

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



Hata Mnyonge ana Haki0

SENTENCED TO POVERTY AT SUNSET

**AN INVESTIGATION REPORT ON SYTEMIC ISSUES INHERENT IN THE PAYMENT OF
PENSIONS, GRATUITY AND OTHER BENEFITS**

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Foreword

The Commission on Administrative Justice, undertook a Systemic Investigation into the issues relevant to payment of pensions, gratuities and other benefits to retired public officers, pursuant to its mandate under section 8 (d) of the Commission on Administrative Justice (CAJ) Act 2011.

The investigation was prompted by the more than 183 complaints the Commission had received on the subject by the year 2012. The complaints which accounted for 20% of all the complaints received in 2015, related to unresponsiveness, discourtesy, inefficiency, delay, refusal to pay, discrimination and abuse of power in the processing of retirement benefits.

The systemic investigation looked into the processes, administrative procedures and legal framework operational in the payment of retirement benefits. Specifically the factors causing delay in processing and payment of retirement benefits, reasons for non-payment of retirement benefits, level of awareness on requirements for processing retirement benefits and the level of decentralization of services by the respective departments.

The preparation of this report was informed by interviews and the administration of questionnaires to public officers, retirees and beneficiaries drawn from 24 Counties selected randomly from the 47 Counties in Kenya. In addition, more information was obtained through focus group discussions with relevant respondents.

The investigations confirmed delay and non-payment of retirement benefits. The delay ranged from less than a year to over ten years. Some of the key noted systemic issues causing delay and non-payment of benefits include; poor records management, centralization of services, bureaucratic processes, complex procedures, rigid system and corruption.

The Commission has made appropriate recommendations to the relevant authorities for necessary action based on the findings and conclusions drawn from the investigation. The full implementation of the recommendations herein will ensure that the services of paying pensions, gratuities and other benefits are efficient, transparent and accessible to retirees and beneficiaries.

Signed this.....day of January, 2016

Dr. Otiende Amollo, EBS
Chairperson of the Commission on Administrative Justice
(Office of the Ombudsman)

Preamble

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.

In addition to Article 252 (1) (a) of the Constitution of Kenya 2010, Sections 26, 27, 28 and 29 of the CAJ Act give the Commission 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.

Under Section 31 of its Act, CAJ has powers not limited by other provisions to investigate an administrative action despite a provision in any written law to the effect that the action taken is final or cannot be appealed, challenged, reviewed, questioned or called in question.

After concluding an investigation/inquiry, the Commission is required under Section 42 of its constitutive Act, to make a report to the state organ, public office or organization to which the investigation relates. The report shall include the findings of the investigation, remedial action recommended by the Commission and reasons thereof.

CAJ may upon an inquiry into a complaint, undertake such other action as it may deem fit against a concerned person or persons where the inquiry discloses a criminal offence as provided for under Section 41 of the CAJ Act.

Section 8 (g) of the CAJ Act gives the Commission power to recommend compensation or other appropriate remedies against persons or bodies to which the Act applies.

As stated in Section 42 (4) of the CAJ Act, if there is failure or refusal to implement the recommendations of the Commission within the specified time, the Commission may prepare and submit to the National Assembly a report detailing the failure or refusal to implement its recommendations for the National Assembly to take appropriate action against the state organ, public office or organization that was the subject of investigations..

Further, Article 59(2) (j) of the Constitution of Kenya, 2010 empowers the Commission to report to the National Assembly on complaints investigated under paragraph (h) and (i) and take remedial action.

Section 52 (b) and (d) of the CAJ Act 2011, provides that a person who knowingly submits false or misleading information to a member of staff of the Commission commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or both.

This report has been divided into five parts as follows:

Part I: Introduction

- Introduction to the Investigations.
- Investigations Strategy.
- Normative Framework.

Part II: Factors causing delay and non-payment of benefits

Part III: Systemic and Human factors relevant to the payment of benefits

Part IV: Consequential observations.

Part V: Conclusion and Recommendations.

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Acronyms and Abbreviations

AG	Attorney General
CAJ	Commission on Administrative Justice
FGDs	Focus Group Discussions
GDP	Gross Domestic Product
NHIF	National Hospital Insurance Fund
NSSF	National Social Security Fund
RBA	Retirement Benefits Authority
SACCO	Savings and Credit Cooperative Organization
SMS	Short Message Service
TSC	Teachers Service Commission
WCPS	Widows, Children's Pension Scheme
WIBA	Widows' and Children's Benefit Act Cap 195

Executive summary

The Commission on Administrative Justice (CAJ) undertook a Systemic Investigations into systemic issues relevant to the payment of pensions, gratuities and other retirement benefits pursuant to Section 8 of the CAJ Act, 2011. The investigation was prompted by over 183 complaints received by the Commission on the subject by 2012. The complaints on payment of benefits accounted for 20% of all the complaints received by the Commission by 2015.

The Commission sought to establish the systemic factors that occasion the delay in payment of retirement benefits, the level of awareness on requirements for processing retirement benefits and the level of decentralization of services by the relevant departments.

The investigation covered 24 out of the 47 counties in Kenya and collected data from a total of **852** respondents comprising of 716 members of the public (retirees and beneficiaries) and 136 public officers through face to face interviews, questionnaires and focus group discussions.

The public officers interviewed included 20 County Commissioners, 16 Assistant County Commissioners, 32 Chiefs, 8 Assistant Chiefs, 12 Clerical Officers, 15 Accountants, 2 Records Officers, 7 Human Resources Officers, 4 Pension Officers, 3 Public Trustee officers and 11 NSSF officials.

Among the retirees and beneficiaries interviewed, 559 (78.1%) were male and 157 (21.9%) female. 557 of the respondents (77.8%) were pensioners or retirees, 119 were beneficiaries/dependents while 19 were relatives and friends.

Findings:

Delay in the processing and payment of retirement benefits

CAJ confirmed that there was delay in the processing and payment of retirement benefits as indicated by 353 (61.1%) respondents. The delay in processing and paying benefits ranged from one year to over 10 years as stated by 203 (57.5%) of the interviewed retirees and beneficiaries. Six respondents (1.7%) stated that payment of their benefits took over 10 years.

Reasons for delay in the processing and payment of benefits

The reasons for delay in the processing and payment of benefits included missing files or wrong documentation/poor records management, delay by the employer to submit relevant documents to the Pensions Department. Majority of the interviewed retirees (194) (27.1%) stated that they were not given the reasons for delay in the processing and payment of their retirement benefits by the pension officers.

Reasons for non-payment payment of benefits

Corruption among the public officers involved in the payment process was cited by 183 respondents (25.6%) as the main reason for non-payment of benefits followed by lack knowledge and information on the processing of benefits with 134 (18.7%) respondents, complex process with 101 respondents (14.1%), lack of supporting documents with 90 respondents (12.5%) and long distances to the processing offices as cited by 62 respondents (8.7%).

Level of awareness on requirements for processing retirement benefits

The level of awareness on the requirements for processing retirement benefits among retirees is low as indicated by 434 respondents (60.6%) who indicated that they were unaware of the requirements.

Sources of information relating to processing payment of benefits

The employer is the main source of information relating to processing and payment of benefits as pointed out by 279 (38.9%) respondents (retirees and beneficiaries) and 62 (45.6%) of the public officers interviewed. The Pension Department and public barazas were cited by 18.6% and 6.6% respondents respectively.

Satisfaction on services offered

450 respondents (62.9%) stated that they were not satisfied with the services given in processing retirement benefits.

Reasons for dissatisfaction with services given

One hundred and sixty eight (23.5%) respondents cited delay in payment as the reason for their dissatisfaction. 68 respondents (9.5%) cited a lot of procedures and bureaucracy, 60 (8.4%) were frustrated, 82 respondents (11.5%) cited underpayment, 43 (6%) inefficient and non-cooperative officers, 42 (5.9%) cited lack of transparency in calculations of benefits, while 30 (4.2%) cited high corruption among the officers.

Preferred benefit schemes by public officers

The Pension Scheme, NSSF, Contributory system and Gratuity Scheme are the preferred Schemes as cited by 240 (33.5%), 63 (8.8%), 41 (5.7%) and 36 (5%) respondents respectively.

Decentralization (devolution) of services to the counties

Sixty two respondents (45.6%) of the public officers interviewed indicated that the pension benefit payment process has not been decentralized (devolved) to the Counties. 27 (19.9%) said that NSSF and the Public Trustee Office have devolved to some counties

Distance travelled by respondents to process their benefits

Majority of the respondents 324 (45.3%) had to travel between 300 km and 400 km to pension offices while in North Eastern Kenya, some respondents stated that they had to travel for distances of over 500 km to get service.

Service charters for processing payment of benefits

Interviews with officers from the Pensions Department revealed that the Department is yet to develop a stand-alone service charter for its customers, and that unlike the Directorate of Occupational Health and Safety Services, it has not imbedded its service charter in the overall National Treasury Service Charter.

Availability of complaints handling desks

Four hundred and fifteen respondents (58%) indicated that there were no complaints handling mechanisms in the offices processing benefits. This position was supported by 60 (44.1%) public officers.

Systemic factors affecting payment of pension to retirees

The main systemic factors that affect the processing and payment of pension to retirees are poor records management, centralization of services, long distances, corruption, bureaucratic processes and inaccessibility of senior pension officers/offices at the Pensions Department as pointed out by 145 respondents (20.25%).

Human factors affecting payment of retirement benefits

One hundred and twenty two respondents (17%) cited corrupt officers as one of the major factors delaying payment of benefits to beneficiaries, 113 (15.8%) cited lack of good public relations amongst pension staff and 110 (15.4%) cited inefficient officers. Other factors included frustrations by 96 (13.4%) and failure by officers to source for funding by 94 (13.1%).

Legal factors and policy factors affecting payment of benefits

The following are the legal and policy factors:

- i. Pension laws in the country are outdate and discriminative,

“.....the Windows and Children Pension Scheme (CAP 195) places the age limit for an African Child at 16 years while the Windows and Orphans Pension Act (CAP 192) and the Asian Officers Family Pension Act (CAP194) provides for the age limit of a European and Asian Child at 21 years. This is discriminatory against the African Child”.
- ii. The Pensions Act Cap 189, is gender discriminatory because male spouses are not addressed by the law as eligible for benefits, while widows are cited as qualified for payments as beneficiaries.
- iii. The Widow and Children's' Pensions Act (WCPA) does not addressing widowers' children in the event of death of a female spouse who served as a public officer.

- iv. The WCPA as discriminatory as it provides that children of deceased women do not qualify for immediate payment of benefits until the expiry of 5 years after death of the mother while children of deceased male officers are immediately paid benefits in the event of death of their father without waiting to qualify in the next 5 years.
- v. Male officers are deducted "Widow and Children Pension" while female officers are not.

