequate resources and facilities to the relevant departments.

2.8. UNRESPONSIVE AND MALFEASANT PUBLIC OFFICERS

Pursuant to its mandate of addressing maladministration in the public sector, the Commission keeps a Citation Register (Black Book) in which unresponsive and malfeasant public institutions and officers are listed. This is in line with its strategy of sanctioning unresponsive public officers.

An officer or institution may be cited in the Register for:

- i) Unresponsive official conduct,
- ii) Failure to implement a determination or recommendation of the Commission without a reasonable cause,
- iii) Improper conduct, and/or
- iv) Failure to honour summonses issued by the Commission.

In 2015, the Commission entered the names of the following officers in the Register

NO.	NAME OF PUBLIC OFFICER	REASON FOR CITATION
1.	Arch. Mariamu El Maawy, Principal Secretary for the Ministry of Lands, Housing and Urban Development	● proper and unresponsive official conduct for failing to respond to inquiries by the Commission.
2.	Jane Ndiba, Acting Chief Lands Registrar, Ministry of Lands, Housing and Urban Development	● Improper and unresponsive official conduct for failing to respond to inquiries by the Commission.
3.	Dr. Joseph M. Kivilu, Chief Executive Officer, Kenya National Examinations Council (KNEC)	● Improper conduct for failing to implement the decisions of the Commission on complaints lodged against KNEC.
4.	P.M. Muniyalo, Igembe South & North District Land Adjudication and Settlement Officer	● Improper and unresponsive official conduct for failing to respond to inquiries by the Commission.
5.	G.M. Mbiuki, Kibwezi District Land Adjudication and Settlement Officer	● Improper and unresponsive official conduct for failing to respond to inquiries by the Commission.
6.	Humphrey Nakitare, County Secretary, Kisumu County Government	● Improper and unlawful conduct for failing to honour summons of the Commission ● Unresponsive official conduct for failing to respond to inquiries from the Commission.
7.	John Mwaniki, County Secretary, Laikipia County Government	● Improper and unlawful conduct for failing to honour summons of the Commission ● Unresponsive official conduct for failing to respond to inquiries from the Commission
8.	Boaz Okoth Owiti, Deputy Speaker, County Assembly of Migori	● Improper conduct by failing to honour summons from the Commission ● Abuse of power and unlawful conduct for failing to surrender imprest of Kshs. 152,850 to Migori County Assembly for a trip to India.
9.	William Abed Maroa, Member of the County Assembly, North Kadem Ward in Migori County	● Improper conduct by failing to honour the summons from the Commission ● Abuse of power and unlawful conduct for failing to surrender imprest amounting to Ksh. 152,850 to Migori County Assembly for a trip to India.
10.	Samuel Rioba Kongani, Member of the County Assembly, Masaba Ward in Migori County	● Abuse of power and unlawful conduct for failing to surrender imprest of Ksh. 152,000 to Migori County Assembly for a trip to India.

11.	Bernard Abwao Ochieng ¹ , Member of the County Assembly, Nyamosense-Komosoko Ward in Migori County	<ul style="list-style-type: none"> Abuse of power and unlawful conduct for failing to surrender imprest of Ksh. 152,850 to Migori County Assembly for a trip to India.
12.	Benson Kibui, former Nairobi County Police Commander	<ul style="list-style-type: none"> Improper conduct for failing to co-operate with the Commission during the investigation of alleged use of excessive force by police during the demonstration at Langata Road Primary School in January 2015. Unresponsive conduct by failing to respond to inquiries and honour summons of the Commission during investigations.
13.	Inspector Leonard Chea Mayaya	<ul style="list-style-type: none"> Improper conduct for failing to co-operate with the Commission during the investigation of alleged use of excessive force by police during the demonstration at Langata Road Primary School in January 2015. Unresponsive conduct by failing to respond to inquiries and honour summons of the Commission during investigations. Ineptitude and dereliction of duty by failing to manage the demonstration.

CHAPTER THREE

3.0. BUILDING COMPLAINTS HANDLING CAPACITY IN THE PUBLIC SECTOR

3.1. INTRODUCTION

One of the core functions of the commission is to set up and strengthen the complaints handling capacity in the public sector. To this end, the commission plays a critical role in developing capacities of public officers and institutions at national and county governments. In the context of the national government, the commission has a lead role of monitoring the resolution of public complaints indicator in performance contracting system. In this regard, public institutions are certified and rated on compliance with set guidelines on the indicator. Additionally, the commission endeavours to strengthen the capacity of public institutions through provision of technical support in areas such as development of citizen service delivery charters and internal complaint handling mechanisms. In this respect, this section of the report explores the activities undertaken during the period under review.

3.2. BUILDING AND STRENGTHENING COMPLAINTS HANDLING CAPACITY

Section 8(e) of the act mandates the commission to facilitate the establishment of, and capacity building on complaints handling in the public sector. In 2015, the commission developed new guidelines to assist public institutions strengthen their internal complaints handling mechanisms and comply with the requirements of the indicator. Further, the commission trained 4,208 officers on complaints handling, and principles of public administration. As a result, 73,228 complaints were handled by public institutions in the context of the indicator.

3.2.1. IMPLEMENTING PERFORMANCE CONTRACTING OBLIGATIONS

Performance contracting system has been the cornerstone of reforms in the public sector since 2003. A key element of this reform agenda is improvement of public service delivery. The commission plays a key role in improving public service delivery through, inter alia, monitoring and evaluation of implementation of the indicator. The indicator requires all public institutions to promptly address and resolve public complaints lodged with and against them. In this respect, public institutions are obligated to establish mechanisms of working with the commission to address complaints they have received. Besides, the commission carries out assessments and certifies public institutions based on established parameters.

During the period under review, the commission developed guidelines for implementing the indicator in line with the 12th cycle of the national government performance contracting guidelines and caj regulations. The guidelines require public institutions to:

- I. Establish complaints handling and management infrastructure,
- li. Develop complaints handling procedures ,
- liii. Maintain complaint registers,
- lv. Develop and maintain citizen service delivery charters,
- V. Build capacity for complaints handling officers and staff,
- Vi. Create awareness on complaints handling systems and citizen service delivery charters,
- Vii. Report on quarterly basis to the commission on complaints handled and action taken,
- Viii. Indicate channels of receiving complaints from members of the public,

3.2.1.1. Monitoring complaints handling.

As stated earlier, public institutions are required to submit quarterly reports on complaints handled detailing the numbers resolved and action taken. Accordingly, institutions reported handling 73,228 complaints out of which 69,940

- Representing about 93% - were resolved.

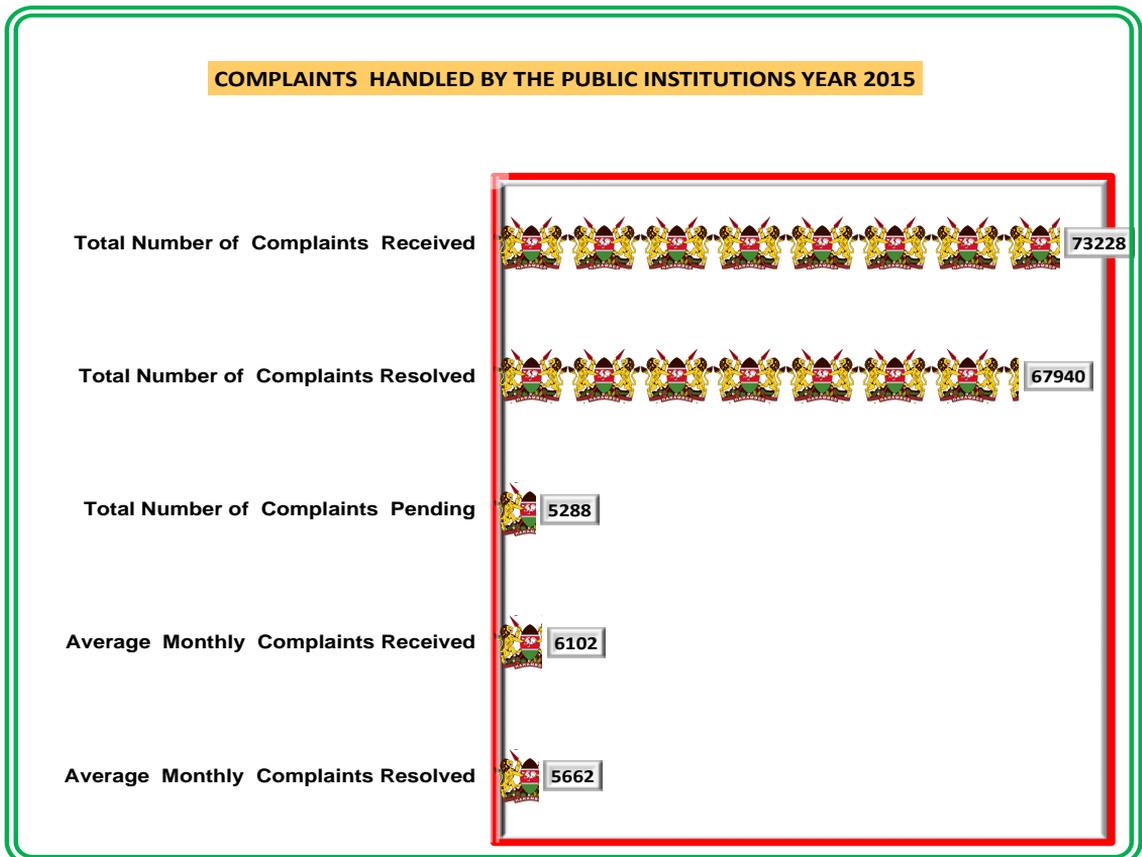


Figure 14: Analysis of Complaints Handled by Public Institutions in 2015

Comparatively, public institutions handled more complaints in 2015 than 2014. Equally, the resolution rate went up from 84.4% to 92.8% as captured in figure 15.

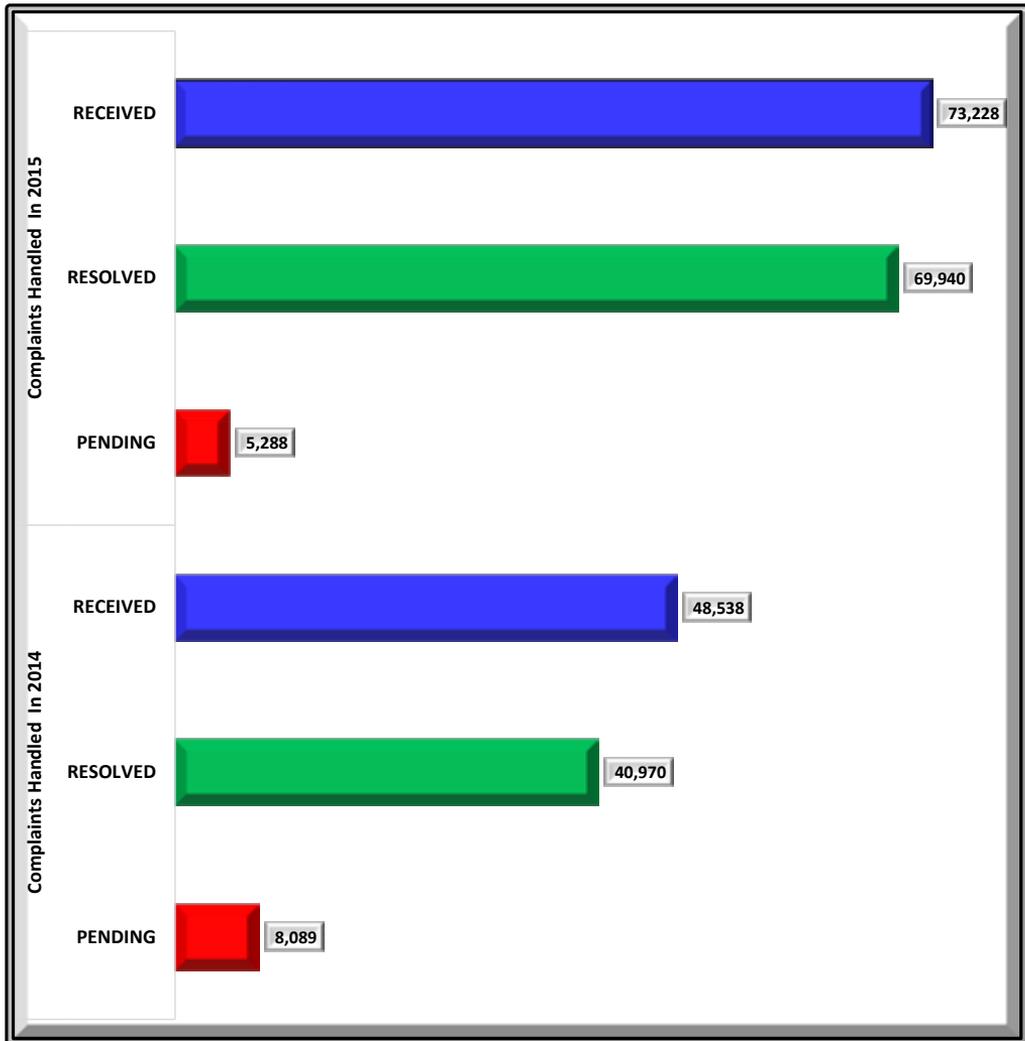


Figure 15: Comparative Analysis of Complaints Handled in 2014 and 2015

3.2.1.2. TRAINING OF PUBLIC OFFICERS

In 2015, the Commission introduced regional trainings to build complaints handling capacity of public institutions. The trainings targeted officers handling complaints and the front office staff. A total of 4,208 officers from 212 institutions were trained.

TABLE 4: PUBLIC INSTITUTIONS TRAINED IN 2015

NUMBER	NAME OF INSTITUTION	NUMBER OF OFFICERS
1	KENYA PORTS AUTHORITY	98
2	WITNESS PROTECTION AGENCY	97
3	THOGOTO TEACHERS TRAINING COLLEGE	94
4	KENYA MEDICAL SUPPLIES AUTHORITY	77
5	NATIONAL CONSTRUCTION AUTHORITY	75
6	MOI TEACHING AND REFERRAL HOSPITAL	64
7	JOMO KENYATTA FOUNDATION	59
8	MINISTRY OF TRANSPORT AND INFRASTRUCTURE	46
9	AGRICULTURE, FISHERIES AND FOOD AUTHORITY	39
10	MICRO AND SMALL ENTERPRISES AUTHORITY	39
11	TOURISM FUND	32
12	NATIONAL AIDS CONTROL COUNCIL	29
13	KENYATTA NATIONAL HOSPITAL	28
14	KENYA FORESTRY RESEARCH INSTITUTE	27
15	OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE	23
16	NATIONAL TRANSPORT AND SAFETY AUTHORITY	22
17	RURAL ELECTRIFICATION AUTHORITY	21
18	EXPORT PROMOTION COUNCIL	20
19	NATIONAL IRRIGATION BOARD	19
20	COMPETITION AUTHORITY OF KENYA	18
21	HIGHER EDUCATION LOANS BOARD	16
22	KASNEB	15
23	MINISTRY OF EAST AFRICAN AFFAIRS, COMMERCE AND TOURISM	14
24	KENYA SCHOOL OF GOVERNMENT	12
25	LAKE VICTORIA SOUTH WATER SERVICES BOARD	11
26	MINISTRY OF HEALTH	9
27	INSURANCE REGULATORY AUTHORITY	8
28	TECHNICAL UNIVERSITY OF MOMBASA	8
29	COAST INSTITUTE OF TECHNOLOGY	7
30	KENYA MARINE & FISHERIES RESEARCH INSTITUTE	7
31	COMMISSION FOR UNIVERSITY EDUCATION	7
32	KENYA AIRPORTS AUTHORITY	7
33	UWEZO FUND OVERSIGHT BOARD	7
34	EGERTON UNIVERSITY	7
35	ELDORET NATIONAL POLYTECHNIC	7
36	KIBABII UNIVERSITY COLLEGE	7

NUMBER	NAME OF INSTITUTION	NUMBER OF OFFICERS
37	UNIVERSITY OF ELDORET	6
38	MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY	6
39	KENYA FERRY SERVICES	6
40	MINISTRY OF DEVOLUTION AND PLANNING	6
41	SOUTH NYANZA SUGAR COMPANY	5
42	KENYA REINSURANCE CORPORATION	5
43	NZOIA SUGAR COMPANY	5
44	KENYA MARITIME AUTHORITY	5
45	EWASO NGIRO SOUTH DEVELOPMENT AUTHORITY	5
46	CHUKA UNIVERSITY	5
47	NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT	5
48	KENYA NATIONAL BUREAU OF STATISTICS	5
49	MERU UNIVERSITY COLLEGE OF SCIENCE & TECHNOLOGY	5
50	AGRICULTURAL DEVELOPMENT CORPORATION	5
51	ATHI WATER SERVICES BOARD	5
52	MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES	5
53	KENYA ROADS BOARD	4
54	COAST DEVELOPMENT AUTHORITY	4
55	LAKE BASIN DEVELOPMENT AUTHORITY	4
56	KENYA NATIONAL EXAMINATIONS COUNCIL	4
57	FRIENDS COLLEGE KAIMOSI	4
58	BUKURA AGRICULTURAL COLLEGE	4
59	MAWEGO TECHNICAL TRAINING INSTITUTE	4
60	BUMBE TECHNICAL TRAINING INSTITUTE	4
61	KEROKA TECHNICAL TRAINING INSTITUTE	4
62	SHAMBERERE TECHNICAL TRAINING INSTITUTE	4
63	IDB CAPITAL	4
64	KENYA NATIONAL HIGHWAYS AUTHORITY	4
65	TANA WATER SERVICES BOARD	4
66	KABIANGA UNIVERSITY COLLEGE	4
67	PEST CONTROL PRODUCTS BOARD	4
68	BOMAS OF KENYA	4
69	KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE	4
70	MAASAI MARA UNIVERSITY	4
71	NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY	4
72	NEW KENYA CO-OPERATIVE CREAMERIES	4
73	AGRO-CHEMICAL AND FOOD COMPANY	4
74	KARATINA UNIVERSITY	4

NUMBER	NAME OF INSTITUTION	NUMBER OF OFFICERS
75	EGOJI TEACHERS COLLEGE	4
76	TAITA TAVETA UNIVERSITY COLLEGE	4
77	KENYATTA UNIVERSITY	4
78	MICHUKI TECHNICAL TRAINING INSTITUTE	4
79	NKABUNE TECHNICAL TRAINING INSTITUTE	4
80	KAMWENJA TEACHERS COLLEGE	4
81	KAGUMO TEACHERS COLLEGE	4
82	ST. MARKS TTC-KIGARI	4
83	NYERI TECHNICAL TRAINING INSTITUTE	4
84	KIAMBU INSTITUTE OF SCIENCE & TECHNOLOGY	4
85	KABETE TECHNICAL TRAINING INSTITUTE	4
86	NYANDARUA INSTITUTE OF SCIENCE AND TECHNOLOGY	4
87	NAIROBI TECHNICAL TRAINING INSTITUTE	4
88	MURANGA UNIVERSITY COLLEGE	4
89	KENYA TECHNICAL TEACHERS COLLEGE	4
90	KENYA NUCLEAR ELECTRICITY BOARD	4
91	MEDIA COUNCIL OF KENYA	4
92	KENYA INSTITUTE OF MASS COMMUNICATION	4
93	KENYA INDUSTRIAL ESTATES	4
94	NUMERICAL MACHINING COMPLEX	4
95	KENYA RAILWAYS CORPORATION	4
96	JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY	4
97	COMMUNICATIONS AUTHORITY OF KENYA	4
98	KENYA FILM CLASSIFICATION BOARD	4
99	KENYA WILDLIFE SERVICE	4
100	KENYA DAIRY BOARD	4
101	KENYA RURAL ROADS AUTHORITY	4
102	YOUTH ENTERPRISE DEVELOPMENT FUND	4
103	MURANGA TEACHERS TRAINING COLLEGE	4
104	KENYA REVENUE AUTHORITY	3
105	KENYA SEED COMPANY	3
106	SIGALAGALA TECHNICAL TRAINING INSTITUTE	3
107	KENYA UTALII COLLEGE	3
108	KENYA LEATHER DEVELOPMENT COUNCIL	3
109	NYAYO TEA ZONES DEVELOPMENT CORPORATION	3
110	THIKA TECHNICAL TRAINING INSTITUTE	3
111	DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY	3
112	MACHAKOS UNIVERSITY COLLEGE	3