Consequential Observations

- i. The Public Trustee offices visited in Counties lack office space and necessary equipment for efficient services delivery.
- ii. The Pensions Department is not decentralised
- iii. The Pensions Department does not have a clear policy on the payments of benefits.
- iv. It was noted that retirees and beneficiaries are restricted to enter the Pensions Office at the National Treasury, between 9.00 am and 12.00 noon, despite having travelled from far to seek services.
- v. Senior officers at the Pensions Departments, are not accessible to clarify issues raised by retirees and beneficiaries.
- vi. The Pensions Department does not have adequate skilled personnel to serve retirees.
- vii. Customer care skills are wanting among officers at the Pensions Department.
- viii. There is a backlog of pensions and other benefits claim cases at the dating over ten years at the Pensions Department.
- ix. Retirees and beneficiaries do not have access to information on the requirements for processing of benefits.

Conclusions

- i. There is undue delay in the processing and payment of benefits to retirees and beneficiaries with some cases having to wait for over ten years.
- ii. There is non-payment of retirement benefits to some claimants for long periods.
- iii. There is a lot of suffering among retirees and beneficiaries because delay and non-payment of their benefits
- iv. The Systemic factors causing delay and non-payment of benefits are poor records management, bureaucracy, corruption, centralized services, long distances, shortage of skilled staff, lack of adequate equipment, ICT challenges, office space, slow verification process of beneficiaries, lack of transparency in the rates of payments and inaccessibility of senior pension officers/offices at the Directorate.
- v. Human factors associated with the public officers include: corruption among public officers, rude officers not willing to serve, incompetence, lazy and bad attitude among officers, non-cooperative officers, absenteeism and discrimination.
- vi. Lack of information on the requirements for processing of benefits, family disputes on benefits, lack of supporting documents, late submission of claims are key human factors associated with retirees and beneficiaries.
- vii. Dependants of deceased public officers find it difficult to obtain information necessary for processing relevant documents in support of paying benefits.
- viii. The public trustee has no clear policy on verification and approval of bonafide beneficiaries on succession matters.
- ix. The Pensions Department and Occupational Health and Safety have inadequate mechanism of handling complaints from the retirees and beneficiaries.
- x. The most preferred retirement benefit scheme is pension.
- xi. Laws covering payment of benefits are out-dated and discriminatory

- xii. Some employers do not maintain proper and updated information on next of kin or beneficiaries.
- xiii. There is little public knowledge on the Public Trustee Office and RBA and their functions in relation to payment of benefits.

Recommendations

- i. The Cabinet Secretary National Treasury should oversee the speedy and immediate payment of the many backlog cases of unpaid benefits at the Pensions Departments and facilitate the formulation of policy guidelines for processing and payment of benefits.
- ii. The Cabinet Secretary National Treasury and Parliament should set aside adequate funds to pay retirees and beneficiaries.
- iii. The Cabinet Secretary National Treasury and the Law Reform Commission should facilitate the review of Pensions Laws and other statutes relevant thereof.
- iv. The Pensions Department should with immediate effect address the Systemic factors affecting the processing and payment of benefits namely; poor records management, bureaucracy, corruption, centralized services, shortage of skilled staff, lack of adequate equipment, ICT challenges, office space, slow verification process of beneficiaries, lack of transparency in the rates of payments and inaccessibility of senior pension officers/offices at the Directorate.
- v. The Pensions Department should with immediate effect deal with the human factors including corruption, rude officers not willing to serve, incompetence among staff, lazy and bad attitude among officers, non-cooperative officers, absenteeism and discrimination which affect service delivery at the Directorate.
- vi. The Pensions Department should devolve offices/services to the County level.
- vii. The Pensions Department should put in place and operationalize an effective complaints handling mechanism for its clients

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- viii. The Pensions Department should develop and implement a Customer Service Charter for processing and payment of benefits
 - ix. The Public Service Commission should ensure that employers submit to the Pensions Department relevant information and documents of a retiring officer, one year before retirement.
 - x. The Pensions Department, NSSF, Public Trustee Office and RBA should carry out civic education to create awareness on the processes involved in the payment of pensions and benefits to retirees and beneficiaries.

1.0 Part 1: Introduction

1.1 Introduction to the investigation

Pursuant to Section 8 of CAJ Act, 2011, the Commission conducted investigations to explore systemic issues in the payment of pensions, gratuities and other retirement benefits. The investigations were undertaken on the basis of many complaints received by the Commission.

1.2 Scope of investigation

The investigations were conducted in 24 Counties selected randomly from the 47 Counties in Kenya, representing 51.06 % as shown in table 1 below.

Table 1: Counties visited.

S/No	County
1)	Baringo
2)	Bungoma
3)	Garissa
4)	Homa Bay
5)	Kericho
6)	Kilifi
7)	Kirinyaga
8)	Kisii
9)	Kitui
10)	Kwale
11)	Machakos
12)	Makueni
13)	Mombasa
14)	Nandi
15)	Nyandarua
16)	Nyeri
17)	Siaya
18)	Taita/Taveta
19)	Vihiga
20)	Kisumu
21)	Kakamega
22)	Nairobi
23)	Kiambu
24)	Kajiado

1.3 Issues under investigations

The following were the issues under investigations:

- i. Factors causing delay in processing and payment of retirement benefits
- ii. Reasons for non-payment of retirement benefits
- iii. Level of awareness on requirements for processing retirement benefits
- iv. Level of decentralization of services by the respective departments

1.3.1 Investigative Strategy

1.3.2 Notification

Pursuant to Section 37 of CAJ Act, 2011, the Commission wrote to the Directors, Pensions and Occupational Health and Safety Services to notify them of its decision to undertake investigations.

1.3.3 Data collection

Data was collected through administration of structured questionnaires and focus group discussions. Interviews were also held with key informants who included public officers.

i. Questionnaires

Questionnaires were administered face to face by CAJ investigation teams to relevant public officers who included County Commissioners, District Clerks, District Accountants, Public Trustees, Branch Managers (NSSF), District Human Resource Officers (DHROs) and Chiefs. Questionnaires were also administered to selected members of the public including pensioners (retirees), beneficiaries (widows/widowers) and dependents or surviving children.

ii. Focus Group Discussions (FGDs)

Focus group discussions (FGDs) were conducted with selected members of the public and relevant public officers.

1.3.4 Data analysis

The data collected was organized, coded and analyzed using the Statistical Package for Social Sciences (SPSS).

1.4 Normative Framework

Pensions Act Cap 189 - Evaluation of claims

The evaluation of citizens' claims on delayed payments is construed to mean "pensionable emoluments" which includes salary and responsibility allowance, but does not include any cost of living allowance, entertainment allowance or any other emoluments whatever.

The investigation process has taken into consideration that public service includes a) service in a civil capacity under the Government or under the government of any other country or territory in the Commonwealth; b) "salary" means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

Section 10. A pension granted to an officer under this Act shall not be less than two thousand shillings or such other amount as may be specified by the President from time to time, but shall not exceed the full pensionable emoluments drawn by the officer at the time of his retirement.

Section 5. (1) Every officer shall have an absolute right to pension and gratuity.
(2) The right conferred under subsection (1) shall not apply in respect of compensation for past services, nor shall anything in this Act affect the right of the Government to dismiss any officer at any time and without compensation.
(3) Where an officer has completed five years of pensionable service, the benefits accruing to the officer under this Act shall vest in that officer and shall become payable in such manner and at such times as may be determined under this Act.

A pension granted to an officer under this Act shall not be less than two thousand shillings or such other amount as may be specified by the President from time to time, but shall not exceed the full pensionable emoluments drawn by the officer at the time of his retirement.

Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has

been transferred from a pensionable office in which he has been confirmed, dies while serving under the Government, the President may grant to his legal personal representative, or, in case the gratuity does not exceed ten thousand shillings, to such person as the President shall name as the recipient, a gratuity of an amount not exceeding twice the amount of his annual pensionable emoluments or Gratuity where officer dies in service or after retirement.

(1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while serving under the Government, the President may grant to his legal personal representative, or, in case the gratuity does not exceed ten thousand shillings, to such person as the President shall name as the recipient, a gratuity of an amount not exceeding twice the amount of his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater.

(2) Where an officer dies after retirement from service under the Government having been granted, or having become eligible for, a pension under this Act and the sums paid or payable to him at the date of his death on account of that pension, including any sum awarded by way of gratuity under regulation 27 of the Pensions Regulations and any pension or gratuity paid or payable in respect of his service under any scheduled Government (as defined in regulation 8 of the Pensions Regulations) but excluding any additional pension awarded in accordance with regulation 25 (1) (ii) of the Pensions Regulations, are less in total than twice the amount of his annual pensionable emoluments, the President may grant a gratuity equal to the deficiency to his legal personal representative or, where that gratuity does not exceed ten thousand shillings, to such person as the President shall name as the recipient.

Where an officer dies as a result of inquiries received—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to

the nature of his duty, while in the service of the Government, the President may grant, in addition to the grant, if any, made to his legal personal representative under section 18– (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or sixty pounds a year, whichever is the greater; (ii) if the deceased officer leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until he attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension specified in that paragraph;

(iii) if the deceased officer leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until he attains the age of twenty-one years, of double the amount specified in paragraph (ii); (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until that child attains the age of twenty-one years, of double the amount specified in paragraph (ii);) if the deceased officer does not leave a widow, or if no pension is granted to the widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

(5) This section shall not apply in the case of the death of any officer– (a) if his dependents, as defined in any written law relating to workmen's compensation, are entitled to compensation under any such law or to compensation under any such law where no pension is paid under this section; or (b) where benefits corresponding to the benefits granted by this section are payable under the Oversea Superannuation Scheme in respect of such death.

A dependent's pension payable under the foregoing sections shall be paid to the dependents within a period of ninety (90) days after the death of the officer

concerned, failing which interest shall accrue thereon at bank rates until payment is made in full: Provided that no interest shall be payable under this section where the failure to pay is occasioned by legal proceedings in respect of the payment.

Subject to the Act and these Regulations, every officer holding a pensionable office in the service of the Government, who has been in that service in a civil capacity for ten years or more, may be granted on retirement a pension at the annual rate of one four hundred – eightieth of his pensionable emoluments for each complete month of his pensionable service, but no pension commencing after the 1st July, 1977, shall be less than sixty pounds per annum. Gratuities where length of service does not qualify for pension

Pension Management Information System - Legal Provisions of the Pensions Act, Cap 189

The payment of pensions and other allied benefits to Civil Servants in this country was started by the colonial Government, firstly for Europeans in 1927 and in 1932 for Non-Europeans. The Pensions Act (Cap.189), of the laws of Kenya, came into operation in its present form with effect from 1st January, 1946. Since then it has been amended from time to time in order to up-date and make it easier to administer.

The Pensions Act (Cap.189), the main Act, makes provisions for the granting and regulating the payment of pensions, gratuities and other allowances in respect of the public service for officers under the Government of Kenya.

According to the existing terms and conditions of service, officers in the public service expect terminal benefits in accordance with their letters of appointment, as an incentive for the services they render to the Country for a number of years of their working life.

Paragraph 4 of the Letter of (Probationary) Appointment in the service of the Government of Kenya, Form G.P. 24 (Revised) reads as follows:-

“If you are confirmed in your appointment, you will be eligible on retirement for retiring benefits in accordance with the provisions of the Pensions Legislation of the Public Service of Kenya”.

An officer who has rendered pensionable service to the Government of Kenya expects the payment of retirement benefits in accordance with the provisions of the Pensions Act. Such retirement benefits are non-contributory or free. In other words, the officer does not have to contribute a part of his salary in order to secure rights to retiring benefits.

In accordance with the provisions of the Pensions Act (Cap.189) Civil Servants or their dependents may be paid, on leaving the service of the Government and on fulfilling certain conditions, one or more of the following benefits.

- i. Service pension plus commuted pension
- ii. Service gratuity
- iii. Marriage gratuity
- iv. Injury pension
- v. Death gratuity
- vi. Dependents pension
- vii. Compassionate gratuity
- viii. Annual allowance

Widows and Children's Pensions Act, Cap 192

3 Who shall become contributors

- (1) Subject to the exceptions mentioned in section 5 of this Act, every European officer appointed permanently or temporarily to a post in the service of this Government after, and not appointed or selected for appointment to the East African Service on or before, the 1st April, 1921, shall become a contributor under this Act from the date on which he commences to draw any of the salary of the post.
- (2) Subject to the same exceptions, any European officer in the service of the Government who was in, or selected for appointment to, the East African Service on the 1st April, 1921, and who has not since become a contributor, may apply to this Government for special permission to become a contributor, and if after the examination of the officer by a Government medical board the President in his discretion decides that such permission should be granted, the officer shall contribute as from the first day of the month next after that in which the President's decision is notified to him.
- (3)
 - (a) If a European officer who was in, or selected for appointment to, the East African Service on the 1st April, 1921, elects to become a contributor and is appointed to the service of this Government subsequently to such election, he shall contribute under this Act.
 - (b) If such an officer does not elect to contribute to the scheme and is appointed to the service of this Government subsequently to the 1st April, 1921, upon such terms as constitute a re-appointment to or re-engagement in the East African Service, he shall, for the purposes of this Act, be deemed to be appointed to the service of this Government on the date of such re-appointment or re-engagement.
- (4) Any officer who has claimed exemption from the obligation to become a contributor under this Act under paragraph (a) of subsection (4) of section 5 of this Act, and who subsequently becomes ineligible to continue to be a depositor to the East African Railways and Harbours Administration Provident Fund, shall become a contributor under this Act from the date on which he ceases to be a depositor in the said Fund, unless he is otherwise ineligible or not liable to do so.
- (5) Any officer who has claimed exemption from the obligation to become a contributor under this Act under section 4 of this Act and who subsequently becomes ineligible to continue as a contributor to the Oversea Superannuation Scheme shall become a contributor under this Act from the date on which he ceases to be a contributor in the said Scheme, unless he is otherwise ineligible or not liable to do so.

Who shall not be contributors

- (1) The following shall not be eligible to be contributors—

- (a) Presidents and their private secretaries and aides-de-camp, if not contributors before they held those positions or holders of substantive appointments entitling them to be contributors;
- (b) officers, non-commissioned officers and men on the active list of the Royal Navy, the Regular Army or the Royal Air Force temporarily employed by an East African Government in either a military or a civil capacity and not holding pensionable appointments under this Government;
- (c) persons in the service of this Government by reason only of their membership of any Naval, Military or Air Force constituted by local legislation in force in Kenya;
- (d) persons temporarily employed on special missions;
- (e) females;
- (f) persons whose engagement not being for a specific period is terminable at one month's notice or less;
- (g) persons who are unmarried and are at the time of employment under the age of twenty-one years:
Provided that, if they are otherwise liable to contribute under the terms of this Act, they shall, on becoming married or on reaching the age of twenty-one, forthwith become contributors;
- (h) persons who are contributors to the East African Railways and Harbours Administration Superannuation Fund, other than those persons who at the date of commencement of their membership of the Superannuation Fund were contributors under this Act, and all persons appointed permanently or temporarily to the service of the East African Railways and Harbours Administration on or after the 1st day of January, 1955;
- (i) contributors to the Oversea Superannuation Scheme for so long as they are required to contribute thereto, unless already contributing under this Act;
- (j) any person serving under a written agreement expressed to continue for a specified period or periods if—
 - (i) such person is appointed on or after a day determined by the President, by notice in the Gazette, for the purposes of this paragraph, unless the terms of his appointment provide that he shall be eligible to be a contributor; or
 - (ii) such person was appointed before the day determined under subparagraph (i) of this paragraph, and elects, by written notice addressed to the Accounting Officer of his Ministry or Department or to the Crown Agents and, unless the President is of the opinion that in the particular circumstances of the case the notice should be accepted at a later date, received by either of them within three months of that day, not to continue to contribute, in which case that person shall cease to be a contributor (in so far as that

expression means a contributor to the scheme) with effect from the first day of the month after that in which such notice is received by the accounting officer or the Crown Agents.

Pensions Increase Act, Cap 190

How increase calculated where person in receipt of more than one pension and what proportion payable under this Act

5. Where a person is in receipt of a pension from one or more colonial administrations, or former colonial administrations, the increase payable under this Act shall be calculated on the aggregate of both or all of those pensions, and the increase payable on the specified pension shall be that proportion of the increase payable on both or all of those pensions as the amount of the specified pension bears to the combined total of both or all of those pensions.

10. Provision for granting of an allowance in certain cases

Where a pension under the Widows' and Orphans' Pensions Act, the Asian Widows' and Orphans' Pensions Act or the Asian Officers' Family Pensions Act becomes payable to a beneficiary on or after the 1st January, 1946, and that pension is less than the aggregate of—

- (a) the registered pension, if any, in respect of that beneficiary on the 31st December, 1945, together with the increases which would be payable under the Pensions (Increase) Act, 1945 and 1949 (now (repealed), the repealed Act and this Act if the pension had become payable on the 31st December, 1945; or
- (b) the registered pension, if any, in respect of that beneficiary on the 31st December, 1953, together with the increases which would be payable under the repealed Act and this Act if the pension had become payable on the 31st December, 1953; or
- (c) the registered pension, if any, in respect of that beneficiary on the 30th June, 1956, together with the increase which would be payable under this Act if the pension had become payable on the 30th June, 1956; or
- (d) the registered pension, if any, in respect of that beneficiary on the 31st March, 1960, together with the increase which would be payable under this Act if the pension had become payable on the 31st March, 1960, there shall be granted to that beneficiary an allowance equal to the amount of the difference between that pension and whichever of such aggregates is appropriate.

Law of Succession Act, Cap 160

29. Meaning of dependant

For the purposes of this Part, "**dependant**" means—

- (a) the wife or wives, or former wife or wives, and the children of the deceased

- whether or not maintained by the deceased immediately prior to his death;
- (b) such of the deceased's parents, step-parents, grand-parents, grandchildren, step-children, children whom the deceased had taken into his family as his own, brothers and sisters, and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death; and
 - (c) where the deceased was a woman, her husband if he was being maintained by her immediately prior to the date of her death.

Provident Fund Act, Cap 191

8. *Gratuities* The Minister may grant from moneys provided by Parliament to each depositor on his leaving the public service— (a) in any of the circumstances mentioned in paragraphs (a), (b), (d) and (f) of section 11, after seven years' continuous service; or (b) in any of the circumstances mentioned in paragraph (e) of section 11, after fifteen years' continuous service; or (c) in the circumstances mentioned in paragraph (g) of section 11, a gratuity not exceeding one-twelfth of a month's salary at the highest rate drawn by him during his service under the Government in respect of each completed month of such service before the date on which he became a contributor to the Fund or, as the case may be, to the Government Staff Provident Fund established under the Government Staff Provident Fund Ordinance ((Cap. 71 (1948)) (now repealed)— Provided that in the case of a depositor who was a contributor to the fund established under that Ordinance— (i) the gratuity under paragraph (a) may be granted to the depositor on his leaving the service in any of the circumstances mentioned in paragraphs (a), (b) and (d) of section 11 notwithstanding that he has not completed seven years' service; (ii) the gratuity under paragraph (b) may be granted to the depositor on his leaving the service after fifteen years' continuous service notwithstanding that the circumstances mentioned in paragraph (e) of section 11 do not apply in his case; (iii) in computing the gratuity under paragraph (a), paragraph (b) or paragraph (c) which may be granted to a depositor on his leaving the service, no regard shall be had to any period in respect of which payment of any sum has been made from the general revenue of Kenya under section 15 of that Ordinance.

The Public Service Superannuation Act No. 8 of 2012

Establishment of the Public Service Superannuation Scheme.

3. (1) There is established a scheme to be known as the Public Service Superannuation Scheme.

(2) The Scheme shall be a retirement benefits scheme within the meaning of the Retirement Benefits Act, 1997, No.3 of 1997.

Object and purpose of the Scheme.

4. The object and purpose of the Scheme shall be to—

- (a) pay retirement benefits to members of the Scheme;
- (b) ensure that every member of the Scheme receives his retirement benefits as and when they become due;
- (c) assist to improve the social security of members of the Scheme by ensuring that the members save in order to cater for their livelihood during their retirement; and
- (d) establish a uniform set of rules, regulations and standards for the administration and payment of retirement benefits for members of the Scheme.

Membership of the Scheme.

5. (1) A person who—

- (a) at the commencement of this Act, is employed in the public service on permanent and pensionable establishment and—
 - (i) has not attained the age of forty-five years;
 - (ii) if the person has attained the age of forty-five years opts, within three months of such commencement or such longer period as the Minister may, by notice in the Gazette, prescribe, that this Act shall apply to him; or
- (b) joins the public service on or after the commencement of this Act on a permanent and pensionable establishment, shall be a member of the Scheme.

(2) For the avoidance of doubt, the law to be applied with respect to the retirement benefits of a person in the public service at the commencement of this Act who does not, where required, opt for the application of this Act under subsection (1)(a), shall be the law in force when that period of service commenced.

(3) A member, other than a member who has retired and has opted to be paid his benefits under section 28(2)(a), who for any reason leaves the public service shall cease to be a member of the Scheme.

Mandatory contribution to the Scheme.

6. (1) Every member of the Scheme shall contribute to the Scheme at the rate of seven and a half percent which shall be deducted from his monthly pensionable emoluments:

Provided that where the Government fails to deduct A member's contribution, the sum may be recovered in the subsequent months and any penalties payable thereon shall be paid by the Government.

(2) The Government shall make a contribution for each member of the Scheme at the rate of at least fifteen percent of the member's monthly pensionable emoluments:

Provided that where the Government fails to make a contribution in any month, a penalty at the rate of the return of the Fund for the previous financial year shall apply on the unpaid amount.

(3) The Government's contribution under subsection (2) shall be a direct charge on the Consolidated Fund.

(4) In addition to the contributions specified in subsections (1) and (2), the Government shall take out and maintain a life insurance policy that has disability benefits in favour of every member of the Scheme, for a minimum of five times of the member's annual pensionable emoluments.