NUMBER	NAME OF INSTITUTION	NUMBER OF OFFICERS
113	KIIRUA TECHNICAL TRAINING INSTITUTE	3
114	KIRINYAGA UNIVERSITY COLLEGE	3
115	ST. JOHNS TTC-KILIMAMBOGO	3
116	KENYA SAFARI LODGES & HOTELS	3
117	NATIONAL CEREALS AND PRODUCE BOARD	3
118	POSTAL CORPORATION OF KENYA	3
119	KENYA ANIMAL GENETIC RESOURCES CENTRE	3
120	KENYA POWER	3
121	KENYA PIPELINE COMPANY	3
122	KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS	3
123	NATIONAL DROUGHT MANAGEMENT AUTHORITY	3
124	KENYA FOREST SERVICE	3
125	KENYA FILM COMMISSION	3
126	NGOS CO-ORDINATION BOARD	3
127	KITUI TEACHERS TRAINING COLLEGE	3
128	WATER RESOURCES MANAGEMENT AUTHORITY	2
129	KENYA INSTITUTE FOR THE BLIND	2
130	NATIONAL HOUSING CORPORATION	2
131	NATIONAL COUNCIL FOR CHILDREN'S SERVICES	2
132	KENYATTA INTERNATIONAL CONVENTION CENTRE	2
133	TEACHERS SERVICE COMMISSION	2
134	NATIONAL INDUSTRIAL TRAINING AUTHORITY	2
135	KENYA COPYRIGHT BOARD	2
136	NATIONAL HOSPITAL INSURANCE FUND	2
137	GEOHERMAL DEVELOPMENT COMPANY	2
138	SACCO SOCIETIES REGULATORY AUTHORITY	2
139	NATIONAL BIOSAFETY AUTHORITY	2
140	NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE	2
141	KITALE TECHNICAL TRAINING INSTITUTE	2
142	KAIBOI TECHNICAL TRAINING INSTITUTE	2
143	MATHENGE TECHNICAL TRAINING INSTITUTE	2
144	MOSORIOT TEACHERS' COLLEGE	2
145	OL' LESSOS TECHNICAL TRAINING INSTITUTE	2
146	VOCATIONAL TRAINING CENTRE FOR THE BLIND AND DEAF - SIKRI	2
147	RIFT VALLEY INSTITUTE OF SCIENCE AND TECHNOLOGY	2
148	TANATHI WATER SERVICES BOARD	2
149	PUBLIC PROCUREMENT OVERSIGHT AUTHORITY	2

NUMBER	NAME OF INSTITUTION	NUMBER OF OFFICERS
150	TEA RESEARCH FOUNDATION OF KENYA	2
151	PYRETHRUM BOARD OF KENYA	2
152	BRAND KENYA BOARD	2
153	RETIREMENT BENEFITS AUTHORITY	2
154	RWIKA TECHNICAL INSTITUTE	2
155	KISIWA TECHNICAL INSTITUTE	2
156	SIAYA INSTITUTE OF TECHNOLOGY	2
157	MUSAKASA TECHNICAL TRAINING INSTITUTE	2
158	NATIONAL OIL CORPORATION OF KENYA	2
159	KENYA LITERATURE BUREAU	2
160	KENYA ELECTRICITY TRANSMISSION CO	2
161	TOURIST FINANCE CORPORATION	2
162	INDUSTRIAL & COMMERCIAL DEVELOPMENT CORPORATION	2
163	SCHOOL EQUIPMENT PRODUCTION UNIT	2
164	KENYA BUREAU OF STANDARDS	2
165	CONSTITUENCIES DEVELOPMENT FUND	2
166	WATER SERVICES REGULATORY BOARD	2
167	KENYA INSTITUTE OF SPECIAL EDUCATION	2
168	KENYA TOURISM BOARD	2
169	KENYA URBAN ROADS AUTHORITY	2
170	SOUTH EASTERN KENYA UNIVERSITY	2
171	UNIVERSITY OF NAIROBI	2
172	KENYA NATIONAL LIBRARY SERVICES	2
173	LAKE VICTORIA NORTH WATER SERVICES BOARD	2
174	KENYA WATER INSTITUTE	2
175	WATER SERVICES TRUST FUND	2
176	KENYA CIVIL AVIATION AUTHORITY	2
177	EXPORT PROCESSING ZONES AUTHORITY	2
178	RIFT VALLEY WATER SERVICES BOARD	2
179	KISII UNIVERSITY	2
180	NATIONAL WATER CONSERVATION & PIPELINE CORPORATION	2
181	NORTHERN WATERS SERVICES BOARD	2
182	KENYA INVESTMENT AUTHORITY	2
183	KENYA PLANT HEALTH INSPECTORATE SERVICES	2
184	MASENO UNIVERSITY	2
185	WOMEN ENTERPRISE FUND	2
186	KENYA YEARBOOK EDITORIAL BOARD	2
187	COAST WATER SERVICES BOARD	2

NUMBER	NAME OF INSTITUTION	NUMBER OF OFFICERS
188	MULTIMEDIA UNIVERSITY OF KENYA	2
189	NATIONAL MUSEUMS OF KENYA	2
190	MOI UNIVERSITY	2
191	KENYA VETERINARY VACCINES PRODUCTION INSTITUTE	2
192	ANTI-COUNTERFEIT AGENCY	2
193	GUSII INSTITUTE OF TECHNOLOGY	2
194	SANG'ALO INSTITUTE OF SCIENCE AND TECHNOLOGY	2
195	MERU TECHNICAL TRAINING INSTITUTE	2
196	P.C KINYANJUI TECHNICAL TRAINING INSTITUTE	2
197	PWANI UNIVERSITY COLLEGE	2
198	TECHNICAL UNIVERSITY OF KENYA	2
199	WOTE TECHNICAL TRAINING INSTITUTE	2
200	RONGO UNIVERSITY COLLEGE	2
201	BUSHIANGALA TECHNICAL TRAINING INSTITUTE	1
202	KENYA MEDICAL TRAINING COLLEGE	1
203	SPORTS KENYA	1
204	JARAMOGI OGINGA ODINGA UNIVERSITY	1
205	KENYA ACCREDITATION SERVICE	1
206	KENYA INDUSTRIAL PROPERTY INSTITUTE	1
207	RIFT VALLEY TECHNICAL TRAINING INSTITUTE	1
208	TAMBACH TEACHERS COLLEGE	1
209	CO-OPERATIVE UNIVERSITY COLLEGE OF KENYA	1
210	EMBU UNIVERSITY COLLEGE	1
211	MUKIRIA TECHNICAL TRAINING INSTITUTE	1
212	MINISTRY OF ENVIRONMENT, WATER AND NATURAL RESOURCES	1
213	OTHER PUBLIC INSTITUTIONS	2614
	TOTAL NUMBER OF OFFICERS TRAINED	4208



As captured in table 4, 4,208 officers drawn from 142 state corporations, 63 tertiary institutions and 7 Ministries and Government Departments were trained.

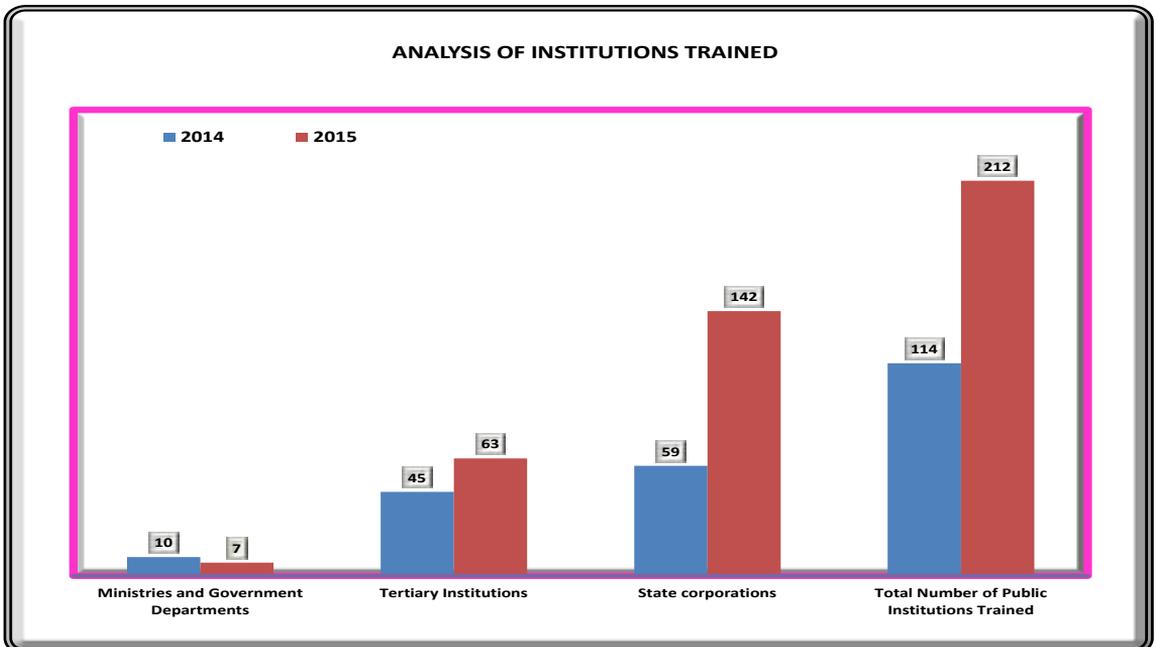


Figure 16: Analysis of Institutions Trained in 2014 And 2015

3.2.1.3. SAMPLE LETTERS OF APPRECIATION



KENYA NATIONAL SECRETARIES ASSOCIATION

www.kenasa.org
Telephone: +254(0)2093402
Head Office NAIROBI
When replying please quote

Email: info@kenasa.org
NHC House, 2nd Floor
NAIROBI

Office of the National Secretary

Ref. No.KENASA/ADM/2015/138

Date: 8th December 2015

Mr. Leonard Ngaluma, MBS
Commission Secretary
Commission on Administrative Justice
West End Towers
NAIROBI



Dear Mr. Ngaluma,

EFFECTIVE OFFICE ADMINISTRATIVE SKILLS WORKSHOP HELD ON 2ND – 3RD DECEMBER 2015, AT WILDWATERS HOTEL, MOMBASA

We write in reference to our earlier letter Ref.No:KENASA/ADM/2015/126, dated 12th November 2015, on the above subject.

The Association wishes to take this earliest opportunity to appreciate your positive response to our request in the above referenced letter.

The fundamental role played by our members in various Ministries, State Corporations and other government agencies gives us a push to work with your Commission to sensitize them on the importance of efficient service delivery. The topic on Institutional Reforms and Justice to Public Servants was quite timely.

We wish to report that the workshop was attended by a total of 1,007 participants. The facilitator Mr. Bob Munoko, from your Commission, did not disappoint. His presentation was well researched, informative and his way of engaging the participants was impressive.

At this point please allow the Association to register its sincere appreciation for the continued support and the good partnership we have cultivated since we started working with you.

We look forward to a long term positive working relationship with your Commission to promote good governance and efficient public service delivery.

Once again thank you for the continued support to this Association.

Sincerely

**NAMUJU IGNATIUS, HSC
NATIONAL SECRETARY**



KENYA NATIONAL SECRETARIES ASSOCIATION

www.kenasa.org
Telephone: +254(0)2093402
Head Office NAIROBI
When replying please quote

Email: info@kenasa.org
NYC House, 2nd Floor
NAIROBI

Office of the National Secretary

Ref. No.KENASA/ADM/2015/126

Date: 6th October 2015

Mr. Leonard Ngaluma, MBS
Commission Secretary
Commission on Administrative Justice
West End Towers
NAIROBI



Dear Mr. Ngaluma,

OFFICE ADMINISTRATORS vs TECHNOLOGY - ADVANCED COMMUNICATIONS WORKSHOP HELD ON 1ST - 2ND OCTOBER 2015, IN MERU TECHNICAL TRAINING INSTITUTE

We write in reference to our earlier letter Ref.No:KENASA/ADM/2015/114, dated 7th September 2015, on the above subject.

The Association wishes to take this earliest opportunity to appreciate your positive response to our request in the above referenced letter.

We clearly understand the fundamental role our members play in various Ministries, State Parastatals and other government agencies and this informs why we have purposed to work with your Commission to sensitize our members on the importance of timely public service delivery and good governance.

We wish to report that the workshop was well attended by a total of 1, 115 participants. The facilitator Ms. Juliet Odindo, from your Commission, did not disappoint. Her presentation was well researched, informative and her way of engaging the participants was impressive.

At this point please allow the Association to register its sincere appreciation for the support you have offered so far and we look forward to working very closely with your Commission to promote good governance and efficient public service delivery.

Once again thank you for the continued support to this Association.

Sincerely

NAMUJU IGNATIUS, HSC
NATIONAL SECRETARY

3.2.1.3 REVIEW OF TRAINING CURRICULUM

The Commission reviewed its training curriculum for public institutions to respond to the need for efficient service delivery. This was not only occasioned by the requirement of annual review of the guidelines, but also to the need to holistically address the training gaps. This led to a significant increase in number of officers trained and level of compliance with the Indicator.

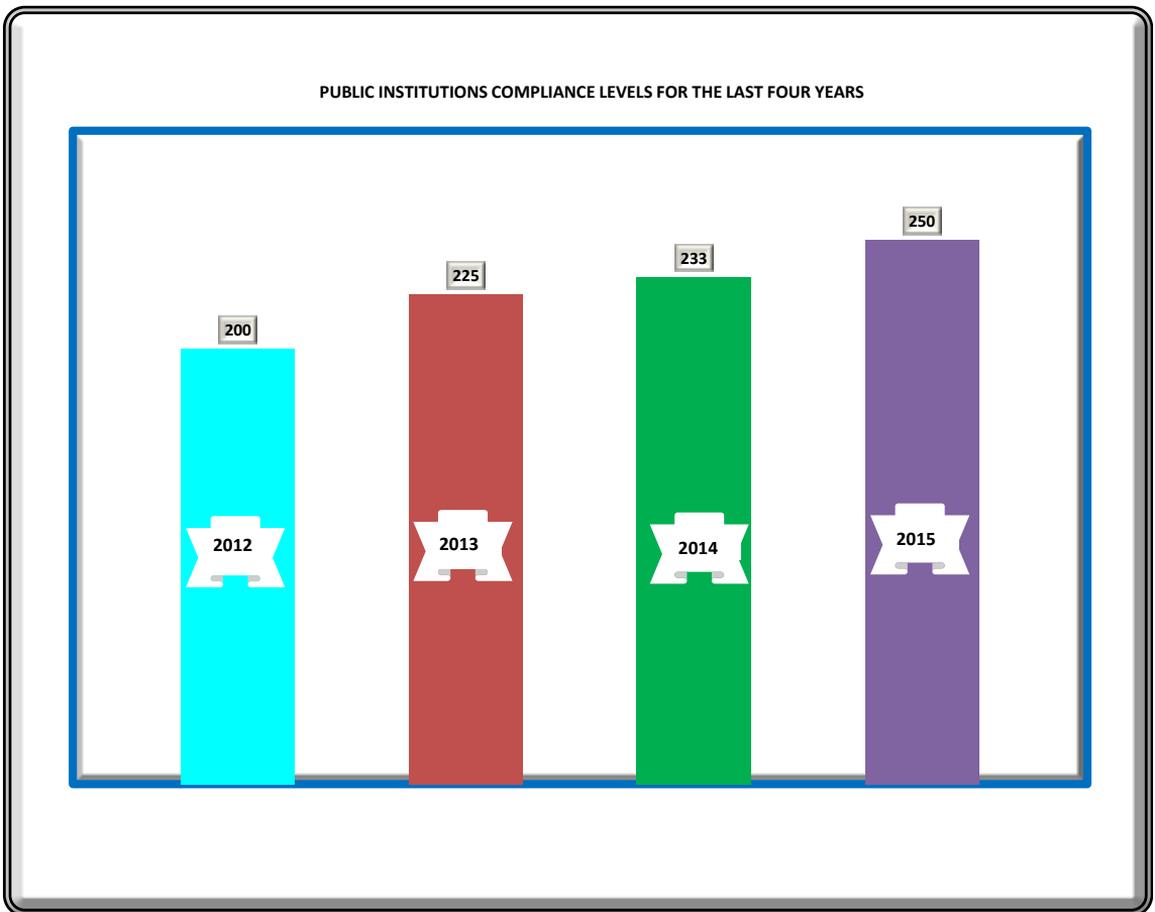


Figure 17: Comparative Analysis of Compliance Levels for the last four years (2012, 2013, 2014 & 2015)

The training also contributed to improved performance by public institutions on the Indicator as shown in figure 18

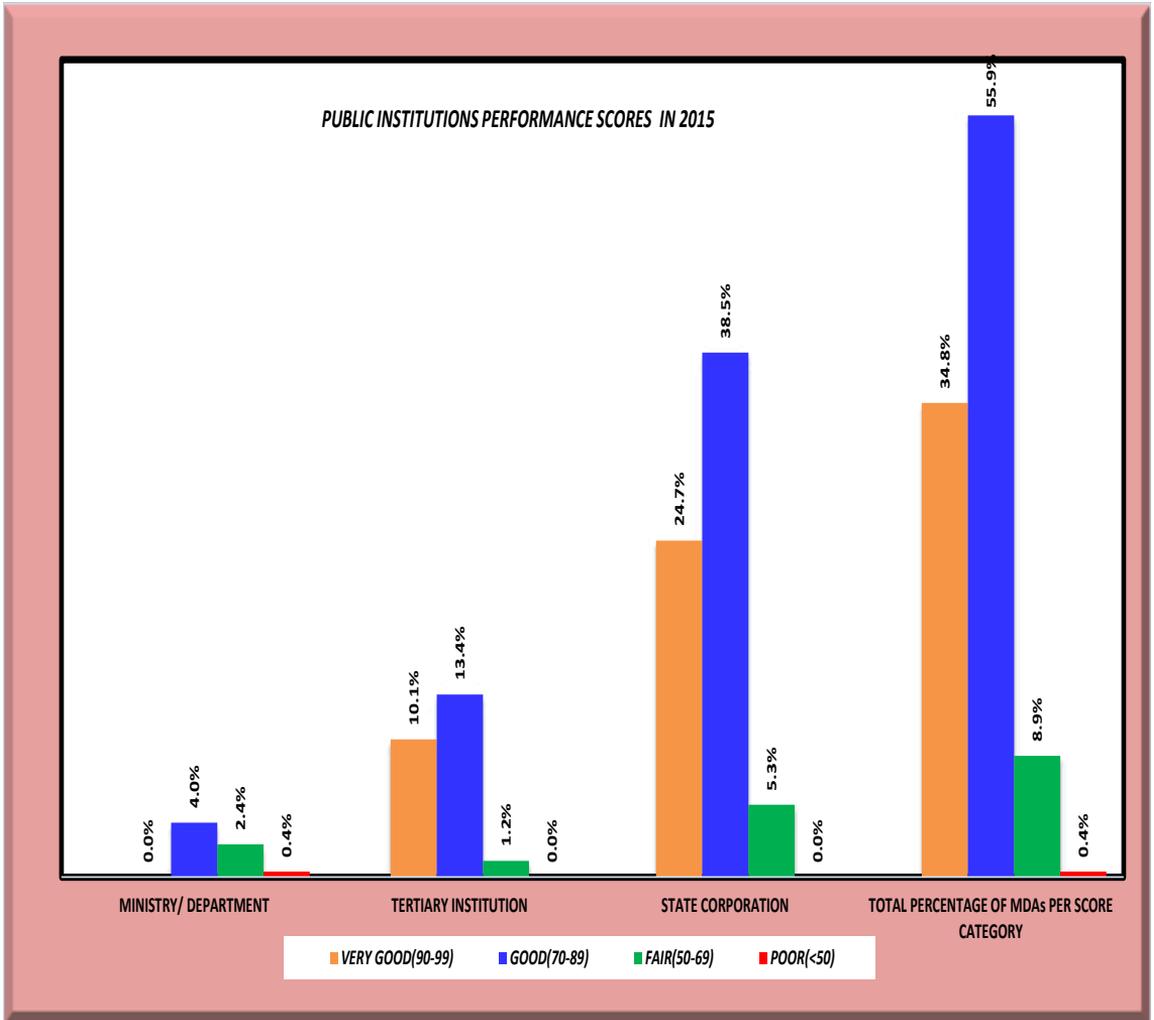


Figure 18: Institutions Performance Scores In 2015

3.2.1.4. ASSESSMENT OF THE INDICATOR

The Commission received and assessed quarterly reports on complaints handling from public institutions during the reporting period. A total 305 public institutions are under the purview of the Indicator. Out of these, 250 were fully compliant, having fully satisfied the requirements of the guidelines, while 55 were not.

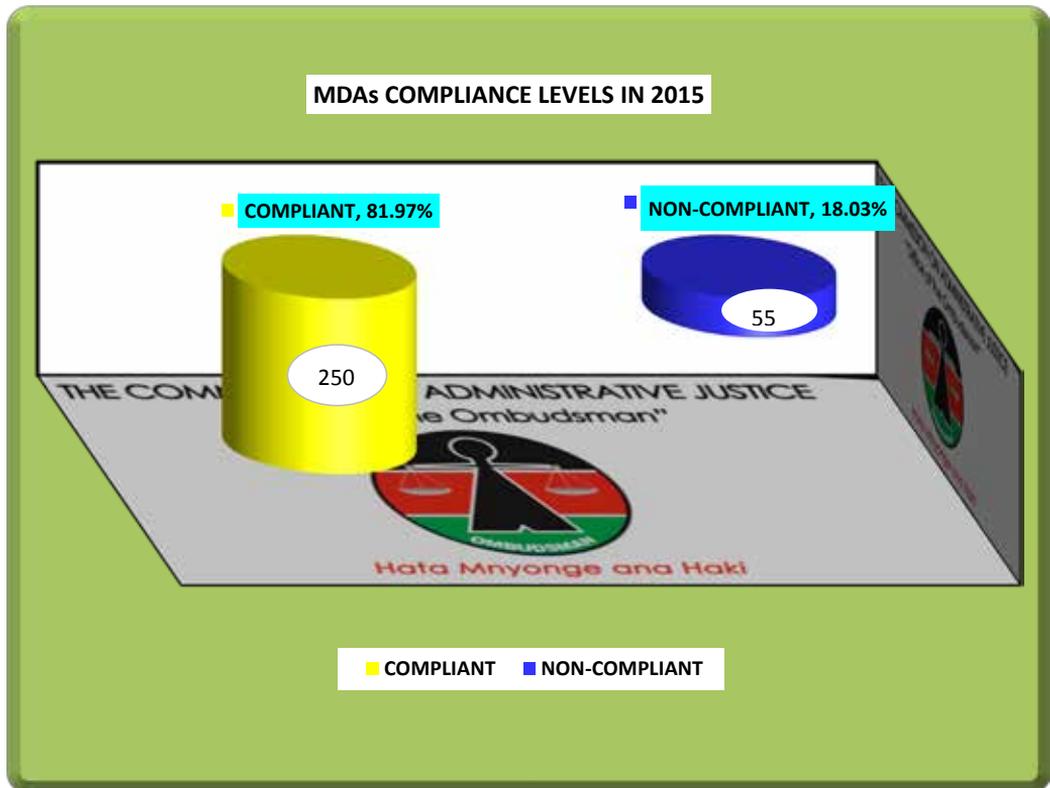


Figure 19: Compliance Levels in 2015.

3.2.1.5. PROVISION OF TECHNICAL SUPPORT

Primary objective of public institutions is to deliver services. The effectiveness of these institutions has a bearing on socio-economic development and well-being of the nation. As the overseer of service delivery in the public sector, the commission supported public institutions in the development and implementation of the citizen service charters and establishment of complaints handling mechanisms. With respect to service charters, public institutions were required to clearly indicate:

1. Services rendered,
2. Timelines,
3. Customer requirements (e.G documents)
4. User charges if any , and internal (within the institution) and external (Commission on administrative justice) redress mechanisms.

With respect to implementation the Commission conducted spot check on public institution to monitor service delivery standards and establish areas requiring improvement.

CITIZEN SERVICE DELIVERY CHARTER

Athi Water is committed to providing quality services at all times in the best interest of all our customers and continually improve our standards of quality in every aspect of our services to the satisfaction of our customers.

Service Rendered	Client Requirements	User Charges (Kshs)	Timeliness
Charges (Kshs)	Write your inquiry in a clear and concise language	Applicable user charges by service provider	E-mail - 1 working day
Timeliness	Put your inquiry/ material fact in a clear and concise language	Free	Within 7 working days
Response to telephone enquiries	Make a telephone call and state your enquiry clearly	Applicable user charges by service provider	Immediate response if at all possible
Communicate outcome of tendering	Must have applied/biddered	Free	Within 21 days from the date of concluding the tendering process.
Resolution of Customer Complaints (written)	Register complaint verbally, put in suggestion boxes, or make normal correspondence	Free	Within 7 working days and resolution within 30 days.
Payment for goods/ services/ works	Supply goods/services/ Works as per the contract/LPO/LSO Receipt of proper documentation (Delivery, Invoice, signed LPO, etc)	Free	Within 30 days (except for specified contracts)
Attending visiting clients with prior appointments	Visit our offices and seek a service	Free	Attend to you at the appointed time
Attending visiting clients without prior appointments	Visit our offices and seek a service	Free	We will provide you with information while you wait.

Obligations of Customers	Obligations of AWSB
<ol style="list-style-type: none"> 1. Allow authorized Water Service Providers staff access to Customer's premises for purposes of meter reading and maintenance. 2. Use water responsibly to avoid wastages. 3. Report bursts or leaks to the nearest office of water service provider. 4. Pay bills promptly. 5. Do not offer gifts, money or other favours to AWSB or WSP's staff members. 	<ol style="list-style-type: none"> 1. Appoint viable and well managed water service providers and ensure they have appropriate systems. 2. Enforcing water quality monitoring. 3. Ensuring WSPs have maintenance systems and procedures to minimize interruptions to water supplies. 4. Ensuring accurate and efficient billing system. 5. Ensure WSPs are customer focused in their activities.

Dispute Resolution Procedure

Level: 1 Report your complaint to your nearest Water Service Provider. If you are not satisfied proceed to level two
 Level: 2 Report the complaint to the Athi Water Services Board. If still dissatisfied, proceed to level three
 Level: 3 Register your complaint with the Water Services Regulatory Board (WASREB). If still not satisfied, proceed to level four
 Level: 4 Lodge your complaint with the Water Appeals Tribunal (WAT) on the following address:

Athi Water Services Board, 3rd Floor Africa Re Centre, Hospital Rd, Upper Hill, P.O Box 45283-00100 Nairobi.
 Tel: 020-2724293, 020-2727438, 020-2727441/2, Mobile: 0715-888272 Anti-Corruption Reporting: 020-2727440,
 E-mail: info@awsb.go.ke, complaints@awsb.go.ke, Website: www.awsb.go.ke
 CITIZEN SERVICE DELIVERY CHARTER
 or you can contact:

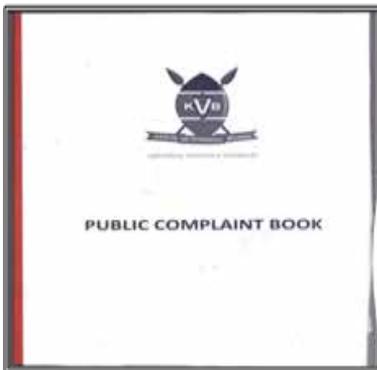
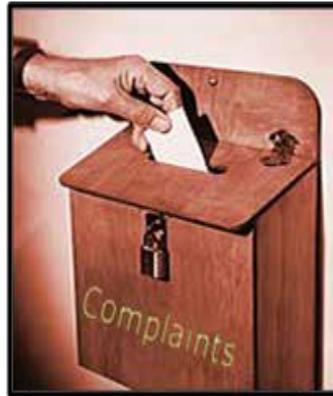
The Commission on Administrative Justice / Ombudsman at
 2nd Floor, West End Towers, Opposite Aga Khan High School off Waiyaki Way - Westlands | P.O. Box 20414 – 00250, NAIROBI. Tel: +254-20-2270000/2303000/2403765/2441211/8030666
 Email: info@ombudsman.go.ke (for general inquiries) | complain@ombudsman.go.ke (for complaints)




A Sample of a Service Charter of a Public Institution

3.2.1.6. SPOT CHECKS ON PUBLIC INSTITUTIONS

The Commission undertook impromptu inspections on public institutions to ascertain the veracity of the reports submitted under performance contracting system and assess levels of service delivery. The spot checks sought to establish whether public agencies maintained complaint registers, accessible complaint offices and desk, feedback mechanisms and adhered to standards set in their service charters



CHAPTER FOUR

4.0. COMMUNICATION, PUBLIC EDUCATION AND ADVOCACY

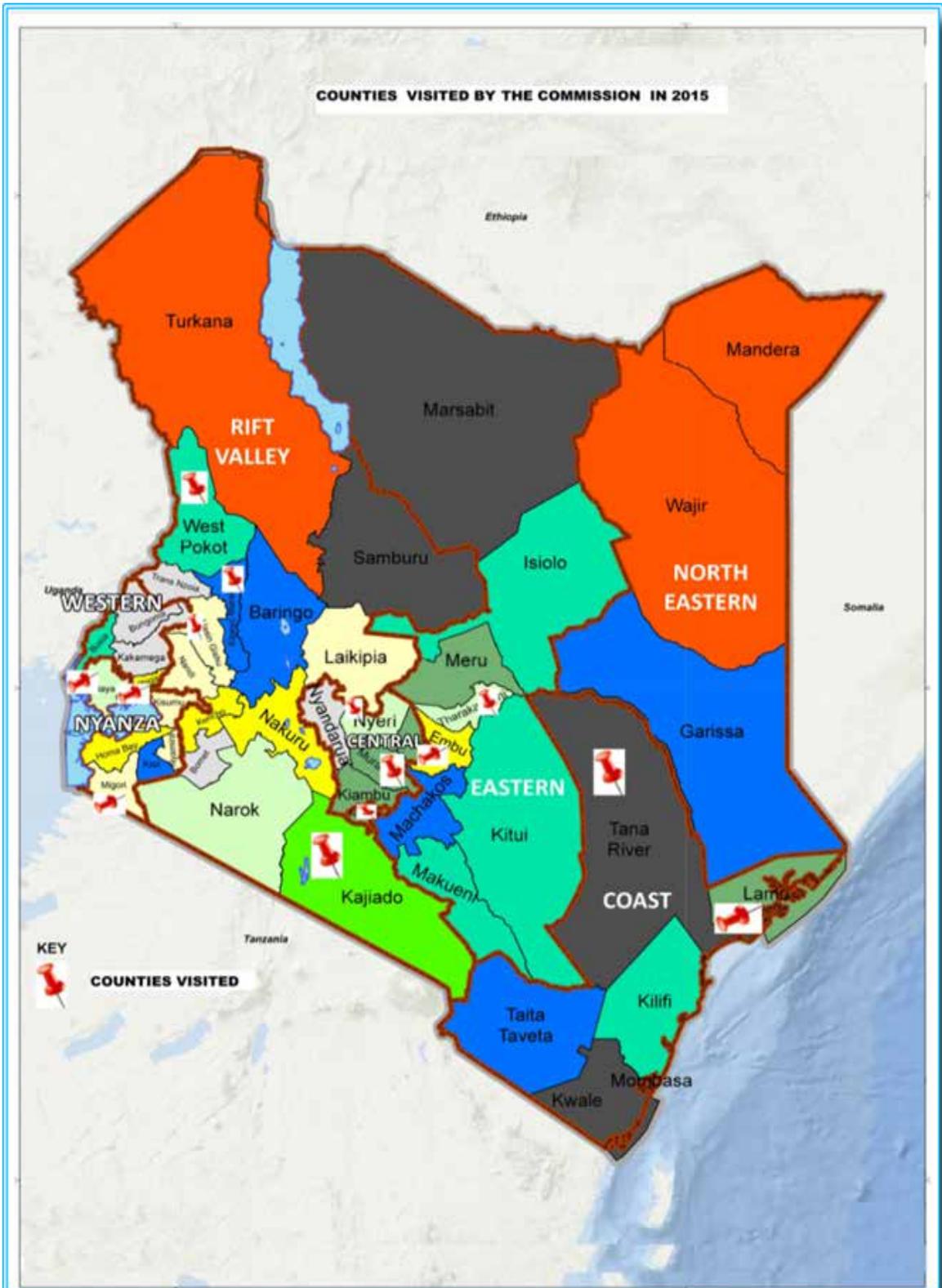
4.1. INTRODUCTION

The Commission has earmarked communication and advocacy as essential tools to catalyse positive change in the public sector. This is in line with one of its key strategic objectives which seeks to address relatively low public awareness on matters of administrative justice. The Commission's communication strategy is grounded on the need for awareness amongst the various publics on its mandate, vision, plans, and programmes. The strategy is also aimed at providing a plan for influencing change in policy and practice and/or promoting policy implementation.

4.2. OUTREACH

4.2.1. COUNTY VISITS

The county visits programme is designed to enable the Commission create awareness on its mandate, create linkages with various stakeholders; and enhance accessibility. In this respect, the Commission carried out awareness in 14 counties, namely: Tana River, Lamu, Murang'a, Siaya, Elgeyo Marakwet, West Pokot, Migori, Vihiga, Kajiado, Nyeri, Embu, Uasin Gishu, Tharaka-Nithi and Nairobi. Awareness efforts revolved on the mandate of the Commission and information on how the Commission can be accessed through the visits, the Commission established linkages with key stakeholders including county governments. One of the outcomes of the activity was the prospects of partnering with some of the county governments to set up Ombudsman offices. Further, visibility of the Commission was bolstered leading to an increase in the complaints reported. Interactions with the public also gave insights on problematic areas in service delivery - delays in issuance of vital identification documents and retirement benefits, etc - thus enabling the Commission to gauge the standards of service delivery.





Participants of a public forum in Meru County

4.2.2. AWARENESS AND ADVOCACY THROUGH MEDIA

4.2.2.1. Driving Administrative Justice agenda through Traditional Media

The Commission employed both electronic and print media to create awareness and advocacy. First, the Commission published key advisories in print media thereby bringing key issues to the attention of the public and duty bearers. Second, the Commission informed public discourse on matters of national importance in respect to constitutionalism, observance of the rule of law, and administrative justice through television and radio talk shows, as well as news stories. In addition, the Commission conducted awareness programmes on vernacular and community radio stations including Baliti FM, Wajir Community Radio and Athiani FM. Last, the Commission carried out awareness on the role of the Ombudsman through docu-drama series and a feature on success stories on national television (Citizen TV, KBC and KTN) thereby increasing awareness on its role and deepening public trust.



CAJ Vice Chairperson Dr Regina Mwatha addresses journalists on the outcome of a spot check conducted in public offices in Murang'a.

4.2.2.2. Leveraging on Social Media

The Commission continues to harness its interactive power social media to promote discourse on administrative justice issues thereby providing a platform for citizens to demand accountability and efficiency in service delivery. Through CAJ's Facebook page (Ombudsman Kenya), and Twitter handle, (@Kenyasombudsman), the Commission enhanced interactive communication and public engagement. In 2015, people used these platforms to make inquiries, lodge complaints, and make follow-ups on ongoing cases. As such, social media has made the Commission more accessible.

In the last 12 months, the audience size on Twitter grew from 700 to 3,500, and that on Facebook from 1,990 to 3,700. The interaction rate has also grown by 20%, an indication that social media continues to be a vibrant platform for engaging the public.

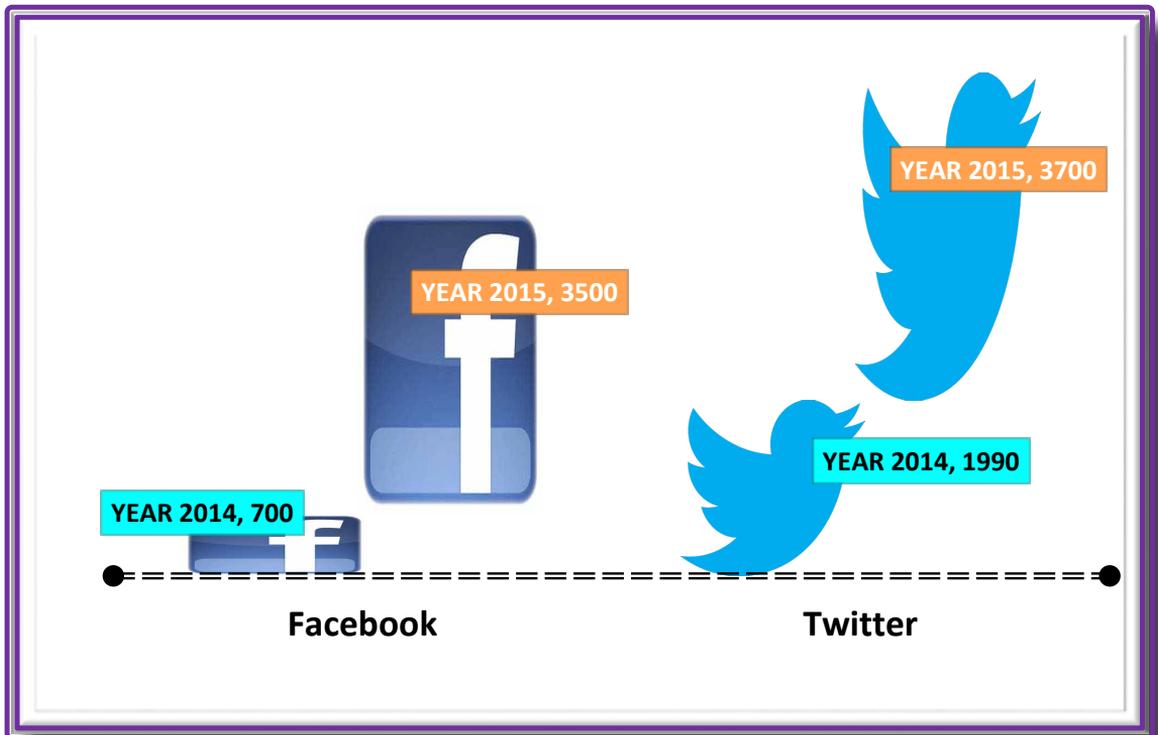


Figure 20: Analysis of Social Media Interaction in 2014 and 2015

4.2.3. INFORMATION, EDUCATION AND COMMUNICATION (IEC) MATERIALS

IEC materials are a critical part of mass communication as they provide tools for creating awareness and reinforcing what people already know. IEC materials have complemented efforts the Commission has made through face-to-face awareness fora and trainings.

In 2015, the Commission developed various IEC materials for relaying diverse messages. They included posters on fair administrative action; brochures on frequently asked questions about the Commission, and the role of the Commission in performance contracting. As highlighted above, the Commission developed docu-drama series and a feature on success stories to augment public awareness efforts. It is worth noting that the Commission also transcribed its institutional brochure in Braille. The Braille copies have been distributed to institutions for the visually impaired.

4.2.4. AGRICULTURAL SOCIETY OF KENYA (ASK) SHOWS

During the year under review, the Commission participated in the Mombasa International Show, Mt. Kenya Regional Show (Nanyuki), and Nairobi International Trade Fair. The aim of the participation was to publicise the Commission's mandate, complaints handling processes, give advisory services, and provide a platform for lodging complaints. During the shows, 2,370 people made inquiries, of whom 25 lodged complaints, and 86 were referred to the relevant agencies for assistance. The complaints were of diverse service issues including delay, unresponsiveness and unfair treatment.