Retirement Benefits

Means a benefit payable under section 2 of Act Number 3 of 1997. A Retirement Benefits Scheme means any scheme or arrangement (other than a contract for life assurance) whether established by a written law for the time being in force or by any other instrument, under which persons are entitled to benefits in the form of payments, determined by age, length of service, amount of earnings or otherwise and payable primarily upon retirement, or upon death, termination of service, or upon the occurrence of such other event as may be specified in such written law or other instrument.

Pensions as a Benefit

A right (money) legally applicable under the Pensions Trust Fund (Validation Act), Pensions Act, Chapter 189, Pensions (increase Act) and Pensions Act, Chapter 189 granting and regulating payment of pensions, gratuities and other allowances in respect of the public service of officers under the Government of Kenya. It also includes benefits paid under the Armed Forces (pensions and gratuities) (officers and servicemen) regulations and the Local Authorities Pension Trust rules. It includes any benefit payable by way of periodical payments, but does not include any gratuity or any sum payable otherwise than by way of periodical payments.

National Social Security Fund - NSSF

Established by an Act of Parliament, the National Social Security Fund Act No. 45 of 2013, to provide for contributions to and the payment of benefits out of the Fund; and for matters connected therewith and incidental thereto.

Public Trustee

Is an office established pursuant to the Public Trustee Act Cap 168 and includes an appointed person competent to discharge any of the duties and to exercise any of the powers of a Public Trustee, and when discharging those duties or exercising those powers shall have the same privileges and be subject to the same liabilities as the Public Trustee.

1.5 Demographic data of respondents

CAJ collected data through administration of questionnaires, face to face interviews, and Focus Group Discussions from a total of 852 respondents comprising of 716 retirees and beneficiaries and 136 public officers who included County Commissioners, Assistant County Commissioners, Clerical officers, Accountants, Records Officers, Human Resource Officers, Public Trustees officers, NSSF officers and Pension Officers. The respondents were drawn from 24 Counties selected randomly from the 47 Counties in Kenya.

1.5.1 Distribution of the respondents (retirees and beneficiaries) per county

The distribution of respondents is presented in Table 2 below:

Table 2: *Distribution of retirees and beneficiaries per County*

S/No	County	No. of respondents	Percent
1	Baringo	32	4.47
2	Bungoma	27	3.77
3	Garissa	59	8.24
4	Homa Bay	21	2.93
5	Kajiado	30	4.19
6	Kakamega	26	3.63
7	Kericho	52	7.26
8	Kiambu	27	3.77
9	Kilifi	34	4.75
10	Kirinyaga	30	4.19
11	Kisii	33	4.61
12	Kisumu	30	4.19
13	Kitui	17	2.37
14	Kwale	30	4.19
15	Machakos	21	2.93
16	Makueni	32	4.47
17	Mombasa	26	3.63
18	Nairobi	32	4.47
19	Nandi	43	6.01
20	Nyandarua	16	2.23
21	Nyeri	28	3.91
22	Siaya	24	3.35
23	Taita/Taveta	23	3.21
24	Vihiga	23	3.21
Total		716	100

1.5.2 Status of respondents

Five hundred and fifty seven (77.8%) were pensioners or retirees, one hundred and nineteen (16.6%) were beneficiaries/dependents while nineteen (2.6%) were other relatives and friends who were not pensioners or direct beneficiaries. Twenty one (3%) of the respondents did not indicate their status as shown in Table 3 below.

Table 3: Status of respondents

Status of respondents	Frequency	Percent
Pensioner/Retiree	557	77.8
Beneficiary/Dependent	119	16.6
Others	19	2.6
Total	695	97.0
No response	21	3.0
Total	716	100.0

1.5.3 Gender

The retirees and beneficiaries comprised of 559 (78.1%) males while females were 157 (21.9%) as indicated in Table 4 below.

Table 4: Gender

Gender	Frequency	Percent
Male	559	78.1
Female	157	21.9
Total	716	100.0

1.5.4 Retirees and beneficiaries' Level of Education

Two hundred and eighty four respondents (39.6%) had attained secondary school level of education, 184 (25.7%) primary education, 164 (22.9%) had tertiary college education. 18 (2.5%) had attained university level of education as shown in Table 5 below.

Table 5: Interviewees' level of Education

Level of education	Frequency	Percent
Primary	184	25.7
Secondary	284	39.6
T/College	164	22.9
University	18	2.5
Total	649	90.7
No response	67	9.3
Total	716	100.0

1.5.5 Marital status

Five hundred and eighty six respondents (81.8%) were married, 85 (11.9%) were widowed and 23 (3.2%) single, 10 (1.4%) separated, 9 (1.2%) divorced while 4 (0.5%) did not reveal their status as illustrated in table 6.

Table 6: Marital status

Marital Status	Frequency	Percent
Single	23	3.2
Married	586	81.8
Separated	10	1.4
Divorced	9	1.2
Widowed	85	11.9
Total	712	99.5
No response	4	.5
Total	716	100.0

1.5.6 Retirees' Employer

Two hundred and fifty two (35.2%) of the respondents were former employees of the Ministry of Education, 114 (15.9%) from the Office of the President and 59 (8.2%) from the Ministry of Defense as shown in Table 7 below.

Table 7: *Retirees' Employer*

Ministry/Department	Frequency	Percent
Ministry of Education	252	35.2
Office of the President	114	15.9
Ministry of Defence	59	8.2
Ministry of Transport & Communication	52	7.2
Ministry of Health	40	5.6
Ministry of Agriculture and Livestock	39	5.4
Ministry of Roads and Public Works	28	3.9
Ministry of Home Affairs	21	3
Ministry of Environment & Natural	20	2.8
Ministry of Local Government	19	2.6
Ministry of Lands and Settlement	11	1.6
Ministry of Water & Irrigation	9	1.2
Ministry of Social Services	6	0.9
Ministry of Finance	5	0.7
Private	5	0.7
Ministry of Energy	4	0.5
Ministry of Culture and Heritage	3	0.4
Ministry of Trade and Industries	3	0.4
Ministry of Labour	1	0.2
Ministry of Tourism and Wildlife	1	0.2
Sub total	692	96.6
No response	24	3.4
Total	716	100

1.5.7 Mode of retirement and retirement scheme management

Out of a total of 716 respondents, 426 (59.5%) had retired upon attainment of retirement age. 103 (14.4%) had taken early retirement, 83 (11.6%) were retrenched while 33 (4.6%) were retired on health grounds.

Six hundred and two respondents (84.1%) had their retirement scheme managed by the Pensions Department through their employer. 16 (2.2%) had the scheme managed by a fund manager as illustrated in Table 8 below.

Table 8: Mode of retirement and retirement scheme management

Management scheme	Mode of Retirement										Total	
	Early Retirement		Retrenchment		Health Grounds		Attained Retirement Age		Others		No	%
	No	%	No	%	No	%	No	%	No	%		
By employer (Pension Department)	87	12.2	65	9.1	23	3.2	418	58.4	10	1.4	602	84.1
By a fund manager	4	0.6	8	1.1	3	0.4	3	0.4	0	0.0	16	2.2
Don't know	9	1.3	10	1.4	8	1.1	6	0.8	1	0.1	34	4.7
Others	4	0.6	0	0.0	0	0.0	0	0.0	1	0.1	5	0.7
No response											59	8.2
Total	103	14.4	83	11.6	33	4.6	426	59.5	13	1.8	716	100.

1.5.8 Types of retirement schemes

Five hundred and ninety four retirees (83.0%) left service while on pension scheme, 60 (8.4%) were on gratuity, 21 (3.0%) on NSSF while five point one percent (5.1%) did not indicate the type of retirement scheme as shown on table 9 below

Table 9: Types of retirement schemes

Type of scheme	Frequency	Percent
Pension	594	83
Gratuity	60	8.4
Others	4	0.5
NSSF	21	3
Total	679	94.9
No response	37	5.1
Total	716	100

1.5.9 Retirement age

Four hundred and eighty nine (68.3%) of the respondents stated that they retired at the ages of 50 to 55 years. 128 (17.9 %) retired when they were below 50 years while 5 (0.7%) indicated that they were over 65 years at the time of retirement as shown in Table 10 below.

One of the FGD participants in Nyeri stated:

... *“we recommend that the retirement age be reversed to 55 years from the current 60 years because of the high rate of unemployment among qualified youth in Kenya”.*

Table 10: Retirement age

Retirement Age	Frequency	Percent
Below 50	128	17.86
50-55	489	68.3
56-60	31	4.38
61-65	3	0.35
Over 65	5	0.7
Don't Know	3	0.35
Total	658	91.94
No response	58	8.06
Total	716	100

1.5.10 Duration after retirement

Two hundred and twenty four (31.3%) of the respondents had been on retirement for 6 to 10 years, 162 (22.6%) for 11 to 15 years and 88 for 16 to 20 years as shown in Table 11 below.

Table 11: *Duration after retirement*

Duration (Yrs.)	Frequency	Percent
1 to 5	81	11.3
6 to 10	224	31.3
11 to 15	162	22.6
16 to 20	88	12.3
21 to 25	49	6.8
26 to 30	24	3.4
31 to 35	20	2.8
Above 35	18	2.5
No response	50	7.0
Total	716	100

1.6 Distribution of the respondents (public officers) per county

The distribution of the officer interviewed per County is presented in Table 12 below.

Table 12: *Distribution of public officers interviewed per County*

S/No.	County	No. of respondents	Percent
1.	Baringo	7	5.3
2.	Bungoma	3	2.3
3.	Garissa	11	8.3
4.	Homa Bay	7	5.3
5.	Kajiado	1	0.8
6.	Kakamega	2	1.5
7.	Kericho	6	4.5
8.	Kiambu	8	6.1
9.	Kilifi	2	1.5
10.	Kirinyaga	9	6.8
11.	Kisii	8	6.1
12.	Kisumu	1	0.8
13.	Kitui	7	5.3
14.	Kwale	4	3
15.	Machakos	16	12.1
16.	Makueni	4	3
17.	Mombasa	1	0.8
18.	Nairobi	2	1.5

19.	Nandi	7	5.3
20.	Nyandarua	7	5.3
21.	Nyeri	11	8.3
22.	Siaya	5	3.8
23.	Taita/Taveta	2	1.5
24.	Vihiga	1	0.8
	Total	136	100

1.6.1 Designation of officers interviewed

Thirty two Chiefs (23.5 %), 22 Deputy County Commissioners (16.2%), 16 Assistant County Commissioners (11.8%), 15 District Accountants (11.0%), 16 Clerical Officers (11.8) among others as shown in Table 13 below.

Table 13: *Designation of officers interviewed*

S/No.	Designation	No. of respondents	Percentage
1	Chief	32	23.5
2	Deputy County Commissioner	22	16.2
3	Assistant County Commissioner	16	11.8
7	District Accountant	15	11.0
4	Clerical Officer	16	11.8
5	Assistant Chief	8	5.9
12	District Human Resource Officer	7	5.1
9	State Counsel (Public Trustee)	3	2.2
10	NSSF Officers	11	8.1
11	Pension Officers	4	2.9
13	Records Management Officer	2	1.5
	Total	136	100

1.0 Part II: Analysis on Processing and Payment of Retirement Benefits

2.1 Analysis and findings on delay and non-payment of retirement benefits

2.1.1 Payment of retirement benefits

Five hundred and seventy eight (80.74%) of the respondents stated that they had been paid their retirement benefits while 99 (13.84%) had not been paid their benefits as shown in Table 14 below.