4.2.5. OTHER OUTREACH PLATFORMS

The Commission used existing structures to advance the administrative justice agenda. Ombudsman Committees which enlists the support of opinion leaders in informal settlements is one such platform. Through these contacts, the Commission conducted awareness in 14 Churches and Mosques in informal settlements in Nairobi reaching about 7,000 people.

The Commission also created awareness through the Kenya National Secretaries Association in Kisumu, Embu and Mombasa. Through this platform, the Commission reached about 3,000 public officers, mainly secretaries. The Commission also created awareness through participation in Legal Clinics in Nairobi, a county baraza in Eldoret, women and youth's meeting in Kwale, and public fora in Siaya, Kisumu, and Laikipia.



Members of public file complaints during an outreach event in Buruburu, Nairobi County.

CHAPTER FIVE

5.0. ENGENDERING CONSTITUTIONALISM IN THE PUBLIC SECTOR

5.1. INTRODUCTION

This section details the efforts of the Commission in promoting constitutionalism and good governance during the reporting period. The Commission employed a multi-faceted approach focusing on a number of strategies which included advisory opinions and recommendations, alternative dispute resolution methods and public interest litigation.

5.2. ROLE IN CONSTITUTIONALISM

The Commission, like other Constitutional Commissions, is mandated under Article 249 of the Constitution to safeguard public interest by protecting the sovereignty of the people, securing the observance of democratic values and principles by public institutions and promoting constitutionalism. These functions have been elucidated under Articles 59(2)(h -k) and 252 of the Constitution as well as section 8 of the Act. The Commission, therefore, plays an important role that complements the traditional arms of Government. In particular, the Commission has contributed to efforts geared towards realization of transparent governance, ethical leadership, and respect for human rights.

5.3. ADVISORY OPINIONS ON PUBLIC ADMINISTRATION

Section 8(h) of the Act mandates the Commission to provide advisory opinions or proposals on the improvement of public administration including review of legislation, codes of conduct, processes and procedures. In furtherance of this function, the Commission issued ten advisory opinions to public institutions on various issues. The advisory opinions were disseminated through various fora, including the media.

5.3.1. Advisory Opinion on the Directive to County Commissioners regarding the Co-ordination and Delivery of Comprehensive HIV/AIDS Services to Counties

The Commission issued an advisory opinion to the President following his directive to County Commissioners to collect up to date data on all school going children who were HIV positive. The Directive also sought information on the guardians or care givers, and expectant and lactating mothers who were HIV positive. The information, which was to be collected in a prescribed data matrix that links the names of the groups to their home area and school (in the case of children), was to be submitted to the Office of the President by 15th March 2015. The Commission examined the Directive and noted that it raised legal and ethical issues relating to privacy and confidentiality for persons living with HIV/AIDS. In particular, the Commission noted that the Directive had the following potential consequences:

- i) It could lead to forced or compulsory testing of the children, their guardians, and expectant as well as lactating mothers thereby violating the express provisions of the Constitution, the HIV and AIDS Prevention and Control Act, the Children Act and various national policy documents relating to HIV/AIDS.
- ii) It was likely to cause disclosure of information regarding the status of the listed categories thereby negating the right to privacy and confidentiality in violation of Article 31 of the Constitution, and sections 20, 21, 22 and 23 of the HIV and AIDS Prevention and Control Act.
- iii) It was likely to lead to violations of other rights such as the right to equality and freedom from discrimination, right to dignity, and right to freedom and security of the person.
- iv) It was likely to increase and institutionalise discrimination, stigmatisation, and sexual and physical abuse of listed categories thereby negating the noble intention of the Government since they might fear seeking testing services or appropriate treatment due to fear of disclosure of information.
- v) It amounted to a limitation of a right secured under the Constitution, without satisfying the grounds under Article 24.
- vi) It might lead to legal claims against the Government for violation of the rights of the listed groups.
- vii) It might lead to a breach of the country's obligations under the relevant international human rights instruments to which it is a signatory.
- viii) It might end up affecting the well-being of the listed categories thereby negating the very purpose of the Government's efforts and responses to address HIV/AIDS.

On the basis of the above, the Commission advised that another Directive be issued to recall the one February 2015. The Commission further recommended further consultations among the relevant stakeholders on the matter.

Upon engagement with the Office of the President, the Commission issued a further Advisory recommending the following:

- i. The Cabinet Secretary for Health should, in consultation with relevant stakeholders, develop the long overdue guidelines under section 20 of the HIV and AIDS Prevention and Control Act as a matter of priority.
- ii. The national government in consultation with the county governments should adopt a conscious HIV testing policy aimed at ensuring accessibility, counseling and care services to the vulnerable groups.
- iii. The Ministry of Health and relevant agencies should share the available data on HIV and AIDS to facilitate appropriate government response.
- iv. HIV status should be considered as part of the larger vulnerability index in the provision of psycho-social support to children and adolescents living with HIV.

5.3.2. Advisory Opinion on the Boundary Disputes between County Governments

As a result of increasing disputes between county governments over boundaries, the Commission issued an advisory with a view to forestalling conflicts. Based on the analysis on the causes of conflicts on boundaries, the Commission recommended as follows:

- i. The President should set up a special Technical Task Force comprising representatives of the Department of Surveys, Department of Lands and other relevant technocrats to establish the boundaries of all Counties.
- ii. Where there are disputes relating to boundaries, county governments should embrace consultation and alternative dispute resolution as redress mechanisms.
- iii. The existing boundaries of counties should be jealously guarded. However, in extremely special cases, Parliament should invoke the option for altering boundaries under Article 188 of the Constitution.

The opinion was shared with relevant stakeholders for consideration. As a result, the Commission received a draft County Boundaries Bill, 2015 from the Senate for its input.

5.3.3. Advisory Opinion on the Framework for Co-operation between the Senate and the Council of Governors

The Commission issued an advisory opinion on the framework for co-operation between the Senate and Council of Governors arising from frequent disputes relating to their operations. The Commission noted that the disputes had the potential of undermining devolution and public administration. Accordingly, the Commission advised as follows:

- i) A consultative and advisory forum be established at the county level to enable Senators effectively undertake their duties.
- ii) The participation of county governments in the legislative process should be enhanced through the consultative and advisory forum at the county level.
- iii) The Senate should be seized of the reports of the Controller of Budget and Auditor General after consideration of such reports by the relevant county assembly unless:-
 - a) *the relevant County Assembly has failed to consider the report within the stipulated timeline,*
 - b) *it is evident that the consideration of the report has been marred by complicity or collusion between the County Assembly and the County Executive,*
 - c) *the action taken by the County Assembly is otherwise unsatisfactory;*
 - d) *the emerging issues bring to the fore systemic or wanton levels of maladministration or misappropriation of funds,*
 - e) *the emerging issues are of public or national interest,*
 - f) *the Senate resolves to consider the report of the oversight body, or*
 - g) *issues are referred to the Senate by the oversight bodies in their subsequent reports.*

5.3.4. Advisory Opinion on Restructuring of the Ethics and Anti-Corruption Commission

The Commission issued an advisory on restructuring of the Ethics and Anti-Corruption Commission (EACC) pursuant to the EACC (Amendment) Bill, 2015. The Commission considered the Bill and noted that it would fundamentally change the structure of EACC and concentrate power in the Office of the Commission Secretary. Having examined the matter, the Commission advised as follows:

- i) While it is important to strengthen the legal framework for the fight against corruption, the process should be done within the Constitution.
- ii) Any process to bolster the fight against corruption should appreciate the role of the Commissioners, and safeguard the independence and accountability of EACC.
- iii) The Commissioners of EACC should serve on full-time basis to enable them fully discharge their duties, insulate them from any incidences of conflict of interest and make them accountable to the public.
- iv) Care should be taken to ensure persons appointed to the Commission are not only qualified, but are objective, courageous, passionate and dedicated to the war on corruption.

5.3.5. Advisory Opinion on the Vetting of Persons Nominated to the Positions of Cabinet and Principal Secretaries

An advisory opinion was issued by the Commission concerning the vetting of persons nominated to the positions of Cabinet and Principal Secretaries. The advisory was precipitated by the ruling by the Speaker of the National Assembly on 2nd December 2015 concerning the vetting of nominees by the National Assembly. The Commission noted that the action would impugn the Constitution in the following ways:

- i) The nomination of sitting Members of Parliament to the Cabinet would be unconstitutional due to their ineligibility for appointment by virtue of Article 152(3) of the Constitution.
- ii) The ruling by the Speaker was incorrect insofar as it exempted serving Cabinet and Principal Secretaries who were transferred to other Ministries or State Departments from vetting. While the Constitution empowered the President to re-assign a Cabinet or Principal Secretary, it did not extinguish the application of Articles 152(2) and 155(2)(b) of the Constitution on the vetting by the National Assembly where a serving Cabinet Secretary or Principal Secretary is re-assigned to a different position. A re-assignment would, therefore, amount to a nomination within the meaning of the constitutional provisions.
- iii) The nomination breached the Constitution insofar as it did not comply with the gender and regional principles under Article 10 of the Constitution. In light of the above, the Commission made recommended, inter alia:

- a) The National Assembly should ensure compliance with the Constitution, including the eligibility of the nominees, and attainment of the gender principle.
- b) Cabinet and Principal Secretaries reassigned to other positions should be vetted afresh by the National Assembly to determine their suitability for the new positions.
- c) There is need to ensure transparency and competition in the appointment of Principal Secretaries in line with Article 155(3)(a) of the Constitution.

5.3.6. Advisory Opinion on the Parliamentary Service Bill, 2015

The Commission issued an advisory on the Parliamentary Service Bill, 2015 that sought to repeal the Parliamentary Service Act, 2000. The Commission analysed the Bill and called for its review regarding the following:

- i) Clause 11(1)(b) vested the functions of the Salaries and Remuneration Commission on the Parliamentary Service Commission (PSC) contrary to Article 230 of the Constitution.
- ii) Clause 17(4) watered down the security of tenure for the Clerks of the two Houses which had the potential of undermining their operations and independence.
- iii) Clause 23(4) was restrictive since it limited PSC to the selection of a private firm to review its organisational structure.
- iv) Clause 49(a) contravened Article 127(3) of the Constitution, and the Public Finance Management Act insofar as it sought to re-define the term 'accounting officer' to include the Clerk of the Senate, Clerk of the National Assembly and any other officer as may be designated by PSC. According to the Constitution, the Clerk of the Senate is the Secretary to PSC and, therefore, the accounting officer.
- v) Clause 44 sought to unreasonably and unjustifiably limit the right of access to information under Article 35 of the Constitution insofar as it sought to make non-disclosure the general rule, and give PSC wide discretion in declining to release information.
- vi) Clause 50 sought to irregularly oust the provisions of the Kenya Citizenship and Immigration Act, 2011 in relation to the members of PSC. It further sought to give special and unlimited privileges to Members of Parliament, their spouses and some officers of PSC against the aforementioned Act.

5.3.7. Advisory Opinion on the Proposed Amendment to the Independent Policing Oversight Authority Act, 2011

The Commission issued an Advisory on the proposed amendment to section 14 of the Independent Policing Oversight Authority (IPOA) Act. The amendment sought to empower the President to remove the Chairperson or Members of IPOA if he deemed necessary, without receiving recommendations from a tribunal established for that purpose. The Commission examined the Bill and noted the following:

- i) There was no justification for the amendment or evidence of gap in the existing framework. This went against one of the cardinal principles in law making which requires legislation to address a mischief or seal the existing gaps in the law. There was no evidence of how the existing framework that was sought to be amended impeded policing or the work of IPOA.
- ii) The proposed amendment was likely to undermine the independence and effectiveness of IPOA insofar as it would remove the security of tenure of the Chair person and Members.
- iii) The amendment would negate the values and principles of the Constitution insofar as it sought to concentrate power in the Office of the President.

In light of the above, the Commission opined that the proposed amendment lacked merit, and undermined constitutionalism and the rule of law. The Commission, therefore, advised the National Assembly to reject it in totality.

5.3.8. Advisory Opinion on the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015

The Commission issued an advisory to the Speakers of the two Houses of Parliament regarding Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015. In particular, the Commission examined the proposed amendments to the Industrial Training Act, the National Hospital Insurance Fund Act, the Copyright Act, the Kenya Institute of Curriculum Development Act, and the Kenya Law Reform Commission Act, and noted the following:

- i) The proposed amendments sought to concentrate power of appointment in the Office of the President for the bodies established by the above statutes in contravention of the Constitution.
- ii) Some of the proposed amendments sought to unreasonably and unjustifiably increase the number of members to the statutory bodies. For instance, the proposed amendment to the National Hospital Insurance Fund Act had sought to increase the number of members from seven to seventeen without any justification, and contrary to the recommendation of the Task Force on Parastatal Reforms of 2013 which had recommended a membership of between seven and nine, including the Chairperson.

5.3.9. Advisory Opinion for the Removal of the Principal Secretary for the Ministry of Lands, Housing and Urban Development from Office

The Commission issued an advisory to the President for the removal of the Principal Secretary for the Ministry of Lands, Housing and Urban Development from office on account of unresponsiveness and inefficiency. Specifically, it was noted as follows:

- i) The Commission had made inquiries on complaints from the public regarding maladministration at the Ministry.
- ii) In spite of the inquiries and several follow-ups, the Ministry had continually failed to respond to the inquiries and/or address the complaints.
- iii) Despite undertaking to address the matter following a meeting at the Commission on 23rd May 2014, the Principal Secretary had failed to take any action, including cases of personal service.
- iv) The unresponsiveness by the Ministry had affected the turnaround time for resolution of complaints thereby prolonging the suffering of the complainants, and undermining reforms in the land sector.
- v) The conduct of the Principal Secretary impugned the constitutional values and principles of leadership and integrity.

5.3.10. Advisory Opinion on the Recruitment of the Managing Director of the Kenya Airports Authority

The Commission issued an advisory to the Cabinet Secretary for Transport and Infrastructure regarding the implication and status of its Determination in the matter of the recruitment of the Managing Director of the Kenya Airports Authority. The Commission advised as follows:

- i) The responsibility to communicate the Determination of the Commission to all agencies represented on the Kenya Airports Authority Board rested on the Ministry. In this regard, the Ministry, through the Principal Secretary, was not absolved of the responsibility to communicate the Commission's Determination on the earlier contested recruitment process to the relevant agencies for implementation.
- ii) The Commission is an independent body created by the Constitution to perform a specific function. Accordingly, it is not under the direction, control of the Attorney General in the performance of its functions.
- iii) The Commission and the Office of the Attorney General are two distinct offices created by the Constitution to perform specific functions, and the opinion of the Attorney General cannot be sought after a matter has been dealt with by the Commission.

In other words, public bodies are not at liberty to seek the opinion of the Attorney General where the Commission has considered an issue in exercise of its constitutional mandate since doing so would undermine the independence and existence of the Commission. In this regard, once the Commission had made a Determination, it was not open to the Ministry to determine whether to comply or not, and seek a different opinion to avoid implementation. If dissatisfied, the only avenue was to seek judicial review in court.

5.4. LEADERSHIP AND INTEGRITY

The Commission is empowered under Articles 59(2h-k) and 249 of the Constitution and Section 8 of the Act, to promote ethical leadership in the public sector. Specifically, it is empowered to “investigate any conduct in state affairs or any act or omission in public administration in any sphere of government that is alleged or suspected to be prejudicial or improper or to result in any impropriety or prejudice.” In addition, the Commission is mandated to investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unresponsive official conduct and misbehaviour in public administration. Pursuant to the above, the Commission implemented the following activities during the reporting period.

5.4.1. Vetting of Public Officers

The Commission participated in the vetting of judges and magistrates in line with section 18(1)(e)(vi) of the Judges and Magistrates Vetting Board Act, No. 2 of 2011. To this end, the Commission processed information relating to the vetting of 59 judicial officers. Similarly, the Commission provided information to the National Police Service Commission regarding the vetting of 141 police officers in 2015. As such, the Commission contributed to the determination of suitability of the concerned officers.

5.4.2. Ensuring adherence to the Rule of Law

Pursuant to its mandate of ensuring adherence to the rule of law, the Commission made appropriate interventions, either on complaints by the public or on its own motion, on allegations of breaches of the principles of leadership and integrity. The interventions related to issues such as non-compliance with the law on appointments and promotions to public offices, misuse of public resources, disobedience of court orders, abuse of power, and unethical, improper or unlawful official conduct.

5.5. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION METHODS

In the context of Alternative Dispute Resolution (ADR), the Commission is empowered under section 8(f) of the Act to “work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration.” This provision largely draws from Article 252(1)(e) of the Constitution that provides the commissions and independent offices with “powers necessary for conciliation, mediation and negotiation.”

Pursuant to the above, the Commission employed ADR methods in the resolution of a number of complaints. It favoured the use of ADR due to the need to maintain relationships between the disputants, and produce an outcome that is satisfactory to both parties thus creating a win-win situation

In order to entrench ADR as a mechanism of resolving complaints, the Commission trained 24 of its officers on ADR to enhance its capacity, and incorporated a module in the curriculum for training of public officers under performance contracting framework

5.6. PUBLIC FORUM ON GOOD GOVERNANCE

The Commission convened a public in Nairobi to discuss the nature and extent of corruption, impunity and maladministration in Kenya and chart a way forward. The Forum was prompted by the need to have a structured and deliberate engagement on how to address the rising incidences of impunity. The Forum drew participation from key stakeholders in the governance sector, including state and non-state actors. While underscoring the importance of collaboration in the promotion of good governance, the Forum noted the serious consequences of bad governance on the country's growth and stability, and the need to enforce Chapter Six of the Constitution which deals with integrity. As a result of the engagement, the stakeholders appreciated the need to:

- i) review the anti-corruption laws to seal the extant loopholes, strengthen the oversight agencies and ensure protection of whistleblowers,
- ii) mainstream anti-corruption in the education system and enhancement of civic education on leadership and integrity,
- iii) establishment of an inter-agency forum of oversight agencies for co-operation and collaboration,
- iv) make bold and precise judicial pronouncement in corruption matters,
- v) conduct lifestyle audits for state and public officers,
- vi) mete out stiff penalties to those found guilty of corruption, and
- vii) create timelines for implementation of the recommendations by oversight institutions.

It is worthwhile to note that some of the recommendations have already been actioned by relevant government agencies.

5.7. PUBLIC INTEREST LITIGATION

The Commission participated in a number of matters of national importance before the court as a way of promoting public administration. The main aim was to advance constitutionalism and democratic governance. Some of the cases are highlighted below.

Nairobi Judicial Review No. 304 of 2014: Republic versus the Commission on Administrative Justice ex-parte the National Social Security Fund

The decision of the Court in this matter affirmed the place and role of the Commission in public governance in Kenya. Briefly, NSSF made an application for an order of certiorari to quash the report of the Commission in relation to an investigation into allegations of impropriety in the procurement process for the Tassia II Infrastructure Development Project. In particular, NSSF had contended that the Commission acted in disregard of section 30(h) of the Act in conducting the investigations since EACC had already commenced investigations into the same issues. It also contended that the Commission lacked jurisdiction to investigate the matter since it was not a 'public office' within the meaning of Article 260 of the Constitution. Further, NSSF contended that the Commission had usurped the functions of EACC insofar as it sought to investigate matters relating to impropriety in public administration. While dismissing the application, the Court held as follows:

- i) That the Commission is rooted in the Constitution with the mandate of addressing maladministration in public administration. This mandate was distinct from that of EACC and could not, therefore, be interpreted as usurpation of the mandate of EACC under Chapter Six of the Constitution,
- ii) That NSSF was a public office within the meaning of Article 260 of the Constitution and, therefore, amenable to the jurisdiction of the Commission under the Act. Accordingly, the Commission had jurisdiction to investigate the allegations against NSSF, and
- iii) That section 30(h) of the Act could not be applied to stop the Commission from investigating the allegations since it was not demonstrated that they were the same issues under investigation by EACC or any Parliamentary Committee. Further, it was not demonstrated that EACC had commenced investigations at the time that the Commission started its investigations into the matter.

Nairobi Petition No. 542 of 2013: Prof. Paul Musili Wambua versus the Attorney General

The Petitioner in this matter was a professor at the University of Nairobi's School of Law and also the Chairman of the Betting Control and Licensing Board. It had been alleged by the Association of Human Resource Practitioners of Kenya, the 1st Interested Party in the matter, that the Petitioner's holding of two positions of Associate Dean at the School of Law of University of Nairobi and the Chairmanship of the Board was an affront to the Constitution. Before the matter was filed in court, the 1st Interested Party had lodged a complaint with the Commission and EACC for investigations. In the matter before the Court, the Petitioner had sought a declaration that lecturers in public universities are not state officers and as such are not precluded from participating in any gainful employment as envisaged by Article 77 of the Constitution. He also sought a declaration that he was not in breach of the law, and that section 3(1) of the Betting Lotteries and Gaming Act was inconsistent with the Constitution insofar as it limited his fundamental freedom from discrimination. While dismissing the Petition, the Court held, inter alia, that:

- I. The roles of bodies such as the Commission in governance should be appreciated by the courts. Accordingly, the courts should exercise restraint and not usurp the discretion of such bodies to deal with matters within their mandates as long as they are seized of such matters and they comply with requirements under the Constitution and national legislation. This gives them the leeway to discharge their mandates and enables them to grow, and
- II. The Petition was an abuse of the court process whose objective was to circumvent the action by institutions established by the Constitution.

Other Public Interest Litigation Matters

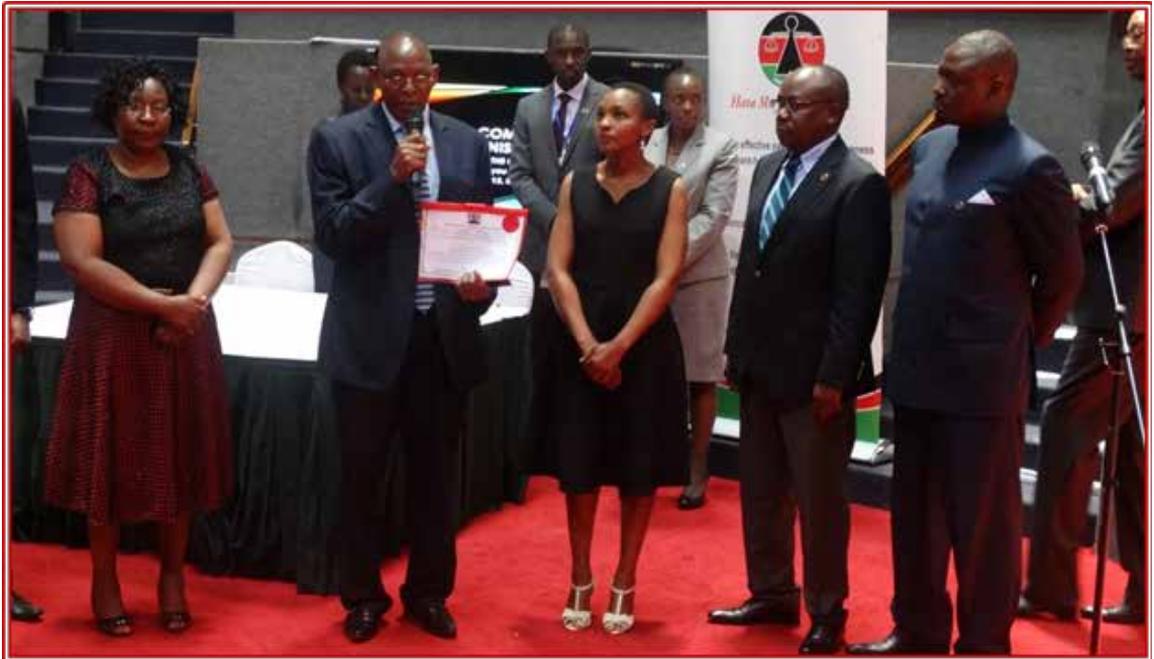
The Commission also participated in other matters of public interest before the court during the period under review which included, Nakuru Petition No. 53 of 2014, Michael Maina vs the Commission on Administrative Justice; Nakuru Petition No. 54 of 2014, Michael Maina vs the Commission on Administrative Justice; and Nairobi Judicial Review No. 429 of 2014, Republic versus the Commission on Administrative Justice & Another ex-parte Professor Samuel Ongeru.

5.8. HUDUMA OMBUDSMAN AWARD

Huduma Ombudsman Award is one approach the Commission has adopted to enhance accountability and responsiveness in public service as well as promote compliance with administrative justice standards. The Award, given on an annual basis, is aimed at recognising and rewarding excellence in public service delivery.

In 2015, the Huduma Ombudsman Award ceremony was presided over by the Attorney-General on behalf of the President. Mr Samuel Kimiti the then Deputy County Commissioner, Meru Central and Huduma Kenya Secretariat were the best in the individual and institutional categories respectively. Mr. Kimiti was feted for, inter alia, dedication in service, and innovatively using sports to fight social ills and create synergies for enhanced performance and environmental conservation. Huduma Kenya was feted for demonstrable excellence in service delivery, and providing a model for public institutions.

The late Corporal Benard Kipkemoi Tonui of Recce Company was posthumously awarded in the Ombudsman Valor category for selfless sacrifice in public service. Corporal Kipkemoi died during the Garissa University terrorist attack.



Winner in the individual category Mr Samuel Kimiti making an acceptance speech during the Second Huduma Ombudsman Award ceremony. Looking on are the Attorney-General Prof. Githu Muigai, CAJ Chair Dr Otiende Amollo, and Mr Kimiti's wife and daughter.

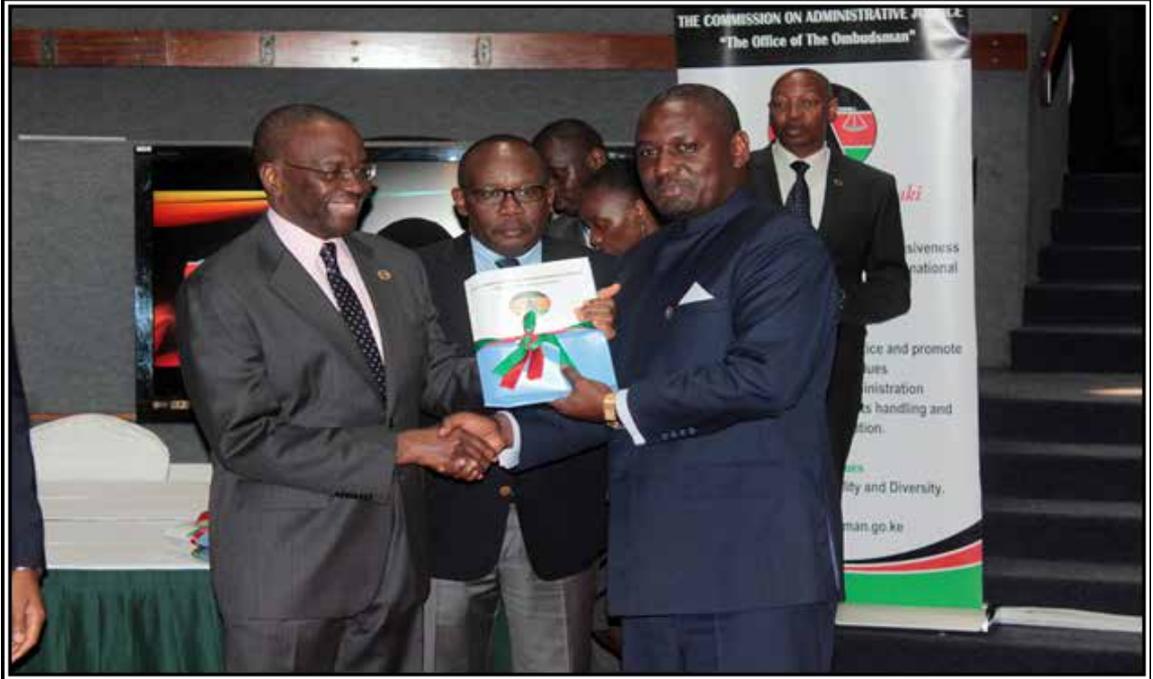
Other public institutions and officers feted were: SSP Nicholas Kipsang' Maswai the Officer in Charge, Manyani Maximum Security Prison, and County Prison Commander , Taita Taveta for transformative leadership; Hon. Sheikh Abdulhalim H. Athman, Principal Kadhi, Mombasa Law Courts for dedication and excellence in service; and Sing'ore Girls High School for consistent impressive academic performance based on sound pedagogy and holistic approach. The Kenya Forest Service, Ndaragua Forest Station was also recognised for commitment and championing a collective approach to environmental conservation thereby saving Ndaragua Forest. Milkah Njoki Gaita and Sophia Atieno Odumo – both teachers – were recognised for outstanding service. On the hand Richard Mwangi Macharia, a teacher at Nadir Primary School in Garissa County, was feted for selfless service and patriotism. Driven by love and need to serve pupils, he chose to remain in the region despite increasing terror attacks that had prompted his colleagues to abandoned schools.



UNDP County Director Maria Threase Keating presents a letter of commendation to Sinyolo Girls high School led by their Principal Hellen Juma.

Two of the recipients of the Award have since been promoted. Mr. Kimiti was promoted from position of Deputy County Commissioner II (Job Group P) to Senior Deputy County Commissioner (Job Group R). Mr Kipsang' Maswai who served in the capacity of Senior Superintendent of Prisons (PG 8/ Job Group L) was also promoted to position of Senior Assistant Commissioner of Prisons (PG 10/Job Group N). The Teachers Service Commission on the other hand has indicated that teachers who were recognised will have an added advantage during promotional interviews.

The Award Scheme has, therefore, served to motivate public officers and institutions.



The Commission Chairperson Dr. Amollo Otiende hands over various Commission's reports to Chief Justice Willy Mutunga during the Second Huduma Ombudsman Award

CHAPTER SIX

6.0. PARTNERSHIPS, COLLABORATIONS AND LINKAGES

6.1. INTRODUCTION

In order to enhance its capacity and expand its network base, the Commission cultivated partnerships with local and international institutions to promote administrative justice and good governance. Through this, the Commission participated in a number of conferences, workshops, seminars and meetings.

6.2. NATIONAL ENGAGEMENTS

6.2.1. FORUM OF CHAIRPERSONS OF CONSTITUTIONAL COMMISSIONS AND HOLDERS OF INDEPENDENT OFFICES

The Commission continued to play an important role in the activities of the Forum of Chairpersons of Constitutional Commissions and Holders of Independent Offices, commonly referred to as the Chairs' Forum. The Forum brings together all constitutional commissions, independent offices and some independent statutory bodies.

During the reporting period, the Commission spearheaded the development of a Charter to guide activities of the Forum. Similarly, the Commission supported the Commission for the Implementation of the Constitution in the organisation of the Fourth Annual Congress in Eldoret from 16th to 18th September 2015. The Congress made a number of resolutions on matters of national interest. During the Congress, the Commission sensitised members of the public on administrative justice, provided advisory services and received complaints on maladministration.

6.2.2. NATIONAL COUNCIL FOR THE ADMINISTRATION OF JUSTICE

The Commission participated in the activities of the National Council for the Administration of Justice (NCAJ) in 2015. 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 formulation of policies relating to the administration of justice, and mobilising resources for efficient administration of justice. It draws its membership from institutions in the administration of justice such as 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, including the joint meeting with the Council of Governors.

6.2.3. POLICY AND LEGISLATIVE DEVELOPMENT

As a player in the promotion of constitutionalism, the Commission provided input to key legislative bills including the Access to Information Bill, Fair Administrative Action Bill, Public Service (Values and Principles) Bill and the County Boundaries Bill. The Fair Administrative Action Bill and the Public Service (Values and Principles) Bill have since been enacted into law whereas the Access to Information Bill is before Parliament. Similarly, the Commission issued advisories in relation to proposed amendments to various statutes in the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015. These included the Parliamentary Service Bill and proposals for the amendment to the Independent Policing Oversight Authority Act, Industrial Training Act, the National Hospital Insurance Fund Act, the Copyright Act, the Kenya Institute of Curriculum Development Act, and the Kenya Law Reform Commission Act.

In addition, the Commission participated in various task forces which included the Task Force on Streamlining of Tribunals in consonance with the Constitution. Similarly, the Commission was a member of the Task Force on the Review of the Anti-Corruption, Legal, Policy and Institutional Framework which made proposals for strengthening of the anti-corruption framework. Other task forces in which the Commission participated include the Judiciary Task Force on Sentencing, and Task Force to Review Fluorspar Mining in Kimwarer, Elegeyo Marakwet.

6.2.4. SHAPING THE GOVERNANCE AND PUBLIC ADMINISTRATION AGENDA

The Commission participated in a number of trainings and workshops, and made contributions in the subjects of governance and public administration that involved the following groups:

1. Universities

- A lecture at the University of Nairobi's School of Law on 23rd March 2015 on the theme 'Constitutional Commissions under the Constitution of Kenya 2010: The case of the Commission on Administrative Justice'
- A lecture at Riara University on 5th August 2015 on the theme 'The Commission on Administrative Justice: Taking stock of successes and challenges'
- A lecture at Masinde Muliro University of Science and Technology on 2nd October 2015 titled 'The role of the Commission on Administrative Justice in eliminating impunity in Kenya'
- A lecture at Kisii University on 13th November 2015 titled 'The role of the Commission on Administrative Justice in eliminating impunity in Kenya'

2. Public Agencies

- A presentation on the scorecard ratings on investigation, prosecution and adjudication of corruption and economic crimes made during the workshop by EACC on the strategies to address the challenges in investigations, prosecution and adjudication of corruption and economic crimes held in Malindi on 10th November 2015.

- A presentation on the role of national human rights institutions in promoting constitutionalism made at the Regional East African National Human Rights Institutions on security and democratisation on the theme 'Promoting good governance in East Africa: Role of the national human rights institutions' held in Nairobi on 8th December 2015.
- Keynote address during the 11th Annual Stakeholders Workshop for Athi Water Services Board in Nairobi on 18th June 2015.
- Keynote address during the Maktaba Awards Gala held in Nairobi on 29th September 2015.
- A presentation on the administrative bottlenecks for effective whistleblowing in Kenya made at the expert discussion on whistleblower protection mechanisms in Kenya held in Nairobi on 8th October 2015.
- A presentation on the rationale for the establishment of county governments made during a conference on devolved leadership held at Strathmore University from 22nd - 23rd January 2015.
- A presentation at the Law Forum on legislation on Article 47 of the Constitution on fair administrative action held at the Judiciary Training Institute on 28th January 2015.
- Participation in a workshop of the Steering Committee to review the draft guide on development of a legislative process guide for national and county governments held in Mombasa from 2nd to 4th February 2015
- Participation in the Judiciary workshops on determination of election petitions held in February 2015.
- Participation in the 17th Biennial Ambassadors and High Commissioners Conference on promoting democracy, transparency and the rule of law held in Nairobi in March 2015.
- Participation in the Second Annual Devolution Conference on the theme 'Appreciating and strengthening devolved governance: Working together to realise the objectives of devolution' held in Kisumu in April 2015

3. Private Sector and Civil Society

- A presentation on enhancing access to justice through ADR made at the Law Society of Kenya seminar held in Eldoret in October 2015.
- Keynote address during the launch of the community integrity building and development by the National Taxpayers Association held in Nairobi in January 2015.
- A presentation titled 'Fighting corruption: The experience of the Commission on Administrative Justice' held in Nairobi in June 2015.
- A presentation on 'Ethics of leadership' made at the Convention on the Status of Women Leadership in Kenya held in Nairobi in August 2015

6.2.5. STRATEGIC MEETINGS AND COURTESY CALLS

The Commission attended strategic meetings with various stakeholders to discuss issues of mutual interest, including ways of collaboration. Notably, the Commission held meetings with the Justice and Legal Affairs Committee of the National Assembly, UNDP, and the Ford Foundation. Additionally, the Commission held a fruitful meeting with the Centre for Reproductive Rights and is currently exploring partnership prospects.

A meeting was also held with the Ambassador of the Royal Norwegian Embassy who had paid a courtesy call on the Commission to explore areas of partnership. Similarly, the Commission received delegations from the Office of the Judiciary Ombudsperson and County Assemblies of Nandi and Kakamega for discussions on ways of collaboration. The Commission also received delegations from Lesotho, the Ombudsman of Burundi, and the Constitutional Review Committee of Sierra Leone.

6.2.6. MEMORANDA OF UNDERSTANDING WITH OTHER INSTITUTIONS

The Commission explored ways of partnering with local stakeholders on the execution of its mandate. To this end, the Commission signed a memorandum of understanding with Queensland University of Technology, Australia for collaboration on education and training, and integrity project on the electoral and judicial processes in Kenya. The Commission also commenced the development of a memorandum of understanding with IPOA to strengthen collaboration in matters relating to the National Police Service.

6.2.7. INTEGRATED PUBLIC COMPLAINTS REFERRAL MECHANISM

The Commission continued to participate in Integrated Public Complaints Referral Mechanism which is a complaints referral system comprising the Commission, EACC, the Kenya National Commission on Human Rights, the National Anti-Corruption Campaign Steering Committee, the National Cohesion and Integration Commission and Transparency International (Kenya Chapter). IPCRM aims at facilitating expeditious referral of complaints to member institutions.

Through this platform, the institutions conducted outreach activities in seven counties, namely: Nyeri, Embu, Mandera, Kitui, Tran Nzoia, Kisii and Taita Taveta. To enhance efficiency of the referral mechanism, a new electronic system was developed and commissioned in December 2015.

6.3. INTERNATIONAL ENGAGEMENTS

6.3.1. BENCHMARKING WITH OMBUDSMAN INSTITUTIONS

The Commission nurtured partnerships with other ombudsman institutions for purposes of benchmarking, information sharing, and technical assistance. To this end, the Commission visited the Inspectorate of Government of Uganda and the Commission for Good Governance and Human Rights of Tanzania in 2015.

6.3.2. INTERNATIONAL OMBUDSMAN INSTITUTE

The Commission strengthened its participation in the activities of the International Ombudsman Institute. This included information sharing on ombudsmanship and activities of the Commission.

6.3.3. AFRICAN OMBUDSMAN AND MEDIATORS ASSOCIATION

The Commission enhanced its participation in the activities of the African Ombudsman and Mediators Association (AOMA) in 2015. AOMA is an umbrella organisation for ombudsmen and mediators across Africa with membership from 37 countries. The role of the Commission in AOMA was enhanced following the appointment of the Commission Chairperson as Secretary-General in November 2014. In this respect, the Commission undertook the following:

- i. Successfully organised the 8th and 9th AOMA Executive Committee meetings in Kenya and Cote D'Ivoire in February and July 2015,
- ii. Jointly with the Ombudsman of Namibia spearheaded the review of AOMA Constitution in line with the Resolution of the Fourth General Assembly of November 2014. The reviewed Constitution was subsequently approved by the Executive Committee as a working document and later disseminated to all members,
- iii. Commenced the process of developing AOMA Strategic Plan and Work Plan,
- iv. Visited the Inspectorate of Government of Uganda in May 2015 to discuss their participation in AOMA.
- v. Visited the Commission for Human Rights and Good Governance of Tanzania in June 2015 for a discussion on the preparations for the 10th Executive Committee meeting and the Fifth General Assembly scheduled to be held in Tanzania in February and September 2016 respectively,
- vi. Commenced the registration of AOMA and development of its website,
- vii. Formally wrote to and paid a courtesy call on the Secretary General of the East African Community in Arusha on the need for an Ombudsman at the East African Community level, forum of East African Ombudsmen and an observer status for AOMA at the East African Community.

6.3.4. PARTICIPATION IN INTERNATIONAL CONFERENCES, SEMINARS AND MEETINGS

The Commission participated in the following international conferences, seminars and meetings:

- i. The Third Retreat of the Panel of the Wise with similar regional mechanisms on the theme 'Silencing the guns by 2020 and promoting a culture of peace in Africa through the expansion of the Panwise' held in Addis Ababa, Ethiopia in November 2015. During the Retreat, the Commission made a presentation titled "The role of the Ombudsman in promoting a culture for peace: Good practice, lessons learned and challenges."