Table 14: payment of retirement benefits

Whether retirement benefits were paid	Frequency	Percent
YES	578	80.74
NO	99	13.84
Total	677	94.58
No response	39	5.42
Total	716	100.0

CAJ found the figure of 99 respondents who stated that they had not been paid their benefits significant taking into account that retirees depend on the benefits for their livelihood.

"I stand as the Chairman of Kenya Association of Retired Officers (KARO) to confirm that even those who were receiving their pensions like I have had their payments stopped without any explanation from Pensions Department. I am no longer receiving pension and I do not know why?" FGD participant at Batian Hotel, Nyeri County.

2.1.2 Delay in processing of retirement benefits

Out of the five hundred and seventy eight respondents who said they had been paid their benefits, three hundred and fifty three (61,1 %) indicated that there was delay in the payment of their retirement benefits while 174 (30.1%) did not experience delay as illustrated in Table 15 below.

Table 15: *Whether the processing of retirement benefits was delayed*

Whether processing of benefits was delayed	Frequency	Percent
Yes	353	61.1
No	174	30.1
Total	527	91.2
No response	51	8.8
Total	578	100.0

2.1.3 Duration before effecting payment

The investigation revealed that there was delay before effecting payment of benefits. One hundred and thirty respondents (36.8%) received their benefits in less than one year. The payment of benefits for the majority of the respondents numbering 203, delayed for periods ranging from one year to over ten years as shown on Table 16 below.

Table 16: *Duration before effecting payment according to retirees*

Duration (Years)	Frequency	Percent
Less than 1	130	36.8
1 to 2	85	24.1
2 to 3	51	14.4
3 to 4	25	7.1
4 to 5	9	2.5
5 to 6	8	2.3
7 to 8	7	2.0
8 to 9	6	1.7
9 to 10	6	1.7
Over 10	6	1.7
No response	20	5.7
Total	353	100

The delay was confirmed by 118 public officers out of 136 officers interviewed as shown in Table 17 below.

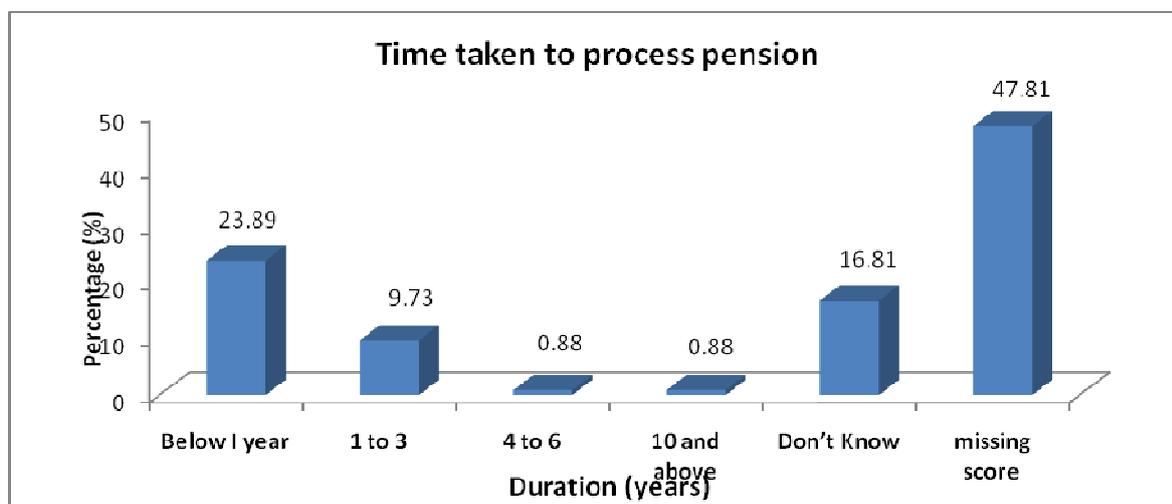
Table 17: *Whether there was delay in processing of benefits*

Response	No. of respondents	Percent
Yes	118	86.8
No	12	8.8
No response	6	4.4
Total	136	100

2.1.4 Duration taken for processing pension payment

One hundred and seventy one (23.89%) respondents (retirees) stated that it took less than a year to process their pension payment. 70 (9.73%) stated that it took between 1 and 3 years, 120 (16.81%) respondents didn't know the duration taken to process their pension as shown in Figure 1 below.

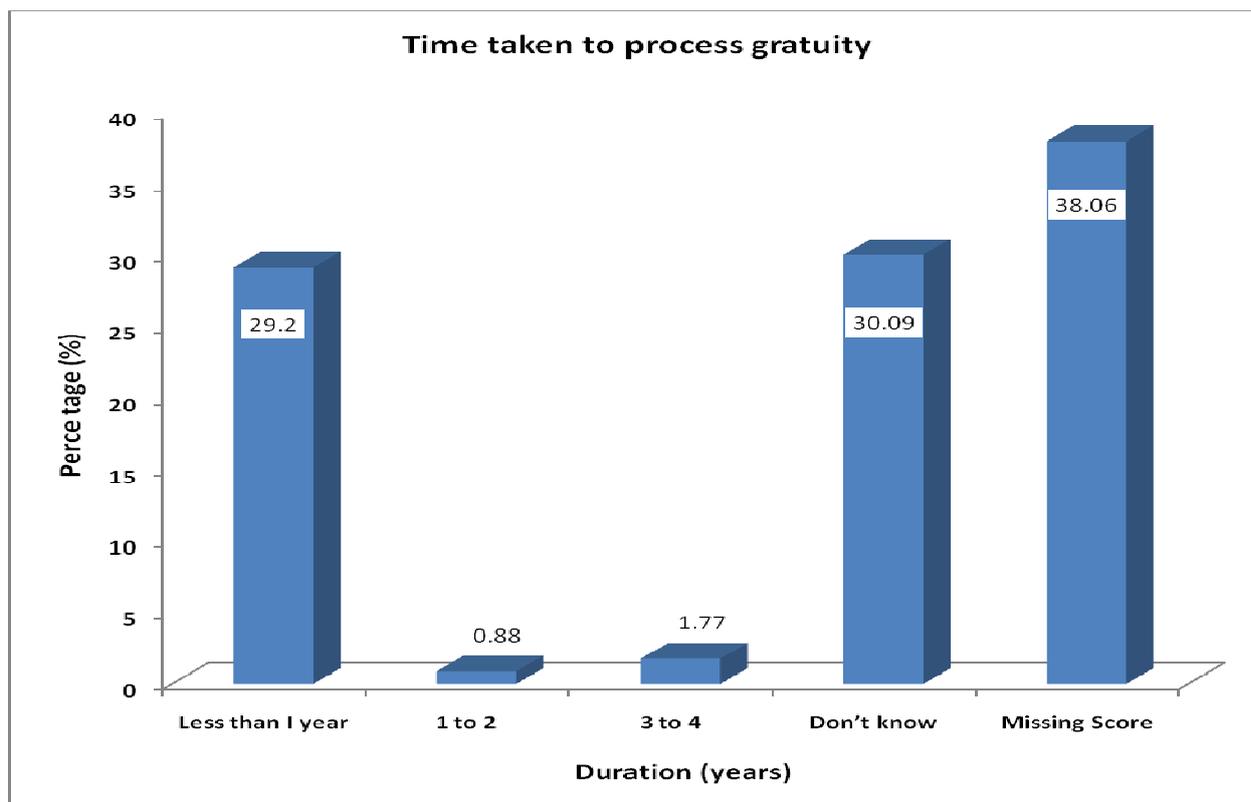
Figure 1: *Duration taken for processing pension payment*



2.1.5 Duration taken for processing gratuity payment

Two hundred and nine (29.2%) of the respondents indicated that it took less than a year to process gratuity, 214 of them (30.09%) did not know how long it takes to process gratuity as shown in Figure 2 below.

Figure 2: Duration taken for processing gratuity payment



2.1.6 Duration taken for processing NSSF benefits

Three hundred and forty five respondents (48.2%) stated that it took less than 4 months to process NSSF payment, 146 (20.4%) 4 to 7 months, while 43 (6.0%) took between 8 and 11 months. Nineteen respondents (2.7%) took between 12 and 15 months as shown in Table 18.

Table 18: Duration taken for processing NSSF benefits

Time taken to process NSSF benefits	Frequency	Percentage
Less than 4 months	345	48.2
4 to 7 months	146	20.4
8 to 11 months	43	6.0
12 to 15 months	19	2.7
16 and above	6	0.8
Don't know	87	12.2
No response	70	9.8
Total	716	100

CAJ noted that the processing of NSSF benefits took less time compared to pensions.

2.1.7 Reasons for delay in processing retirement benefits according to retirees

Majority of the interviewed retirees (194) (27.1%) stated that there was no reason given for delay in the processing and payment of retirement benefits by the pension office, 100 (14%) respondents cited delay due to missing files or wrong documentation another 59 (8.2%) indicated delay by the employer to submit relevant documents to the Pensions Department. 85 (11.9%) respondents stated that their retirement benefits were being processed as shown in Table 19 below.

Table 19: *Reasons for delay in processing retirement benefits*

Reason for delay	Frequency	Percent
Computer/system failures	23	3.2
Delay from KRA clearance	23	3.2
Delay in pensions office	46	6.4
Delays from employer to submit to pensions office	59	8.2
Didn't bribe	25	3.5
Missing file/ wrong documentations	100	14.0
No money in treasury	31	4.3
No reasons given just come after sometime	194	27.1
Still in process	85	11.9
That I delayed in submission	23	3.2
Work overload due to many retirees	30	4.2
No response	77	10.8
Total	716	100

According to responses by retirees, CAJ noted that not giving retirees reasons for delaying the processing of their retirement benefits and poor records management resulting in missing files or wrong documents as two main causes for delay in the processing of retirement benefits.

2.1.8 Reasons for delay in processing retirement benefits according to public officers

Twenty seven public officers (19.9%) attributed delay in processing benefits to lack of awareness about the requirements, 25 (18.4%) cited lengthy procedures and red tape (bureaucracy). 18 (13.2%) cited poor records management, 14 (10.3%) mentioned late submission of claims, 11 (8.1%) respondents cited

workload with few staff while 11 others (8.1%) cited slow verification process of beneficiaries. Centralization of services and corruption were cited by 9 (6.6%) and 6 (4.4%) respondents respectively as shown in Table 20 below.

Table 20: *Reasons for the delay in payment of benefits*

Reasons for delay	No. of respondents	Percent
Lack of awareness among applicants	27	19.9
Lengthy procedures and red tape (bureaucracy)	25	18.4
Poor records management and missing files	18	13.2
Late submission of claims	14	10.3
Workload with few staff	11	8.1
Slow verification process	11	8.1
Centralization of services	9	6.6
Don't know	4	2.9
Corruption	6	4.4
No response	11	8.1
Total	136	100

Further, CAJ established from the public officers that lack of awareness about the requirements for processing benefits among retirees, lengthy procedures and red tape (bureaucracy), poor records management, late submission of claims, workload with few staff, slow verification process of beneficiaries, centralization of services and corruption were the issues causing delay in the processing and payment of benefits.

CAJ also established from the public officers interviewed that there was staff shortages at the Public Trustee offices countywide. Available staff often sought assistance of County Clerks who have no relevant skills on processing of widows' and children's benefits. Chiefs and Assistant Chiefs also conduct verification and approval of bonafide beneficiaries and next of kin on behalf of Public Trustee. Additionally, CAJ noted that the Office of Public Trustee and the Pensions Department had ICT challenges and are both not represented in many Counties.

2.2 Non-payment of retirement benefits

When asked whether they had been paid their benefits, 99 respondents stated that they had not been paid their benefits. (Refer to Table No. 14 above).

2.2.1 Reasons cited for non-payment

183 respondents (25.6%) stated that corruption among the public officers involved in the payment process was the main reason for non-payment of benefits, 134 (18.7%) cited lack of knowledge and information on the processing of benefits, 101 respondents (14.1%) indicated a complex process, 90 cited lack of supporting documents while 62 respondents cited long distances to the processing offices as shown in the Table 21 below.

Table 21: Reasons for non-payment of retirement benefits

Reasons for non-payment	Frequency	Percent
Corruption in the process by officers	183	25.6
Lack of knowledge and information on the processing	134	18.7
Complex process	101	14.1
Lack of supporting documents	90	12.5
Long distance to the offices	62	8.7
Sub Total	570	79.6
No response	146	20.4
Total	716	100

".....one must bribe to get paid their retirement benefits. Mkono mtupu haulambwi, hii rushwa hipo, si kwa Chief, si kwa makarani, maofisa wakuu, Zaidi huko Nairobi...Hiyo Bima house ni hedikota ya ufisadi" lamented a participant in a focus group discussion in Kilifi while another participant from Kerugoya, Kirinyaga County said the following:

".....Many of us, be it pensioners, beneficiaries or dependents were not served in advance with information containing a checklist of all required documents for easy processing of our payments. Our employers also have the said documents in our staff files".

Investigations revealed that non-payment of benefits is mainly caused by corruption among the public officers involved in the processing of benefits. Those mentioned included the chiefs, clerical officers, senior officers especially at officers at the Pensions Department Head Office.

2.2.2 Feelings of the retirees and beneficiaries after payments were delayed

Two hundred and eighty five respondents (39.8%) stated that they felt frustrated, 124 (17.3%) felt unfairly treated based on their profession or career, 37 (5.1%) felt angry and 2.8% felt unfairly treat as shown in table 22 below.

Table 22: *Feeling of retirees and beneficiaries on delayed payment*

Feeling	Frequency	Percent
Unfairly treated based on my profession /career	124	17.3
Unfairly treated based on my gender	20	2.8
Frustrated	285	39.8
Angry	37	5.1
Sub-Total	466	65.0
No response	250	35.0
Total	716	100

2.3 Retirees and beneficiaries satisfaction with services offered by Pensions Department.

2.3.1 Satisfaction on services offered

450 respondents (62.9%) stated that they were not satisfied with the services given in processing retirement benefits while 193 (27%) said they were satisfied shown in Table No. 23 below.

"..... it is like we are condemned to poverty upon retirement. We are given a jembe, a spade, a wheelbarrow or an ox- plough as presents when one retires. Little did I know the Jembe and the spade are to dig graves as I have witnessed my former workmates die of poverty as they could not afford medicine yet their benefits are held in Nairobi" lamented an FGD participant in Machakos County.

Table 23 Satisfaction on services offered

Whether satisfied	Frequency	Percent
Yes	193	27.0
No	450	62.9
Sub Total	643	89.8
No response	73	10.2
Total	716	100.0

2.3.2 Reasons for dissatisfaction with services given

One hundred and sixty eight (23.5%) cited delay in payment as the reason for their dissatisfaction. 68 respondents (9.5%) said they were not satisfied because of a lot of procedures and bureaucracy followed, 60 (8.4%) were frustrated, 82 respondents (11.5%) cited underpayment, 43 (6%) inefficient and non-cooperative officers, 42 (5.9%) cited lack of transparency in calculations of benefits, 30 (4.2%) cited high corruption among other reasons as shown in Table 24 below.

Table 24: *Reasons for dissatisfaction with services given*

Reasons for dissatisfaction	Frequency	Percent
Delayed payment	168	23.5
A lot of procedures and bureaucracy followed	68	9.5
Frustrated	60	8.4
Under paid	82	11.5
Inefficient and non-cooperative officers	43	6.0
Lack of transparency in calculations	42	5.9
Services were not good	38	5.3
Corruption was very high	30	4.2
Not treated well with respect	26	3.6
Not yet paid	16	2.2
The process of getting the payment was very costly	13	1.8
Sub total	586	81.8
No response	130	18.2
Total	716	100

2.4 Awareness on the requirements for processing retirement benefits

2.4.1 Level of awareness

When retirees and beneficiaries were asked about their level of awareness on the requirements for processing retirement benefits, four hundred and thirty four respondents (60.6 %) indicated that they were not aware of the requirements for processing retirement benefits while only 250 respondents (34.9 %) were aware of the requirements as shown in Table 25 below.

Table 25: *Level of awareness*

Aware	Frequency	Percent
Yes	250	34.9
No	434	60.6
Sub Total	684	95.5
No response	32	4.6
Total	716	100.0

“....Sometimes employers ask for documents such as pay slips, National IDs, letters of appointment, Chief’s and employer’s (e.g. TSC) letters, PIN Certificates (KRA) and Children’s birth certificates. The truth is that there is no sufficient awareness amongst service consumers by officers from the Pensions Departments in Nairobi” Participant of FGD, OI Kalao in Nyandarua County.

2.4.2 Level of awareness on requirements for payment of benefits to beneficiaries of the deceased

Four hundred and ninety nine respondents (69.7%) were not aware of the requirements for processing benefits in the event of benefactor’s death. Only 155 respondents (21.7%) indicated that they were aware.as shown in Table 26 below.

Table 26: Knowledge on the requirements in case of worker’s death

Response	Frequency	Percent
Yes	155	21.7
No	499	69.7
Sub Total	654	91.4
No response	62	8.6
Total	716	100.0

CAJ established that lack of information on the documents required for processing payments among retirees and their dependants is another cause of delay in the processing of benefits.

2.4.3 Sources of information on processing payment of pension

Two hundred and seventy nine (38.9%) respondents (retirees and beneficiaries) and 62 (45.6%) of the public officers interviewed stated that the employer is the main source of information relating to processing and payment of pension benefits. Pension Offices were cited by 133 retirees and beneficiaries (18.6%) and 35 public officers (25.7%). from, 82 retirees and beneficiaries and 18 public officers (13.2%) cited provincial administration while 31 retirees and 9 public officers (6.6%) mentioned fora such barazas as sources of information on the requirements for processing payment of pension. Another 31 (4.4%) retirees did not know where to obtain information on pension processing as shown in Figure 4 and Table 27 below.

Figure 4: Sources of information relating to pension processing

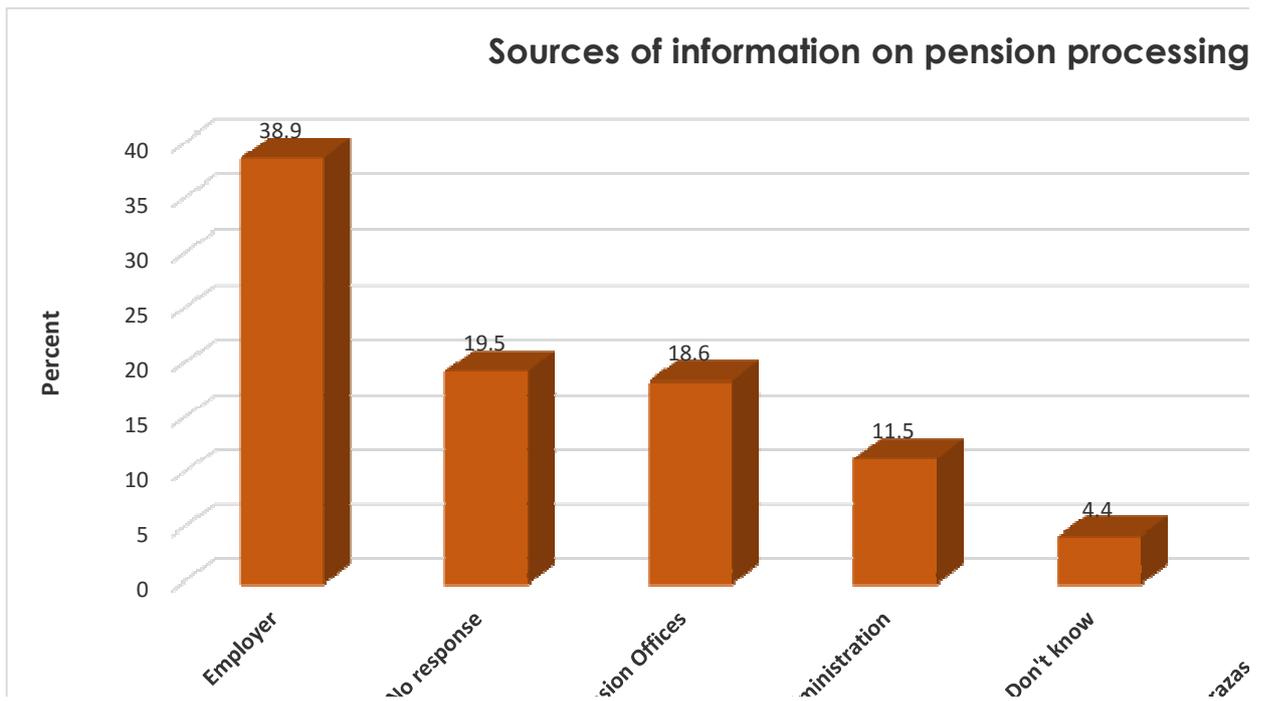


Table 27: *Where to obtain information relating to pension processing*

Source of information	No. of respondents	Percent
Employer	62	45.6
Pension offices	35	25.7
Provincial administration	18	13.2
Forums like barazas, NGOS	9	6.6
Media	7	5.1
No response	5	3.7
Total	136	100

CAJ established that the main source of information relating to processing benefits is the employer (the departments where the retirees worked). Public barazas which are used as fora for informing people on government policies scored lowly.

2.4.4 Sources of information relating to processing payment of gratuity

Similarly, the employer was cited as the main source of information relating to processing the payment of gratuity by 260 respondents (36.3%) who included retirees and beneficiaries, and 57 (41.9%) public officers. Other sources mentioned by the public officers interviewed included; pension office by 22 officers (16.2%), Provincial administration by 15 (11%) officers, Forums like barazas, NGOs by 8 (5.9%) officers and the media by 7 (5.1%) officers among others as shown in Figure 5 and Table 28 below.