- ii. The 20th Annual Conference and General Meeting of the East Africa Law Society on the theme “The legal profession as a vehicle for trade and investment in East Africa” held in Zanzibar in November 2015.

 The Annual Conference of the Pan African Lawyers Union on the theme “Combating corruption: The role of the legal profession in Africa” held in Abuja, Nigeria from 22nd to 24th September 2015. During the Conference, the Commission made a presentation titled “Speaking truth to power: The role of the Ombudsman in anti-corruption process in Africa.”

 The 40th Anniversary Retreat of the Public Complaints Commission (Nigerian Ombudsman) on the theme “Repositioning the Ombudsman for better performance” held in Abuja, Nigeria in October 2015. The Commission made a presentation titled “The Ombudsman and administrative justice: International best practices and lessons of experience from Kenya and elsewhere” during the Retreat.

 The Second Regional Colloquium of African Ombudsman Institutions on the theme “Securing the Ombudsman as an instrument of governance in Africa” held in Nairobi in February 2015. The Commission made the presentation titled “Insights in enforcing Ombudsman decisions: The case of Kenya” during the Colloquium.

 The Colloquium for Tanzanian parties on preparations for a constitutional referendum on the theme “Preparation and implementation of a referendum on the adoption of a new constitution” held in Dar-es-Salam, Tanzania in March 2015.

6.3.5. REGIONAL COLLOQUIUM OF AFRICAN OMBUDSMAN INSTITUTIONS

The Colloquium of African Ombudsman Institutions is a platform for Ombudsmen aimed at enhancing the effectiveness of the Ombudsman institution through sharing of best practices. It also creates an opportunity for networking. The Commission hosted the second colloquium in Nairobi in February 2015 on the theme “Securing the Ombudsman as an instrument of governance in Africa.” The Colloquium focused on a compendium of principles of justice, good governance, and human rights as well as practical lessons and strategies on securing the institution. The specific objectives of the Colloquium included the following:

- i. Strengthening of the institution of the Ombudsman through sharing of information and ideas to promote public administration in Africa,
- ii. Discussing ways of enhancing the development and strengthening of the Ombudsman in Africa,
- iii. Discussing ways of developing a concrete framework for action and change strategies for the African Ombudsman,
- iv. Complementing efforts of AOMA by creating a platform for benchmarking and networking.

The participants explored ways of strengthening the institution and making it meaningful to the people. The Colloquium underscored the need for the following:

- entrenching the Ombudsman in the legal system and adopting country specific models,
- jealously guard the integrity of the institution, and
- partnerships with key institutions in the governance sector, including Parliament and the Judiciary.



Participants of the Regional Colloquium of African Ombudsman Institutions held in Nairobi in February 2015.

CHAPTER SEVEN

7.0. FINANCE AND ADMINISTRATION

7.1. INTRODUCTION

In line with its strategic objective 5, the Commission continues to enhance its capacity to deliver on its mandate in the following areas: human capital, financial resources and Information, Communication and Technology (ICT).

7.2. FINANCES

The Commission's main source of funding is the Exchequer which accounts for over 90% of its funds. In the 2014/2015 Fiscal Year, the Commission was allocated Ksh.393, 985,500 out of which Ksh.353, 190,496.60 was expended for the planned activities by the closure of the financial year on 30th June 2015. This, therefore, means that the absorption rate stood at about 90%.

The non-realisation of 100% absorption rate was affected by two major factors: challenges associated with e-procurement, and delay in getting Treasury's approval to recruit additional staff.

Apart from the GoK funds, the Commission received financial support from some development partners amounting to Ksh.32, 913,369 as shown in figure 21

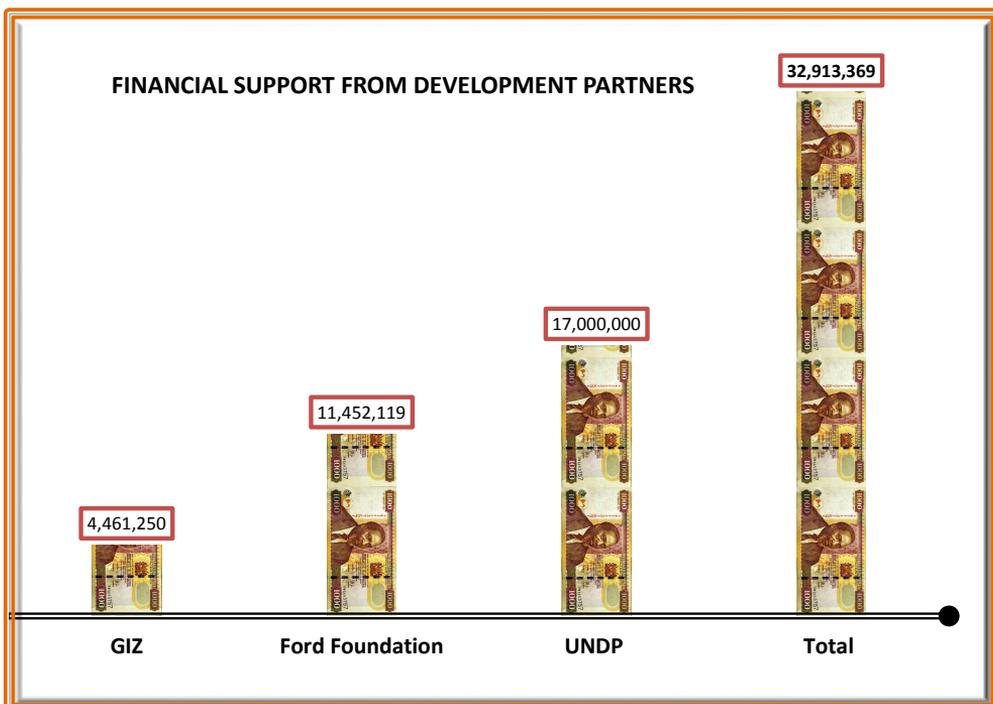


Figure 21: Analysis of Financial Support from Development Partners in 2015

The additional funds supplemented the outreach activities, strengthening of complaints handling capacities in the public service through training of public officers and institutions.

7.3. PROCUREMENT

The Commission was one of the few public institutions that fully complied with the government requirement on implementation of the Integrated Financial Management Information System (IFMIS) and e-procurement. A number of challenges were, however, encountered at the initial stages arising from the rigidity of the e-procurement platform, and lack of training for service providers. This was aggravated by inadequate support from IFMIS department of the National Treasury which seemed to be overwhelmed by requests for support from government ministries. Further, the system was shut down a number of times hence causing delays in the procurement of essential goods and services, and payment of service providers.

The Commission complied with the government policy on reservation of 30% of the total procurement to special groups (youth, women and persons with disabilities). Compliance was nonetheless fraught with challenges. For instance, some of the bidders under this category lacked capacity in terms of infrastructure, equipment and expertise. This impacted negatively on the Commission's activities as some service providers found it difficult to deliver on time, and satisfy the quality demanded.

7.4. HUMAN RESOURCE

During the period under review, the Commission strengthened its capacity by employing 21 officers bringing the current staff complement to 70. This represents 20.8% of the staff establishment which stands at 336. It is worth noting that while the workforce increased marginally, the workload increased exponentially thereby overstressing the human resource.

To partly remedy this challenge, the Commission enlisted the support of young professionals through internship and volunteer programmes. In this regard, the Commission got additional support from UNDP and GIZ.

In 2015, the Commission mentored about 100 students from public universities particularly those pursuing law who are required to be attached to public institutions in partial fulfillment of their degree programmes.

7.5. SKILLS DEVELOPMENT

The Commission recognises the importance of developing skills through training and exchange programmes. To this end, the Commission sponsored 11 officers for various professional training courses, aimed at honing their skills.

In addition, the Commission facilitated 27 members of staff to attend continuous professional development programmes and exposures through seminars and conferences.

7.6. DECENTRALISATION SERVICES

The Ombudsman's services can now be accessed from 15 different locations across the country. The Commission now has offices in Nairobi, Kisumu, Mombasa and Eldoret. The Commission also has presence in the following Huduma Centres: Kisii, Nakuru, Kakamega, Nyeri, Kajiado, Mombasa, Nairobi (Teleposta Towers and Kibera), Embu, Eldoret, and Kisumu. Further, the Commission plans to set up offices in Isiolo, Bungoma and Makueni.

7.7. ICT

The Commission continues to leverage on ICT to improve its operations and accessibility. In 2015, CAJ rolled out the short code (SMS) platform (15700), and a toll free number (0800 221 349) which enables the public to lodge complaints with ease.

In addition, the Commission is in the process of installing a Complaints Management System. Once complete, the system will enable the public to lodge their complaints on the Internet and through mobile phones. The system is one of the projects undertaken under the auspices of the CAJ/ GIZ partnership.

7.8. INTERNAL POLICIES

The Commission developed policy documents to guide its operations and enhance efficiency and governance. Policy documents include; Human Resource Policy, Risk Management Policy, Record Management Policy, Audit Manual and Citizen Service Delivery Charter.

CHAPTER EIGHT

8.0. CHALLENGES AND WAY FORWARD

8.1. CHALLENGES

Despite the achievements realised under the reporting period, the Commission continues to face a number of challenges that affect its work.

8.1.1. Budgetary Constraints

Inadequate funding continues to be a major challenge to the Commission. The funds allocated by the Exchequer is not sufficient to cater for all the needs of the Commission particularly in light of the increasing number of complaints thereby overstretching the institutional capacity of the Commission. As a result of the budgetary gap, accessibility of the Commission is limited to only 10 counties: besides the four offices (in Nairobi, Kisumu, Eldoret and Mombasa), the Commission can be accessed in 11 Huduma Centres located in various parts of the country.

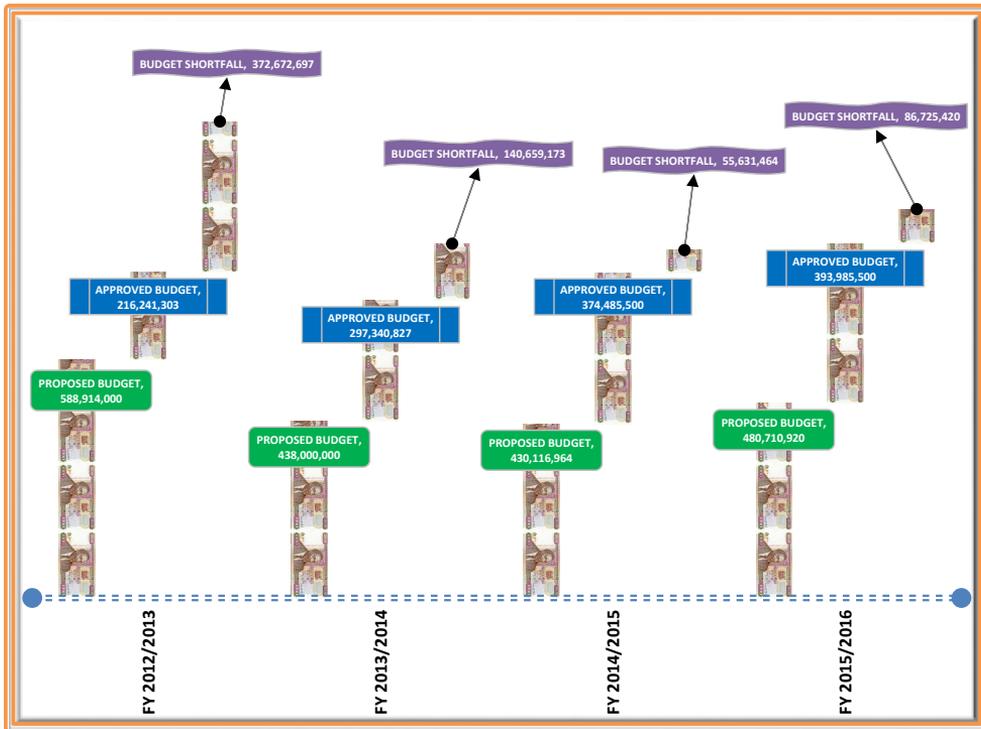


Figure 22: Analysis of Budgetary Allocation for Four Financial Years

8.1.2. Inadequate Staffing

Whereas approved staff establishment is 336, the Commission has only 70 members of staff. This shortage continues to cause a strain on effective service delivery to the public and hinders decentralization of the ombudsman services.

8.1.3. Unresponsiveness from Public Institutions

Impunity remains the biggest obstacle to quick resolution of complaints. A number of public institutions and officers were cited for unresponsiveness in 2015.

Whereas, the Commission's strives to inquire and resolve complaints without undue delays, the attitude by public officers continues to affect the resolution rate. Equally, a numbers of public officers have challenged the Commission findings and recommendations in court which burdens the Commission financially and elongates the time taken to conclude the complaints.

8.1.4. Enforcement Mechanisms and High Public Expectations

The mechanisms for enforcing the Commission's decisions, determinations and recommendations are inadequate. While the Commission's mandate is derived from the Constitution and the Act, there is minimal good will from public institutions to comply with the same.

As a result, it is difficult for the Commission to meet the high expectations from members of the public to quickly address various aspects of maladministration that continue to manifest in the public sector.

8.1.5. Restructuring of Government Agencies

The restructuring of Government departments and agencies has resulted in lack of proper coordination of activities, reporting and the fulfillment of Government Performance Contracting Obligations. The concerned institutions are struggling to streamline their service delivery and complaints handling infrastructure with the new structures.

8.1.6. Procurement Challenges

It was a requirement for all agencies to procure through IFMIS and set aside 30% of the total procurement to special groups (youth, women and persons living with disability). However, a number of challenges were encountered arising from the rigidity of the e-procurement platform, lack of training for service providers, inadequate support from IFMIS department and intermittent shutting down of IFMIS system. Further, in regard to reservation policy, some of the bidders lacked capacity in terms of infrastructure, equipment and expertise.

8.2. LOOKING AHEAD: 2016 AND BEYOND

The commission will continue to execute its mandate in a bid to enhance service delivery in the public sector. Specifically, in 2016 the commission seeks to:-

- I. Automate the complaints handling system to increase accessibility and Efficiency in complaints handling.
- ii. Capacity building of more public officers at both county and national Government
- iii. Develop a complaint handling manual for public institutions
- iv. Partner with huduma kenya secretariat for allocation of space in the huduma Centres
- V. Partner with county governments to build their complaints handling capacity and service delivery
- Vi. Develop a complaint handling manual for public institutions
- Vii. Devolve its services to the counties through partnership with county Governments.
- Viii. Forge and nurture partnerships with other institutions for collaboration and Efficiency.

ANNEX 1: CAJ FINANCIAL STATEMENT

REPUBLIC OF KENYA

7

Telephone: +254-20-3342330
Fax: +254-20-3311482
E-mail: oag@oagkenya.go.ke
Website: www.kenao.go.ke



NAIROBI HUB
P.O. Box 30084-00100
NAIROBI

OFFICE OF THE AUDITOR-GENERAL

Ref: SA/CAJ/2014-2015/(14)

30 May 2016

Mr. Leonard Ngaluma, MBS
Accounting Officer/Chief Executive Officer,
Commission on Administrative Justice,
P. O. Box 20414-00200,
NAIROBI.

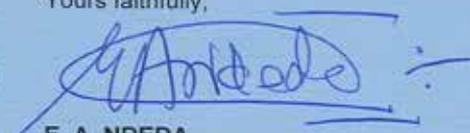


Dear

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE 2015

Enclosed herewith, please find two sets of the audited financial statements for the year ended 30 June 2015 for the Commission duly certified and with the seal of the Auditor-General affixed thereon for your use and retention.

Yours faithfully,


E. A. NDEDA
For: AUDITOR-GENERAL

Copy to: The Principal Secretary
The National Treasury
P. O. Box 30007
NAIROBI.

REPUBLIC OF KENYA

Telephone: +254-20-342330
Fax: +254-20-311482
E-mail: oag@oagkenya.go.ke
Website: www.kenao.go.ke



P.O. Box 30084-00100
NAIROBI

OFFICE OF THE AUDITOR-GENERAL

REPORT OF THE AUDITOR-GENERAL ON COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE 2015

REPORT ON THE FINANCIAL STATEMENTS

I have audited the accompanying financial statements of the Commission on Administrative Justice set out on pages 11 to 36, which comprises of statement of financial position as at 30 June, 2015, the statement of receipts and payments, statement of cash flows, statement of budget execution, summary statement of provisioning for the year then ended, and summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 8 of the Public Audit Act, 2003. 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.

Management's Responsibility for the Financial Statements

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 such 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.

The management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 7 of the Public Audit Act, 2003.

Auditor-General's Responsibility

My responsibility is to express an opinion on these financial statements based on the audit and report in accordance with the provisions of Section 9 of the Public Audit Act, 2003 and submit the audit report in compliance with Article 229(7) of the Constitution of Kenya. The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). Those standards require compliance with ethical requirements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of

the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my qualified audit opinion.

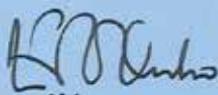
Basis for Qualified Opinion

Pending Bills

The Commission records as at 30 June 2015 reflect pending bills totaling Kshs.4,561,860.00 relating to 2014/2015 financial year. No reason has been provided for failure to clear the pending bills as at 30 June 2015 with the financial statements reflecting bank balances of Kshs.64,711,353 and recorded surplus of Kshs.10,744,222.40.

Qualified Opinion

In my opinion, except for the effects of the matter described in the Basis for Qualified Opinion paragraph, the financial statements present fairly, in all material respects the financial position of the Commission as at 30 June 2015, 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 Commission on Administrative Justice Act, 2011.



FCPA Edward R. O. Ouko, CBS
AUDITOR-GENERAL

Nairobi

27 May 2016

REPUBLIC OF KENYA

6



OFFICE OF THE AUDITOR-GENERAL



REPORT

OF

THE AUDITOR-GENERAL

ON

**THE FINANCIAL STATEMENTS OF
COMMISSION ON ADMINISTRATIVE JUSTICE**

**FOR THE YEAR ENDED
30 JUNE 2015**

THE COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of The Ombudsman"



'Hata Mnyonge Ana Haki'

THE COMMISSION ON ADMINISTRATIVE JUSTICE
REPORT AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2015

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

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

TABLE OF CONTENTS

I. KEY ENTITY INFORMATION AND MANAGEMENT	1
II. FORWARD BY THE CHAIRPERSON	6
III. STATEMENT OF ENTITY MANAGEMENT RESPONSIBILITIES	9
IV. REPORT OF THE INDEPENDENT AUDITORS	10
V. STATEMENT OF RECEIPTS AND PAYMENTS	11
VI. STATEMENT OF FINANCIAL POSITION	12
VII. STATEMENT OF CASH FLOW	13
VIII. STATEMENT OF BUDGET EXECUTION	14
IX. STATEMENT OF PROVISIONINGS	15
X. SIGNIFICANT ACCOUNTING POLICIES	16
XI. NOTES TO THE FINANCIAL STATEMENTS	18
XII. ANNEXES	33

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015 (Kshs'000)

I. KEY ENTITY INFORMATION AND MANAGEMENT

MEMBERS OF THE COMMISSION

NO.	NAME	POSITION
1.	Dr.Otiende Amollo	Chairperson
2.	Dr. Regina Mwatha	Vice Chairperson
3.	Saadia A. Mohamed	Commissioner
4.	Leonard S.Ngaluma	Commission Secretary

SENIOR MANAGEMENT STAFF

NO.	NAME	POSITION
1	Leonard S.Ngaluma	Commission secretary
2.	Daniel Karomo	Director, Finance, and Administration
3.	Yuvinalis Angima	Director, Legal and Advisory Services
4.	Ismail Maaruf	Director, Compliance and Risk
5.	Micah Nguli	Director, Research and Investigations
6.	Phoebe Nadupoi	Director, Advocacy and Communications
7.	Edward Okello	Special Advisor to the Chair
8.	Vincent Chahale	Senior Manager, Legal
9.	Daniel Ochung	Finance Manager
10.	Franklin Mutuma	Chief IT Officer

(a) Background information

The Commission on Administrative Justice (Office of the Ombudsman) is a Constitutional Commission established under Article 59 (4) and Chapter Fifteen of the Constitution, and the Commission on Administrative Justice Act, 2011.