Figure 5: Sources of information on processing gratuity

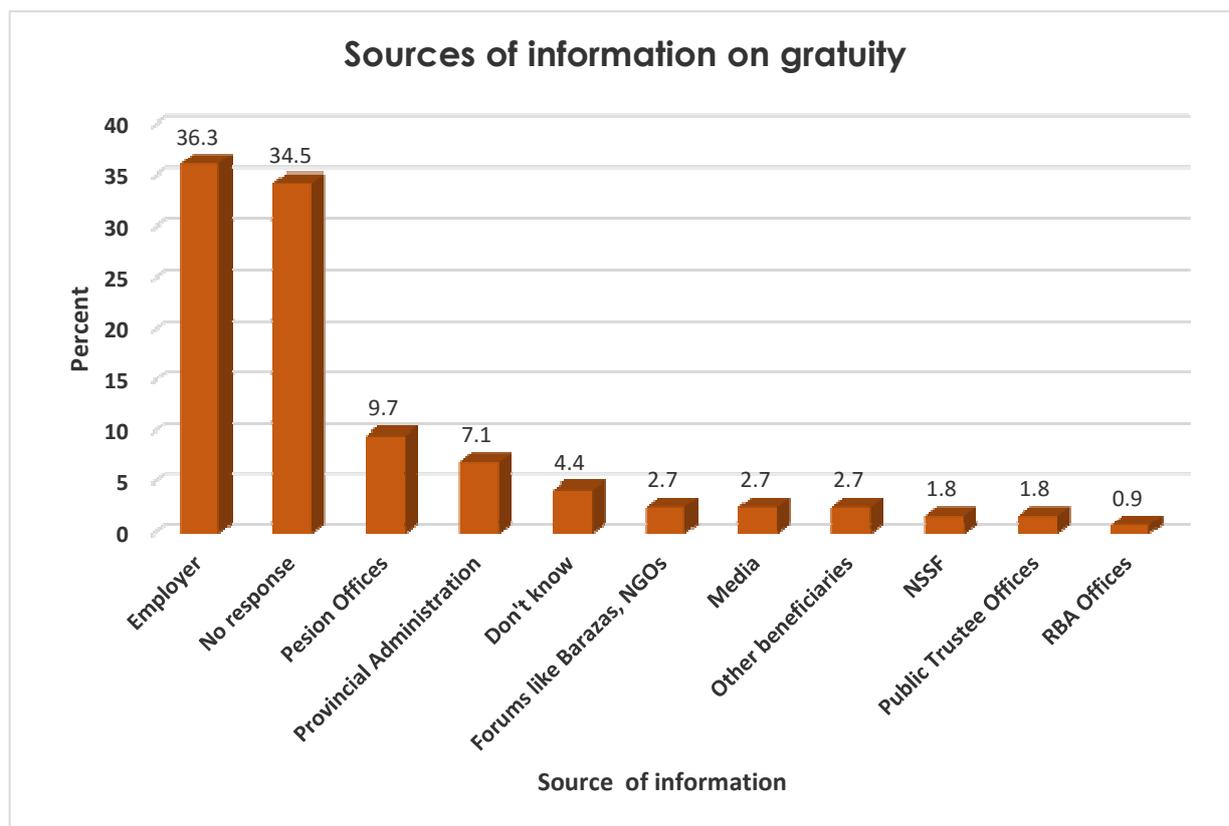


Table 28: Where to obtain information on processing gratuity

Source of information on processing gratuity	No. of respondents	Percent
Employer	57	41.9
Pensions office	22	16.2
Provincial administration	15	11.0
Forums like barazas, NGOs	8	5.9
Media	7	5.1
Other gratuity beneficiaries	5	3.7
NSSF/ministry of labour	5	3.7
Public trustees offices	4	2.9
RBA offices	2	1.5
No response	11	8.1
Total	136	100

2.4.5 Sources of information on processing payment of NSSF benefits

It was established that retirees and beneficiaries obtained information regarding processing of NSSF benefits mainly from NSSF as cited by 254 respondents (35.4%) and 53 (39%) public officers. This was followed by the employer as cited by 140 respondents (19.5%) and 36 (26.5%) public officers. Public barazas were cited by 51 respondents and 12 (8.8%) public officers.

It is worth noting that NSSF has the mandate to manage the fund hence should bear full responsibility of informing employees/contributors on the requirements for processing their benefits. NSSF should take advantage of Public barazas to give information on such matters. Figure 6 and Table 29 below illustrate the sources of information for processing NSSF benefits.

Figure 6: Sources of information on processing NSSF benefits

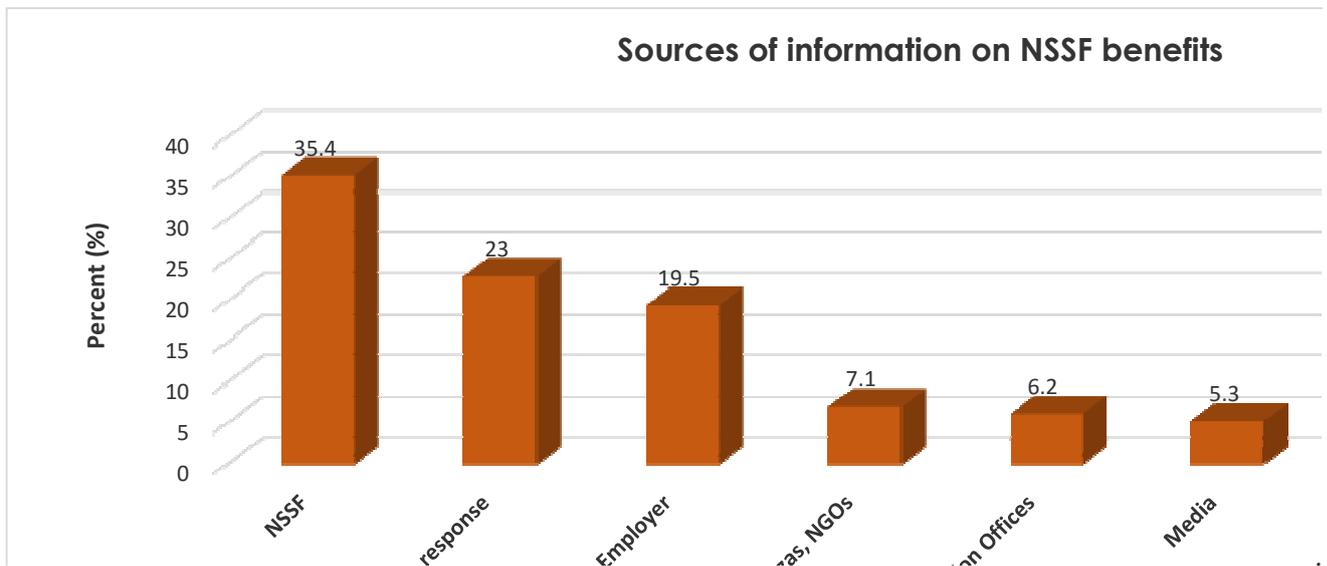


Table 29: *Where to obtain information on processing of NSSF benefits*

Source of information	No. of respondents	Percent
NSSF offices	53	39.0
Employer	36	26.5
Fora like <i>barazas</i> , NGOS	12	8.8
Pensions office	11	8.1
Media	10	7.4
Provincial administration	7	5.1
Other beneficiaries	2	1.5
No response	5	3.7
Total	136	100

2.4.6 Employers' communication about retirement

When asked about employers' communication on retirement, 591 respondents (82.5%) stated that their employer had communicated to them about their retirement. 82 respondents representing 11.4% stated that their employer had not communicated to them about their retirement. Failure to inform employees about their approaching retirement may contribute to delay and sometimes non-payment of benefits. See Table 30 below.

Table 30: *Employers' communication about retirement*

Whether informed about retirement	Frequency	Percent
Yes	591	82.5
No	82	11.4
Sub Total	672	93.9
No response	44	6.1
Total	716	100

2.5 Preferred benefit schemes by public officers

It was established that Pension Scheme, NSSF, Contributory system and gratuity scheme are the preferred schemes as cited by 240 (33.5%), 63 (8.8%), 41 (5.7%) and 36 (5%) respondents respectively as shown in Table 31 below.

Table 31: Preferred benefit schemes by public officers

Types of benefit schemes	Frequency	Percent
Alexander Forbes pension	18	2.5
Commission of human right	16	2.2
Contributory system	41	5.7
Insurance scheme	22	3.1
Kari trust benefit trust	16	2.2
Laptrust	20	2.8
NHIF	18	2.5
NSSF	63	8.8
Pension scheme	240	33.5
Gratuity scheme	36	5.0
Post Bank system	16	2.2
Private pension scheme	16	2.2
RBA	25	3.5
Sacco	18	2.5
South African system	18	2.5
Teleposta pension scheme	23	3.2
Sub-total	606	84.6
No response	110	15.4
Total	716	100

2.6 Decentralization (devolution) of services to the counties

Sixty two respondents (45.6%) of the public officers interviewed indicated that the pension benefit payment process has not been decentralised (devolved) to the Counties. 27 (19.9%) said that NSSF and the Public Trustee Office have devolved to some counties as shown in Table 32 below.

Table 32: Levels of decentralization of benefit payment process to Counties

Levels decentralization (devolution)	No. of respondents	Percent
Not yet devolved, still in National level	62	45.6
NSSF and Public Trustees have devolved to some Counties	27	19.9
Devolved to Sub-County levels	20	14.7
Don't know	7	5.1
Deputy County Commissioner (only for filling forms)	10	7.4
No response	10	7.4
Total	136	100

2.7 Distance travelled by respondents to process their benefits

CAJ established that 324 (45.3%) respondents had to travel between 300 km and 400 km to pension offices to process their retirement benefits as a result of the centralized services. 155 (21.6%) indicated that they travelled between 1 and 100Kms for services in public offices and 140 (19.5%) respondents covered a distance between 101 and 200 Kms. In North Eastern Kenya, some respondents stated that they had to travel for distances of over 500 km to get service as shown in Table 33 below.

Table 33: Distance (km) travelled by the respondents to pension offices

Distance (Km)	Number of respondents	Percentage
1-100	155	21.6
101-200	140	19.5
201-300	54	7.5
301-400	324	45.3
401-500	19	2.6
501-600	11	1.6
601-700	2	0.3
701-800	2	0.3
900-1000	7	1
1001-1100	2	0.3
Total	716	100

CAJ noted that a high number of retirees travelled long distances to access services.

2.8 Availability of complaints handling desk for the retirees/pensioners

Four hundred and fifteen respondents (58%) indicated that there were no complaints handling mechanism in the offices processing benefits while 236 (33%) indicated that the mechanism was there as shown in Table 34 below.

Table 34: Availability of complaints handling desk for the retirees/pensioners

If complaints handling mechanism is available	No. of respondents	Percentage
Yes	236	33
No	415	58
No response	64	9
Total	716	100

Out of the 136 public officers interviewed, 64 (47.1%) stated that the Pensions Department has complaint handling mechanism while 60 (44.1%) stated that there was no complaint handling mechanism in place as shown in Table 35 below.

Table 35: Presence of complaints handling mechanism

Response	No. of respondents	Percent
Yes	64	47.1
No	60	44.1
Total	120	88.2
No response	12	8.8
Total	136	100

CAJ notes that whereas only 64 (47.1%) of the public officers interviewed stated that there are mechanisms in place to handle complaints, 415 (58%) retirees stated that there are no mechanisms for handling complaints. This variance is significant considering that the position of the retirees interviewed is informed by experience.

2.0 Part III: Systemic and Human Factors in the Payment of Benefits

3.1 Systemic factors affecting payment of pension to retirees

One hundred and forty five respondents (20.25%) identified poor records management as a major systemic issue in the payment of benefits, 126 respondents (17.9%) cited centralization of services. 121 respondents (16.9%) cited bureaucratic processes, 120 (16.8%) inaccessibility of senior pension officers/offices at the Directorate and 72(10.1%) corruption. Other systemic factors are shown in the Table 36 below.

Table 36: Systemic factors affecting payment of pension

Systemic factors	Frequency	Percent
Bureaucratic processes	121	16.9
Centralization of services	126	17.6
Inaccessibility of senior pension officers/offices at the Directorate	120	16.8
Corruption	72	10.1
Few and untrained officers	39	5.49
Lack of communication	25	3.5
delay in payment by the banks	19	2.65
Poor record management	145	20.25
Sub Total	667	93.2
No response	49	6.8
Total	716	100

On the other hand, 27 public officers (19.0%) interviewed cited centralization of services and long distances covered by retirees and beneficiaries to the centralized offices as systemic issues faced in the payment of benefits. Other systemic problems affecting services included bureaucratic processes by 20 (14.7%) officers, corruption by 19 (14%), lack of communication cited by 12 (8.8%) and lack of cooperation between concerned offices cited by 10 (7.4%). These and other factors are shown in Table 37 below.

Table 37: Systemic issues faced in payment of retirement benefits

Systemic issues	No. of respondents	Percent
Centralization of services	27	19.9
Bureaucratic processes	20	14.7
Lack of communication	12	8.8
Misunderstanding when identifying beneficiaries	7	5.1
Corruption in the system	19	14.0
Chiefs withholding information when identifying beneficiaries	6	4.4
Lack of cooperation between concerned offices	10	7.4
Technological problems and poor policies	6	4.4
Delay	5	3.7
Incomplete claim forms	4	2.9
Shortage of staff	5	3.7
Don't know	1	0.7
No response	14	10.3
Total	136	100

The main systemic factors that affect the processing and payment of pension to retirees are poor records management, centralization of services, long distances, corruption, bureaucratic processes and inaccessibility of senior pension officers/offices at the Directorate.

Focus group discussion revealed that some employers do not maintain up-to-date employees' records.

".....some employers do not provide us with proper and updated information on next of kin or beneficiaries".

"..... What is Public Trustee? Hii ni ofisi moja sisi hatuijui, kazi yake ni nini?" hata RBA wanafanya nini?" Asked a Focus Group Discussion participant in Kwale County.

3.2 Service charter for processing of benefits

Interviews with officers from the Pensions Department revealed that the Department is yet to develop a stand-alone service charter for its customers, and that unlike the Directorate of Occupational Health and Safety Services, it has not imbedded its service charter in the overall National Treasury Service Charter.

3.3 Human factors affecting payment of retirement benefits

One hundred respondents (14%) cited corruption among officers as one of the main human factors affecting the processing and payment of retirement benefits. Another 100 (14%) cited rude officers who are not willing to serve as another major factor. Other factors included lazy officers with bad attitude by 97 (13.5%), officers hiding files by 80 (11.2%), incompetent officers by 75 (10.5%), discrimination by 70 (9.8%) and absenteeism by 68 (9.5%) as shown in Table 38 below.

Table 38: Human factors causing delay in payment of retirement benefits

Human factors	Frequency	Percent
Absenteeism of officers	68	9.5
Corrupt officers	100	14.0
Discrimination	70	9.8
Incompetent officers	75	10.5
Rude officers not willing to serve	100	14.0
Officers are lazy and with bad attitude	97	13.5
Officers hiding files	80	11.2
Sub total	590	82.4
No response	126	17.6
Total	716	100

On the other hand, 38 (27.9%) of the public officers interviewed cited ignorance by beneficiaries and lack of necessary documents, corrupt and incompetent staff by 36 (26.5%), family disputes and late submission of claims by 35 (25.7%) and language barrier by 22 (16.2%) as shown in Table 39 below.

Table 39: Human factors affecting payment of retirement benefits as perceived by public officers

Human factors affecting payment of benefits	No. of respondents	Percent
Ignorance of beneficiaries and lack of necessary documents	38	27.9
Corrupt and incompetent staff	36	26.5
Family disputes and late submission of claims	35	25.7
Language barrier	22	16.2
No response	5	3.7
Total	136	100

3.4 Human factors affecting payment of benefits to beneficiaries

One hundred and twenty two respondents (17%) cited corrupt officers as one of the major factors delaying payment of benefits to beneficiaries, 113 (15.8%) cited lack of good public relations amongst pension staff and 110 (15.4%) cited inefficient officers. Other factors included frustrations by 96 (13.4%) and failure by officers to source for funding by 94 (13.1%) as shown in Table 40 below.

Table 40: Human factors delaying payment of benefits to beneficiaries of the deceased

Human factors	Frequency	Percent
Corrupt officers	122	17.0
Officers lacked good public relations	113	15.8
Officers were not efficient	110	15.4
Ignorance among benefactors	103	14.4
Frustrations	96	13.4
Failure by officers to source for funding.	94	13.1
Sub total	638	89.1
No response	78	10.9
Total	716	100

3.5 Legal and policy factors affecting payment of benefits

Out of Focus Group Discussions with public officers the following emerged as some of the legal challenges faced in the process:

- i. Pension laws in the country are outdate and discriminative,
“.....the Windows and Children Pension Scheme (CAP 195) places the age limit for an African Child at 16 years while the Windows and Orphans Pension Act (CAP 192) and the Asian Officers Family Pension Act (CAP194) provides for the age limit of a European and Asian Child at 21 years. This is discriminatory against the African Child”.
- ii. The Pensions Act Cap 189, is gender discriminatory because male spouses are not addressed by the law as eligible for benefits, while widows are cited as qualified for payments as beneficiaries.
- iii. The Widow and Children's' Pensions Act (WCPA) does not addressing widowers' children in the event of death of a female spouse who served as a public officer.
- iv. The WCPA as discriminatory as it provides that children of deceased women do not qualify for immediate payment of benefits until the expiry of 5 years after death of the mother while children of deceased male officers are immediately paid benefits in the event of death of their father without waiting to qualify in the next 5 years.
- v. Male officers are deducted “Widow and Children Pension” while female officers are not.

3.0 Part IV: Consequential Observations

- i. The Public Trustee offices visited in Counties lack office space and necessary equipment for efficient services delivery.
- ii. The Pensions Department is not decentralised
- iii. The Pensions Department does not have a clear policy on the payments of benefits.
- iv. It was noted that retirees and beneficiaries are restricted to enter the Pensions Office at the National Treasury, between 9.00 am and 12.00 noon, despite having travelled from far to seek services.
- v. Senior officers at the Pensions Departments, are not accessible to clarify issues raised by retirees and beneficiaries.
- vi. The Pensions Department does not have adequate skilled personnel to serve retirees.
- vii. Customer care skills are wanting among officers at the Pensions Department.
- viii. There is a backlog of pensions and other benefits claim cases at the dating over ten years at the Pensions Department.
- ix. Retirees and beneficiaries do not have access to information on the requirements for processing of benefits.

4.0 Part V: Conclusions and Recommendations

5.1 Conclusions

- i. There is undue delay in the processing and payment of benefits to retirees and beneficiaries with some cases having to wait for over ten years.
- ii. There is non-payment of retirement benefits to some claimants for long periods.
- iii. There is a lot of suffering among retirees and beneficiaries because delay and non-payment of their benefits
- iv. The Systemic factors causing delay and non-payment of benefits are poor records management, bureaucracy, corruption, centralized services, long distances, shortage of skilled staff, lack of adequate equipment, ICT challenges, office space, slow verification process of beneficiaries, lack of transparency in the rates of payments and inaccessibility of senior pension officers/offices at the Directorate.
- v. Human factors associated with the public officers include: corruption among public officers, rude officers not willing to serve, incompetence, lazy and bad attitude among officers, non-cooperative officers, absenteeism and discrimination.
- vi. Lack of information on the requirements for processing of benefits, family disputes on benefits, lack of supporting documents, late submission of claims are key human factors associated with retirees and beneficiaries.
- vii. Dependents of deceased public officers find it difficult to obtain information necessary for processing relevant documents in support of paying benefits.
- viii. The public trustee has no clear policy on verification and approval of bonafide beneficiaries on succession matters.
- ix. The Pensions Department and Occupational Health and Safety have inadequate mechanism of handling complaints from the retirees and beneficiaries.
- x. The most preferred retirement benefit scheme is pension.

- 
- xi. Laws covering payment of benefits are out-date and discriminatory
 - xii. Some employers do not maintain proper and updated information on next of kin or beneficiaries.
 - xiii. There is little public knowledge on the Public Trustee Office and RBA and their functions in relation to payment of benefits.

5.2 Recommendations

- i. The Cabinet Secretary National Treasury should oversee the speedy and immediate payment of the many backlog cases of unpaid benefits at the Pensions Departments and facilitate the formulation of policy guidelines for processing and payment of benefits.
- ii. The Cabinet Secretary National Treasury and Parliament should set aside adequate funds to pay retirees and beneficiaries.
- iii. The Cabinet Secretary National Treasury and the Law Reform Commission should facilitate the review of Pensions Laws and other statutes relevant thereof.
- iv. The Pensions Department should with immediate effect address the Systemic factors affecting the processing and payment of benefits namely; poor records management, bureaucracy, corruption, centralized services, shortage of skilled staff, lack of adequate equipment, ICT challenges, office space, slow verification process of beneficiaries, lack of transparency in the rates of payments and inaccessibility of senior pension officers/offices at the Directorate.
- v. The Pensions Department should with immediate effect deal with the human factors including corruption, rude officers not willing to serve, incompetence among staff, lazy and bad attitude among officers, non-cooperative officers, absenteeism and discrimination which affect service delivery at the Directorate.
- vi. The Pensions Department should devolve offices/services to the County level.
- vii. The Pensions Department should put in place and operationalize an effective complaints handling mechanism for its clients

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- viii. The Pensions Department should develop and implement a Customer Service Charter for processing and payment of benefits
 - ix. The Public Service Commission should ensure that employers submit to the Pensions Department relevant information and documents of a retiring officer, one year before retirement.
 - x. The Pensions Department, NSSF, Public Trustee Office and RBA should carry out civic education to create awareness on the processes involved in the payment of pensions and benefits to retirees and beneficiaries.