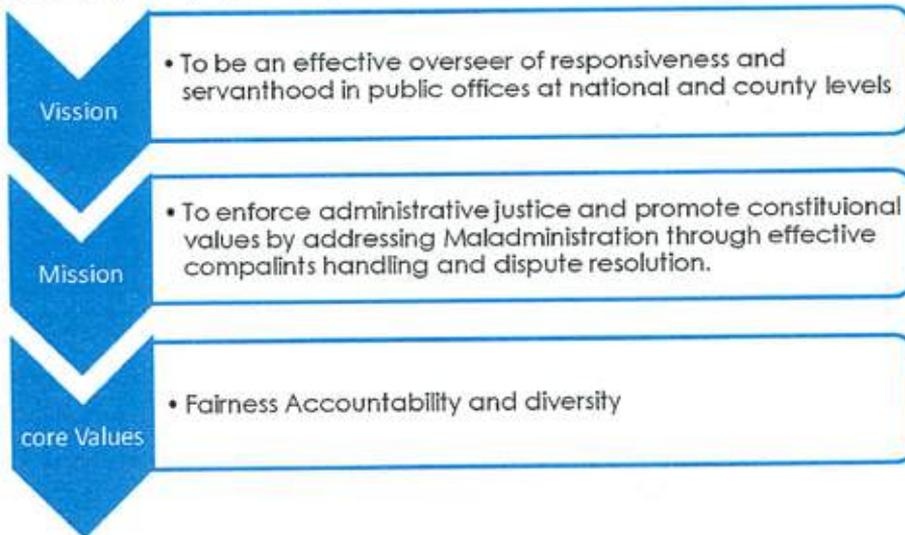
The Commission has a mandate, inter-alia, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Further, the Commission has a quasi-judicial mandate to deal with maladministration through conciliation, mediation and negotiation where appropriate.

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

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

Mandate

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



Key Strategic Objectives

1. To enhance responsiveness and effectiveness in the public sector in Kenya.
2. To strengthen the complaints handling capacity of public sector institutions.
3. To enhance public awareness and participation in matters of administrative Justice.
4. To improve standards of public administration and adherence to the rule of law.
5. To strengthen the capacity of CAJ to deliver on its mandate.

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

Strategic Programmes

The Commission has been able to utilize the limited resources to implement several programs some of which are listed below

1. An outreach programme to create awareness on administrative justice and the Commission's mandate through county visits,
2. Public interest litigation programme on matters of administrative justice and the rule of law,
3. Integrated Public Complaints Referral Mechanism (IPCRM) which is an electronic based system for referring complaints among various institutions,
4. Initiated, promoted and coordinated collaboration among Constitutional Commissions and Independent Offices in Kenya,
5. Initiated collaborations with key players in the chain of administrative justice and in particular the Judiciary, Kenya Prisons Service and the Independent Policing Oversight Authority (IPOA),
6. Forged partnerships and linkages with foreign ombudsman offices in Finland, Rwanda, Ghana and Canada.

Key Strategic Priorities

1. Creating public service that is responsive, accountable, efficient and fair in service delivery
2. Enhance public sector capacity to handle complains
3. Equip and educate Kenyans on matters of administrative justice
4. Constitutionalism and good governance in the conduct of state/public affairs.
5. Strengthened capacity of CAJ to deliver its mandate.

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

(b) Fiduciary Management

The key management personnel who held office during the financial year ended 30th June 2015 and who had direct fiduciary responsibility were:

No.	Designation	Name
1.	Accounting Officer	Mr. Leonard S.Ngaluma, MBS
2.	Director, Finance & Administration	Mr. Daniel Karomo
3.	Finance Manager	Mr. Daniel Ochung

(c) Head Office

P.O. Box 20414-00200
West End Towers
2nd floor Waiyaki Way – Westlands.
Nairobi, KENYA

Contacts

Telephone - +254 -20-2270000/2303000/2603765/2441211
Email: info@ombudsman.go.ke(for general enquiries)
Complains@ombusman.go.ke(for complaints)
Website: www.ombudsman.go.ke

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

(d) Entity Bankers

Central Bank of Kenya
Haile Selassie Avenue
P.O. Box 60000
City Square 00200
Nairobi, Kenya

(e) Independent Auditors

Auditor General
Kenya National Audit Office
Anniversary Towers, University Way
P.O. Box 30084
GOP 00100
Nairobi, Kenya

(f) Principal Legal Adviser

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

II. FORWARD BY THE CHAIRPERSON

The Commission on Administrative Justice is delighted to present the Annual Report and Financial Statements for the financial year ended 30 June 2015. This is the third financial report issued since the establishment of the Commission in November 2011.

The Commission is established by the Act pursuant to Article 59(4) of the Constitution. The primary mandate of the Commission is the traditional role of the Office of the Ombudsman as known and practiced in many countries worldwide.

Having assumed Office, the Commissioners embarked on the process of enhancing complains management at the Commission and strengthening the Institutional Framework to enable the Commission deliver on its mandate. The Commission re-designed ways and means of lodging complains in order to ensure efficient processing of complains. This has led to increased number of complains made to the Commission during the reporting period.

During the period under review, the Commission escalated its activities on complaints handling system in the Public Sector under the performance contracting indicator on resolution of public complains. This was intended to institutionalize complain handling in the public sector and to promote good governance. During the period under review, the Commission made great achievements towards fulfilling its mandate. Specifically, the Commission:-

- a. Handled 86,905 complaints whereby, 82% were resolved while 18% were carried forward. Compared to last year's 18,257, it is apparent that the number of complaints increased exponentially. The resolution rate also increased by 20%; from 62% in 2013/14 FY to 82% in 2014/15 FY. The positive change is attributed to increased public awareness created through vernacular radio stations, targeting the rural areas and increased appreciation of the Commission as an alternative avenue for redress.
- b. Increased access to Ombudsman Services by establishing two(2) more fully-fledged regional offices in Mombasa and Eldoret, while procurement of office space in Isiolo in the process. The Commission also deployed staff to various *Huduma* Centers namely; Kisii, Embu, Kakamega Eldoret, Nakuru, Kajiado and Nyeri. Through the outreach programme, services were also extended to thirteen (13) Counties namely; Bungoma, Kitui, Makeni, Meru, Muranga, Samburu, Tana River, Trans-Nzoia, Migori, Lamu, Siaya, Kajiado and Makeni. The Commission further conducted public awareness fora and spot-checks in various Government Ministries, Departments and Agencies (MDAs) in these Counties. Finally, it established Ombudsman Committees to reach the informal settlements in Mathare, Huruma's Mukuru Kwa Njenga, and Kangemi.
- c. Strengthened Complaint Handling Capacity in the Public Sector by training 1,859 public officers from 220 MDAs who were either in charge of or handled complaints in their respective organizations; developed new guidelines on the resolution of public complaints indicator, for the financial year 2014/2015. In addition, it certified 250 MDAs on Compliance with the new guidelines, as part of the wider public sector performance management.
- d. Conducted eleven (11) investigations and made recommendations on complaints regarding administrative justice, non-rapid responsiveness and systemic issues

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

affecting service delivery in the public sector. The investigations the following:- impropriety at the NSSF with regard to Tassia II infrastructural development; Abuse of office by senior public officers; investigations into the Barogoi police massacre; Use of excessive force by police officers; encroachment of Private land by the Embu County government; and improper conduct by other public officers involved in quelling demonstration at Langata road primary school.

- e. Promoted constitutionalism through issuance of advisory opinions on improvement of public administration. The advisories issued were in relations to; Expenditures by County Governments on foreign trips; Alternative Dispute Resolution for credit information sharing in Kenya; and an advisory on a directive issued to the County Commissioners requiring them to give a report on children suffering from HIV, guardians and care takers as well as expectant and lactating mothers. Several proposals were also made including review of legislation, codes of conduct, processes and procedures on various matters of national interest.
- f. Hosted the Second Regional Colloquium of African Ombudsman Institutions in February 2015 which focused on strengthening good governance as a prerequisite for a conducive environment for socio-economic and political development envisaged in Kenya's Vision 2030. Kenya was honored and unanimously elected as Secretary General of the African Ombudsman and Mediators Association (AOMA) and also to host the Secretariat. This was in recognition of the Commission's contribution towards strengthening administrative justice.
- g. Strengthened its human resource capacity by recruiting twenty one (21) additional officers in various departments and training of staff to sharpen their skills.

However in the course of discharging its mandate, the Commission experienced Institutional and Operational challenges which included:-

- a. **Impunity:** Failure by some Public Officers and Institutions to respond to the Commission's inquiries which is a major impediment to timely resolution of complaints. To address this, the Commission has revised the guidelines on resolution of public complaints, to enhance the rate of response to inquiries and implementation of its recommendations. It is also in the process of reviewing its legal framework with a view to entrench enforcement of the Commissions' recommendations.
- b. **Budgetary Constraint:** The Commission's budgetary allocation is not proportional to its wide mandate and the financial resources required to strengthen its human resource capacity. This inhibited the Commission from decentralizing its oversight role to the counties. This was further compounded by late approval and release of the revised estimates. In addition, the austerity measures which included a freeze on various items of expenditure and suspension of various procurement committees and which impacted negatively on implementation of some of the planned activities. To address this challenge, the Commission has embarked on sensitizing relevant parliamentary committees involved in the budget-making process. This would enable them appreciate the important role played by the Commission towards improvement of public services and the need to allocate more resources to enable it discharge its mandate effectively.

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

V. STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2014-2015	2013-2014
RECEIPTS			
Tax Receipts	1	-	-
Social Security Contribution	2	-	-
Proceeds from Domestic and Foreign Grants	3	-	-
Exchequer releases	4	363,420,000.00	297,300,000.00
Transfers from Other Government Entities	5	-	-
Proceeds from Domestic Borrowings	6	-	-
Proceeds from Foreign Borrowings	7	-	-
Proceeds from Sales of Assets	8	-	-
Reimbursements and Refunds	9	-	-
Returns of Equity Holdings	10	-	-
Other Receipts	11	518,319.00	17,000.00
TOTAL RECEIPTS		363,938,319.00	297,317,000.00
PAYMENTS			
Compensation of Employees	12	148,553,570.80	136,161,640.00
Use of Goods and Services	13	128,788,532.55	107,191,648.00
Subsidies	14	-	-
Transfers to Other Government Units	15	-	-
Other Grants and Transfers	16	-	89,648.00
Social Security Benefits	17	40,719,999.95	817,522.00
Acquisition of Assets	18	35,128,393.30	39,906,958.00
Finance Costs, including Loan Interest	19	-	-
Repayment of Principal on Domestic and Foreign Borrowing	20	-	-
Other payments	21	-	-
TOTAL PAYMENTS		353,190,496.60	284,167,416.00
SURPLUS		10,747,822.40	13,149,584.00

The accounting policies and explanatory notes to these financial statements form an integral part of the Financial statements. The financial statements were approved on _____ 2015 and signed by:


 Commission Secretary


 Director Finance & Administration

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

VI. STATEMENT OF FINANCIAL POSITION

	Note	2014-2015	2013-2014
		Kshs	Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	22A	64,711,353.25	17,414,441.00
Cash Balances	22B	29,807.80	231,923.00
Total Cash And Cash Equivalents		64,741,161.05	17,646,364.00
Accounts Receivables - Outstanding Imprest and Clearance Accounts	23	1,099,723.00	86,034.00
TOTAL FINANCIAL ASSETS		65,840,884.05	17,732,398.00
Financial Liabilities			
Accounts Payables - Deposits	24	41,928,548.65	4,567,885.00
NET FINANCIAL ASSETS		23,912,335.40	13,164,513.00
REPRESENTED BY			
Fund Balance b/fwd	25	13,164,513.00	15,157.00
Surplus/Deficit for the Year		10,747,822.40	13,149,585.00
Prior year adjustment			(229.00)
NET FINANCIAL POSITION		23,912,335.40	13,164,513.00

The accounting policies and explanatory notes to these financial statements form an integral part of the Financial statements. The financial statements were approved on _____ 2015 and signed by:



 Commission Secretary



 Director Finance & Administration

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

VII. STATEMENT OF CASH FLOW

	Note	2014-2015	2013-2014
		Kshs	Kshs
Receipts and operating income			
Tax Receipts	1	-	-
Social Security Contribution	2	-	-
Proceeds from Domestic and Foreign Grants	3	-	-
Exchequer releases	4	363,420,000.00	297,300,000.00
Transfers from Other Government Entities	5	-	-
Reimbursements and Refunds	9	-	-
Returns of Equity Holdings	10	-	-
Other Receipts	11	518,319.00	17,000.00
Payments for Operating Expenses			
Compensation of Employees	12	(148,553,570.80)	(136,161,640.00)
Use of goods and Services	13	(128,788,532.55)	(107,191,648.00)
Subsidies	14	-	-
Transfers to Other Government Units	15	-	-
Other Grants and Transfers	16	-	(89,648.00)
Social Security Benefits	17	(40,719,999.95)	(817,522.00)
Finance Costs, including Loan Interest	19	-	-
Other payments	21	-	-
Adjusted for :			
Changes in Payables		37,360,663.65	4,567,885.00
Prior year adjustments		-	(228.00)
Net Cash From Operating Activities	A	83,236,879.35	57,624,199.00
Cash Flow From Investing Activities			
Proceeds from Sales of Assets	8	-	-
Acquisition of Assets	18	(35,128,393.30)	(39,906,958.00)
Net Cash Flow From Investing Activities	B	(35,128,393.30)	(39,906,958.00)
Cash Flow From Borrowing Activities			
Proceeds from Domestic Borrowings	6	-	-
Proceeds from Foreign Borrowings	7	-	-
Repayment of Principal on Domestic and Foreign Borrowing	20	-	-
Net Cash Flow From Financing Activities	C	-	-
NET INCREASE IN CASH AND CASH EQUIVALENT	A+B+C	48,108,486.05	17,717,241.00
Cash and Cash Equivalent at BEGINNING of The Year		17,732,399.00	15,157.00
Cash and Cash Equivalent at END of The Year	22A+22B+23	65,840,885.05	17,732,398.00


 Commission Secretary


 Director Finance & Administration

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

VIII. STATEMENT OF BUDGET EXECUTION

VIII. STATEMENT OF BUDGET EXECUTION

	Note	Printed Estimate	Reallocation / Transfer	Supplementary Estimates	Final Approved Estimate (Net)	Actual	Budget Utilization Differences	% of Utilization
		a	b	c	D=a+b+c	e	f=d-e	g=e/d%
RECEIPTS								
Tax Receipts	1	-	-	-	-	-	-	0%
Social Security Contribution	2	-	-	-	-	-	-	0%
Proceeds from Domestic and	3	-	-	-	-	-	-	0%
Exchequer releases	4	-	-	-	-	363,420,000.00	(363,420,000.00)	0%
Transfers from Other Government	5	-	-	-	-	-	-	0%
Proceeds from Domestic Borrowings	6	-	-	-	-	-	-	0%
Proceeds from Foreign Borrowings	7	-	-	-	-	-	-	0%
Proceeds from Sales of Assets	8	-	-	-	-	-	-	0%
Reimbursements and Refunds	9	-	-	-	-	-	-	0%
Returns of Equity Holdings	10	-	-	-	-	-	-	0%
Other Receipts	11	-	-	518,319.00	518,319.00	518,319.00	-	100%
Total		-	-	518,319.00	518,319.00	363,938,319.00	(363,420,000.00)	100%
PAYMENTS								
Compensation of Employees	12	140,000,000.00	-	19,500,000.00	159,500,000.00	148,553,570.80	10,946,429.20	93%
Use of goods and Services	13	155,565,500.00	(2,652,960.00)	(2,753,649.00)	150,158,891.00	128,788,532.55	21,370,358.45	86%
Subsidies	14	-	-	-	-	-	-	0%
Transfers to Other Government Units	15	-	-	-	-	-	-	0%
Other Grants and Transfers	16	-	-	-	-	-	-	0%
Social Security Benefits	17	40,720,000.00	-	-	40,720,000.00	40,719,999.95	0.05	100%
Acquisition of Assets	18	38,200,000.00	2,652,960.00	3,271,968.00	44,124,928.00	35,128,393.30	8,996,534.70	80%
Finance Costs, including Loan	19	-	-	-	-	-	-	0%
Repayment of Principal on Domestic	20	-	-	-	-	-	-	0%
Other payments	21	-	-	-	-	-	-	0%
Total		374,485,500.00	-	20,018,319.00	394,503,819.00	353,190,496.60	41,313,322.40	90%

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The financial statements were approved on _____ 2015 and signed by:


 Commission Secretary


 Director Finance & Administration

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

IX. STATEMENT OF PROVISIONINGS

	Economic Item	2014-2015	2013-2014
Details of General Accounts on Vote			
GAV Provisioning account balance	9999998 - Vote Control Account	30,565,500.00	40,827.00
Detail of Exchequer Account			
Exchequer Provisioning account Balance	9910201 - Exchequer Releases/ Provisioning Account	363,420,000.00	297,300,000.00
		393,985,500.00	297,340,827.00

The accounting policies and explanatory notes to these financial statements form an integral part of the Financial Statements. The financial statements were approved on _____ 2015 and signed by:



 Commission Secretary



 Director Finance & Administration

X. 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 and comply with International Public Sector Accounting Standards (IPSAS) with particular emphasis on Cash Basis Financial Reporting under the Cash Basis of Accounting and applicable government legislations and regulations. The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board of Kenya.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the Commission. The accounting policies adopted have been consistently applied to all the years presented.

The financial statements have been prepared on the cash basis following the Government's standard chart of accounts.

2. Recognition of revenue and expenses

The Commission recognises all revenues from the various sources when the event occurs and the related cash has actually been received by the Commission. In addition, the Commission recognises all expenses when the event occurs and the related cash has actually been paid out by the Commission.

3. 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 revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

4. 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.

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Reports and Financial Statements

For the year ended June 30, 2015

5. Accounts Receivable

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

6. Accounts Payable

For the purposes of these financial statements, deposits and retentions held on behalf of third parties has been recognized 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.

7. Non-current assets

Non-current assets are expensed at the time of acquisition while disposal proceeds are recognized as receipts at the time of disposal. However, the acquisitions and disposals are reflected in the entity fixed asset register a summary of which is provided as a memorandum to these financial statements.

8. 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 are 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. Pending bill form a first charge to the subsequent year budget and when they are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

9. Budget

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. The Commission's budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the Commission's actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

10. Comparative figures

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

11. Subsequent events

Events subsequent to submission of the financial year end financial statements to the National Treasury and other stakeholders with a significant impact on the financial statements may be adjusted with the concurrence of National Treasury.

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

XI. NOTES TO THE FINANCIAL STATEMENTS

1 Tax Receipts

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Taxes on Income, Profits and Capital Gains	1110000	-	-
Taxes on Payroll and Workforce	1120000	-	-
Taxes on Property	1130000	-	-
Taxes on Goods and Services	1140000	-	-
Taxes on International Trade and Transactions	1150000	-	-
Other Taxes (not elsewhere classified)	1160000	-	-
TOTAL		-	-

2 Social Security Contribution

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Health Insurance Contribution	1210100	-	-
NHIF Health Insurance Contributions	1210200	-	-
Contributions from Govt. Employees for Social & Welfare Schemes	1210300	-	-
TOTAL		-	-

3 Proceeds from Domestic and Foreign Grants

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Grants from Foreign Governments	1310000	-	-
Grants from International Organisations	1320000	-	-
TOTAL		-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

4 Exchequer releases

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Exchequer Releases/ Provisioning Account	9910201	363,420,000.00	297,300,000.00
TOTAL		363,420,000.00	297,300,000.00

5 Transfers from Other Government Entities

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Grants received by Central Govt from General Govt units	1330100	-	-
Grants Received from General Govt units by Local Authorities	1330200	-	-
Grants to Fund Accounts from Central Govt Budget	1330300	-	-
Grants to other General Govt units from General Govt units	1330400	-	-
TOTAL		-	-

6 Proceeds from Domestic Borrowings

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Borrowing within General Government	5110100	-	-
Borrowing from Monetary Authorities (Central Bank)	5110200	-	-
Other Domestic Depository Corporations (Commercial Banks)	5110300	-	-
Borrowing from Other Domestic Financial Institutions	5110400	-	-
Borrowing from Other Domestic Creditors	5110500	-	-
TOTAL		-	-

7 Proceeds from Foreign Borrowings

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
	5120100	-	-
Foreign Borrowing-Direct Payments	5120200	-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Reports and Financial Statements

For the year ended June 30, 2015

Foreign Currency and Foreign Deposits	5120300	-	-
Other Foreign Accounts Payable	5120400	-	-
TOTAL		-	-

8 Proceeds from Sales of Assets

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Receipts from the Sale of Buildings - Paid to Exchequer	3510100	-	-
Receipts from the Sale of Buildings	3510200	-	-
Receipts from sale of other st	3510300	-	-
Receipts from sale of other st	3510400	-	-
Receipts from the Sale of Vehicles and Transport Equipment - Paid to Exchequer	3510500	-	-
Receipts from the Sale of Vehicles and Transport Equipment	3510600	-	-
Receipts from the Sale of Plant Machinery and Equipment - Paid to Exchequer	3510700	-	-
Receipts from the Sale Plant Machinery and Equipment	3510800	-	-
Receipts from Sale of Certified Seeds and Breeding Stock - Paid to Exchequer	3510900	-	-
Receipts from Sale of Certified Seeds and Breeding Stock	3511000	-	-
Receipts from the Sale of Strategic Reserves Stocks	3520100	-	-
Receipts from the Sale of Other Inventories, Stocks, and Commodities	3520200	-	-
Receipts from the Sale of Inventories, Stocks and Commodities	3520300	-	-
Receipts from the Sale of Land	3540100	-	-
Receipts from the Sale of Other Naturally Occurring Non-Produced Assets	3540200	-	-
Receipts from the Sale of Intangible Non-Produced Assets	3540300	-	-
Receipts from the Sale of Non-Produced Assets Collected as AIA	3540400	-	-
Repayments from Loans to Government Agencies and Other Levels of Government	4510100	-	-
Loans to Non-Financial Public Enterprises	4510200	-	-
Loans to Financial Institutions	4510300	-	-
Repayments from Domestic Loans to Individuals and Households	4510400	-	-
Repayments from lending to Foreign Govts.	4520100	-	-
Repayments from lending to International Orgns.	4520200	-	-
Repayments from lending to Foreign Non - Financial Enterps. & Financial Instns.	4520300	-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Reports and Financial Statements

For the year ended June 30, 2015

Repayments from Other Foreign Lending	4520400	-	-
Sales and Disposals of Equity Holdings in Domestic Public Non - Financial Enterprises	4530100	-	-
Sales and Disposals of Equity Holdings in Domestic Public Financial Institutions	4530200	-	-
Sales and Disposals of Other Equity Holdings	4530300	-	-
Sales and Disposals of Equity Holdings in Foreign Financial Instns. and Domestic Financial Instns. operating abroad	4530400	-	-
Sales and Disposals of Equity Holdings in Foreign Enterps. Financial Instns. and Domestic Financial Instns. operating abroad	4530500	-	-
Redemption/ Disposal of Other Financial Assets	4530600	-	-
Refund of Bonds paid as Deposits for Guarantees	4530700	-	-
TOTAL		-	-

9 Reimbursements and Refunds

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Refund from World Food Programme (WFP)	4540101	-	-
Reimbursement of Audit Fees	4540102	-	-
Reimbursement on Messing Charges (UNICEF)	4540103	-	-
Reimbursement from World Bank - ECD	4540104	-	-
Reimbursement from Individuals and Private Organizations	4540105	-	-
Reimbursement from Local Government Authorities	4540106	-	-
Reimbursement from Statutory Organizations	4540107	-	-
Reimbursement within Central Government	4540108	-	-
Reimbursement Using Bonds	4540109	-	-
Reimbursements and Refunds - Other (Budget)	4540199	-	-
TOTAL		-	-

10 Returns of Equity Holdings

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

Returns of Equity Holdings	4550000	-	-
Returns of Equity Holdings	4610000	-	-
TOTAL		-	-

11 Other Receipts

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Interest Received	1410100	-	-
Profits and Dividends	1410200	-	-
Withdrawals from Income of Quasi-corporations	1410300	-	-
Rents on land, houses and buildings	1410400	-	-
Other Property Income collected as AIA	1410500	-	-
Sales of Market Establishment	1420100	-	-
Administrative Fees and Charges	1420200	-	-
Administrative Fees and Charges collected as AIA	1420300	-	-
Incidental Sales by Non-Market Establishments	1420400	-	-
Incidental Sales by Non-Market Establishments Collected as AIA	1420500	-	-
Receipts from Sale of Incidental Goods	1420600	41,000.00	17,000.00
Fines, Penalties, Forfeitures and other Charges	1430100	-	-
Current Grants from International NGOs paid through Exchequer	1440100	-	-
Capital Grants from International NGOs paid through Exchequer	1440200	-	-
Current Grants from International NGOs collected as AIA	1440300	-	-
Capital Grants from International NGOs collected as AIA	1440400	-	-
Other Voluntary Transfers for Current purposes	1440500	-	-
Other Voluntary Transfers for Capital purposes	1440600	-	-
Paid to Exchequer	1450100	-	-
Receipts Not Classified Elsewhere	1450200	477,319.00	-
	1510200	-	-
	1510300	-	-
	1520100	-	-
Business Permits	1520200	-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

Cesses	1520300	-	-
Poll Rates	1520400	-	-
Plot Rents	1520500	-	-
Other Local Levies	1520600	-	-
Administrative Services Fees	1530100	-	-
Various Fees	1530200	-	-
Councils' Natural Resources Exploitation	1530300	-	-
Sales Of Council Assets	1530400	-	-
Lease / Rental Of Councils' Infrastructure Assets	1530500	-	-
Other Miscellaneous Revenues	1530600	-	-
Other Miscellaneous Revenues	1540100	-	-
Insurance Claims Recovery	1540200	-	-
Medium Term Loans (1-3 Yr Repayment)	1540300	-	-
Long Term Loans (Over 3 Yr. Repayment)	1540400	-	-
Transfers From Reserve Funds	1540500	-	-
Donations	1540600	-	-
Fund Raising Events	1540700	-	-
Other Revenues From Financial Assets Loan	1540800	-	-
Market/Trade Centre Fee	1550100	-	-
Vehicle Parking Fees	1550200	-	-
Housing	1560100	-	-
Social Premises Use Charges	1560200	-	-
School Fees	1570100	-	-
Other Education-Related Fees	1570200	-	-
Other Education Revenues	1570300	-	-
Public Health Services	1580100	-	-
Public Health Facilities Operations	1580200	-	-
Environment & Conservancy Administration	1580300	-	-
Slaughter Houses Administration	1580400	-	-
Water Supply Administration	1580500	-	-
Sewerage Administration	1580600	-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Reports and Financial Statements

For the year ended June 30, 2015

Other Health & Sanitation Revenues	1580700	-	-
Technical Services Fees	1590100	-	-
External Services Fees	1590200	-	-
System Required Revenue A/cs	1990100	-	-
TOTAL		518,319.00	17,000.00

12 Compensation of Employees

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Basic Salaries - Permanent Employees	2110100	115,462,432.85	99,556,323.00
Basic Wages - Temporary Employees	2110200	-	-
Personal Allowances paid as part of Salary	2110300	32,782,257.95	36,443,637.00
Personal Allowances paid as Reimbursements	2110400	-	-
Personal Allowances provided in Kind	2110500	-	-
Employer Contributions to Compulsory National Social Security Schemes	2120100	308,880.00	161,680.00
Employer Contributions to Compulsory Health Insurance Schemes	2120200	-	-
USE OF GOODS AND SERVICES	2120300	-	-
TOTAL		148,553,570.80	136,161,640.00

13 Use of goods and Services

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Utilities, Supplies and Services	2210100	2,815,921.10	1,356,160.00
Communication, Supplies and Services	2210200	9,181,382.90	6,340,383.00
Domestic Travel and Subsistence, and Other Transportation Costs	2210300	11,005,963.70	5,979,990.00
Foreign Travel and Subsistence, and other transportation costs	2210400	4,555,123.25	7,987,271.00
Printing, Advertising and Information Supplies and Services	2210500	7,843,368.80	12,587,417.00
Rentals of Produced Assets	2210600	38,752,956.70	33,174,483.00
Training Expenses	2210700	5,901,293.10	3,456,512.00
Hospitality Supplies and Services	2210800	5,067,612.00	3,774,599.00
Insurance Costs	2210900	14,908,480.85	14,396,180.00

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

Specialised Materials and Supp	2211000	486,000.00	-
Office and General Supplies and Services	2211100	6,685,938.60	4,629,064.00
Fuel Oil and Lubricants	2211200	5,646,034.00	3,192,202.00
Other Operating Expenses	2211300	9,680,175.80	5,179,141.00
Routine Maintenance - Vehicles	2220100	5,112,787.15	4,298,432.00
Routine Maintenance - Other Assets	2220200	1,145,494.80	839,814.00
Exchange Rate Losses	2230100	-	-
TOTAL		128,788,532.55	107,191,648.00

14 Subsidies

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Subsidies to Public Corporations	2510000	-	-
Subsidies to Private Enterprises	2520000	-	-
TOTAL		-	-

15 Transfers to Other Government Units

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Current Grants to Government Agencies and other Levels of Government	2630100	-	-
Capital Grants to Government Agencies and other Levels of Government	2630200	-	-
Other Current Transfers, Grants and Subsidies	2640400	-	-
Other Capital Grants and Trans	2640500	-	-
Exchequer Provisions	9910200	-	-
	9910300	-	-
TOTAL		-	-

16 Other Grants and Transfers

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Grants and Transfers to Foreign Governments	2610100	-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

Membership Fees and Dues and Subscriptions to International Organizations	2620100	-	-
Membership Fees and Dues and Subscriptions to International Organizations (Continued)	2620200	-	-
Scholarships and other Educational Benefits	2640100	-	-
Emergency Relief and Refugee Assistance	2640200	-	-
Capital Transfers to Non-Profit & Associations	2640500	-	89,648.00
	2649900	-	-
TOTAL		-	89,648.00

17 Social Security Benefits

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Government Pension and Retirement Benefits	2710100	40,719,999.95	817,522.00
Social Security Benefits	2710200	-	-
Employer Social Benefits	2710300	-	-
Refund of Pension to UK Government	2720100	-	-
	2720200	-	-
TOTAL		40,719,999.95	817,522.00

18 Acquisition of Assets

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Purchase of Buildings	3110100	-	-
Construction of Building	3110200	-	-
Refurbishment of Buildings	3110300	14,927,832.10	32,478,858.00
Construction of Roads	3110400	-	-
Construction and Civil Works	3110500	-	-
Overhaul and Refurbishment of Construction and Civil Works	3110600	-	-
Purchase of Vehicles and Other Transport Equipment	3110700	19,086,296.00	-
Overhaul of Vehicles and Other Transport Equipment	3110800	-	-
Purchase of Household Furniture and Institutional Equipment	3110900	-	-
Purchase of Office Furniture and General Equipment	3111000	881,093.00	7,428,100.00

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Reports and Financial Statements

For the year ended June 30, 2015

Purchase of Specialised Plant, Equipment and Machinery	3111100	233,172.20	-
Rehabilitation and Renovation of Plant, Machinery and Equipment	3111200	-	-
Purchase of Certified Seeds, Breeding Stock and Live Animals	3111300	-	-
Research, Feasibility Studies, Project Preparation and Design, Project Supervision	3111400	-	-
Rehabilitation of Civil Works	3111500	-	-
Purchase of Specialised Plant	3112200	-	-
Acquisition of Strategic Stocks	3120100	-	-
Acquisition of Other Inventori	3120200	-	-
Acquisition of Land	3130100	-	-
Acquisition of Other Intangible Assets	3130200	-	-
TOTAL		35,128,393.30	39,906,958.00

19 Finance Costs, including Loan Interest

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Interest Payments on Foreign Borrowing	2410100	-	-
Interest Payments on Guaranteed Debt	2410200	-	-
Interest on Domestic Borrowing	2420000	-	-
Interest on Borrowing From Other Government Units	2430000	-	-
TOTAL		-	-

20 Repayment of Principal on Domestic and Foreign Borrowing

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Repayments on Borrowings from Domestic	5510000	-	-
Repayments on Borrowings from General Government	5510100	-	-
Repayments on Borrowings from Monetary Authorities (Central Bank)	5510200	-	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Reports and Financial Statements

For the year ended June 30, 2015

Repayments on Borrowings from Other Domestic Depository Corporations (Commercial Banks)	5510300	-	-
Repayments on Borrowings from Other Domestic Financial Institutions	5510400	-	-
Repayments on Borrowings from Other Domestic Creditors	5510500	-	-
Principal Repayments on Foreign Borrowing	5510600	-	-
Principal Repayments on Guaranteed Debt Taken over by Government	5520000	-	-
Principal Repayments on Guaranteed Domestic Debt Taken over by Government	5520100	-	-
Principal Repayments on Guaranteed Foreign Debt Taken over by Government	5520200	-	-
Repayments on Borrowings from Other Domestic Creditors	5610000	-	-
Repayments on Borrowings from Other Domestic Creditors - Private Enterprises	5610500	-	-
	5620000	-	-
Repayments on Borrowings from Other Domestic Creditors - Public Enterprises	5620100	-	-
TOTAL		-	-

21 Other payments

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Budget Reserves	2810100	-	-
Civil Contingency Reserves	2810200	-	-
Capital Transfer to Non-Financial Public Enterprises	2820100	-	-
Capital Transfer to Public Financial Institutions and Enterprises	2820200	-	-
Capital Transfer to Private Non-Financial Enterprises	2820300	-	-
System Required Expenses	2990100	-	-
	2999900	-	-
TOTAL		-	-

22A Bank Balances

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Special Accounts	6510000	-	-
Treasury Bank Accounts	6520000	-	-
Recurrent Bank Accounts	6530000	22,782,804.60	12,846,556.00

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

Development Bank Accounts	6540000	-	-
Deposit Bank Account	6550000	41,928,548.65	4,567,885.00
Project Specific Bank Accounts	6570000	-	-
Foreign Currency and Foreign D	6590101	-	-
TOTAL		64,711,353.25	17,414,441.00

22B Cash Balances

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Cash in Hand	6580000	29,807.80	231,923.00
Foreign Currency and Foreign D	6590201	-	-
TOTAL		29,807.80	231,923.00

23 Accounts Receivables - Outstanding Imprest and Clearance Accounts

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Domestic Debtors & Advances	6710000	493,062.50	-
Debtors & Advances - Govt Owne	6720000	-	-
Foreign Debtors & Advances	6730000	-	-
Other Debtors & Pre-payments	6740000	-	-
Government Imprests	6760000	606,660.50	33,904.00
Agency Accounts	6770000	-	-
Suspense & Clearance Account	6780000	-	52,130.00
Other Current Assets (System r	6790000	-	-
TOTAL		1,099,723.00	86,034.00

24. ACCOUNTS PAYABLE

Item Description	Item code	2014-2015	2013-2014
		Kshs	Kshs
Other Liabilities - Contractors Retention fees	7320000	4,831,459.00	4,567,885.00
Staff gratuity	7380000	37,097,089.65	-

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

System Required Liabilities A/cs	7390000	-	-
TOTAL		41,928,548.65	4,567,885.00

25. FUND BALANCES BROUGHT FORWARD

Item Description	Item Code	2014-2015	2013-2014
		Kshs	Kshs
Opening Balance Bank	9990101	12,846,556.00	-
Opening Balance Cash	9990201	231,923.00	15,157.00
Opening Balance Receivables - Imprest and Clearance Accounts	9990301	88,034.00	-
Opening Balance - Deposits	9990401	-	-
TOTAL		13,164,513.00	15,157.00

The accounting policies and explanatory notes to these financial statements form an integral part of the Financial Statements. The financial statements were approved on _____ 2015 and signed by:



 Commission Secretary



 Director Finance & Administration

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

I.

26. OTHER IMPORTANT DISCLOSURES

26.1: PENDING ACCOUNTS PAYABLE (See Annex 1)

	<u>2014-2015</u>	<u>2013-2014</u>
Construction of buildings	-	-
Construction of civil works	-	4,567,885.00
Supply of goods	775,960.00	-
Supply of services	3,785,900.20	-
	<u>4,561,860.20</u>	<u>4,567,885.00</u>

26.2: PENDING STAFF PAYABLES (See Annex 2)

	2014-2015	2013-2014
Senior management	-	-
Middle management	-	-
Unionisable employees	-	-
Others (<i>specify</i>)	-	-
	<u>-</u>	<u>-</u>

26.3: OTHER PENDING PAYABLES (See Annex 3)

	2014-2015	2013-2014
Amounts due to National Government entities	-	-
Amounts due to County Government entities	-	-
Amounts due to third parties	-	-
Others (<i>specify</i>)	-	-
	<u>-</u>	<u>-</u>

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

27 PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor. We have nominated focal persons to resolve the various issues as shown below with the associated time frame within which we expect the issues to be resolved.

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

Guidance Notes:

- (i) Use the same reference numbers as contained in the external audit report;
- (ii) Obtain the “Issue/Observation” and “management comments”, required above, from final external audit report that is signed by Management;
- (iii) Before approving the report, discuss the timeframe with the appointed Focal Point persons within your entity responsible for implementation of each issue;
- (iv) Indicate the status of “Resolved” or “Not Resolved” by the date of submitting this report to National Treasury.


 Commissioner Secretary


 Director, Finance & Administration

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

XII. ANNEXES

ANNEX 1 - ANALYSIS OF PENDING ACCOUNTS PAYABLE

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2015	Outstanding Balance 2014	Comments
	a	b	c	d-a-c		
Construction of buildings						
Sub-Total						
Construction of civil works					4,567,885.00	
Sub-Total	775,960.00			775,960.00		
Supply of goods						
Sub-Total	775,960.00			775,960.00		
Supply of services	3,785,900.20		nil	3,785,900.20		
Sub-Total	3,785,900.20			3,785,900.20	4,567,885.00	
Grand Total	4,561,860.20			4,561,860.20	4,567,885.00	

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

ANNEX 2 - ANALYSIS OF PENDING STAFF PAYABLES

Name of Staff	Job Group	Original Amount	Date Payable Contracted	Amount Paid To-Date	Outstanding Balance 2015	Outstanding Balance 2014	Comments
		a	b	c	d-e-c		
Senior Management							
Sub-Total							
Middle Management							
Sub-Total							
Unionisable Employees							
Sub-Total							
Others (specify)							
Sub-Total							
Grand Total							

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015 (Kshs'000)

ANNEX 3 - ANALYSIS OF OTHER PENDING PAYABLES

Name	Brief Transaction Description	Original Amount	Date Payable Contracted		Amount Paid To-Date	Outstanding Balance 2015	Outstanding Balance 2014	Comments
			a	b				
Amounts due to National Govt Entities								
	Sub-Total							
Amounts due to County Govt Entities								
	Sub-Total							
Amounts due to Third Parties								
	Sub-Total							
Others (specify)								
	Sub-Total							
	Grand Total							

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Reports and Financial Statements
For the year ended June 30, 2015

ANNEX 4 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost (Kshs) 2014/15	Historical Cost (Kshs) 2013/14
Land	-	-
Buildings and structures	-	-
Transport equipment	45,186,296.00	29,520,000.00
Office equipment, furniture and fittings	9,478,297.00	10,300,000.00
ICT Equipment, Software and Other ICT Assets	12,000,000.00	
Other Machinery and Equipment	6,290,300.00	-
Heritage and cultural assets	-	-
Intangible assets	-	-
Total	72,954,893.00	39,820,000.00

MEMBERS OF THE COMMISSION ON ADMINISTRATIVE JUSTICE



Chair/Ombudsman
Cmmr. Otiende Amollo,
EBS



Vice Chairperson
Cmmr. Dr. Regina Mwatha, MBS



Commissioner
Cmmr. Saadia Mohamed, OGW,
MBS



Commission Secretary
Mr. Leonard Ngaluma, MBS