

**REPUBLIC OF KENYA**

**PARLIAMENT  
OF KENYA  
LIBRARY**



**THE NATIONAL ASSEMBLY**

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**TWELFTH PARLIAMENT – SECOND SESSION**

**REPORT ON THE PETITION BY RESIDENTS OF  
SAMBURU NORTH**

**Clerk's Chambers  
Directorate of Committee Services  
Parliament Buildings  
Nairobi**

**July 2018**

## ABBREVIATIONS

**PWDs** Persons Living With Disability

**OVC** Orphans and Vulnerable Children

**NGAAF** National Government Affirmative Action Development Fund

**OP** Older Persons

**MoUs** Memorandums of Understanding

**CS** Cabinet Secretary

**CAS** Chief Administrative Secretary

**MDA** Ministry Departments and Agencies

**CoK** Constitution of Kenya

**M&E** Monitoring and Evaluation

**SACC** Social Assistance Constituency Committee

**PSPs** Payment Service Providers

## EXECUTIVE SUMMARY

The National Assembly Departmental Committee on Labour and Social Welfare embarked on a fact finding mission to investigate the issues surrounding the social protection program after it received a petition from residents of Samburu north constituency. The petition was read in the National Assembly on 20<sup>th</sup> February, 2018 by the Hon. Justin B. Muturi, Speaker of the National Assembly pursuant to Standing Orders 220(1)(a)(b) and (5). The petition was submitted through the Clerk of the National Assembly by Hon. Alois M. Lentoimaga regarding the challenges in implementation of the social assistance programme in Samburu North Constituency. Pursuant to Standing Order 227(1), The Petition was committed to the Departmental Committee on Labour and Social Welfare for consideration and subsequent reporting to the House in accordance with Standing Order 227(2).

The right to petition Parliament is anchored in Article 119 of the Constitution of Kenya. The article states thus: Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation. The petitioner prayers to the National assembly through the departmental committee of Labour and Social Welfare Committee are to;

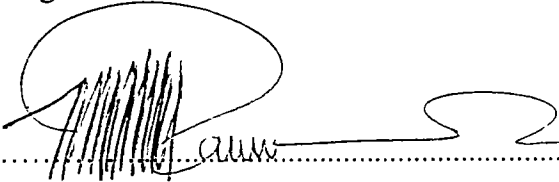
- a) Recommends that the Ministry of Labour and Social Protection put in place measures to address the challenges experienced in disbursement of the social security assistance funds;
- b) Recommend an increment in social assistance disbursed to the vulnerable members of the society;
- c) Recommend for continuous engagement between county/sub-county levels and locational levels to identify changes required; and
- d) Makes any other order or direction that it deems fit in the circumstances of the matter.

This Report is a culmination of the deliberations of the Departmental Committee on Labour and Social Welfare after visiting Kwale, Samburu and Likipia Counties to assess the implementation of the social protection programs. The committee also invited the Ministry of Labour and Social Welfare to make their presentation with regard to the

issues raised. The Ministry currently runs the National Safety net program (InuaJamii). The overall objective of the program is to cushion the vulnerable section of the population specifically orphans and vulnerable children, older persons and persons with severe disabilities against vulnerability.

The Committee made the following recommendations based on the observations made during the counties visits:-

- a) Review the social assistance act, 2013 and put in place enabling regulations that guide the management of the Social protection fund as envisaged in the Kenya National Social Protection Policy, 2011;
- b) That contracted payment service providers (Banks and their agents) are obligated to implement the 6km radius policy on pay point location to prevent beneficiaries from walking/travelling long distances hence losing on earnings through theft and unnecessary costs;
- c) The contracted payment service providers should develop an alternative mechanism of identification of beneficiaries to serve as a backup to the biometric process; this will enhance the process of identification and provide real-time monitoring of beneficiaries and the care -givers records;
- d) That to enhance livelihoods and better living standards of the eligible beneficiaries the committee recommends that going forward there in need to scale up the program through additional funding without increasing the capitation to individual beneficiaries;
- e) The criteria of recruitment of beneficiaries should be relooked into for proper identification of deserving beneficiaries and;
- f) The ministry should initiate M&E and impact assessment process for proper management of the funds.

Signed..........Date... 3<sup>RD</sup> JULY 2018

**THE HON. Ali Wario, M.P.**

**CHAIRPERSON**

## **Establishment and Mandate of the Committee**

The Departmental Committee on Labour and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is to *inter-alia*:-

- i. *Oversight over the day to day running and administration of Ministries, Departments and Agencies under its purview;*
- ii. *Consider Estimates of the said Ministries, Departments and Agencies;*
- iii. *Consider relevant legislation and recommend enactment of laws; and,*
- iv. *Carry out vetting of State/Public Officers as required by law.*

The Committee is mandated to consider the following subjects under the Second Schedule of the Standing Orders:-

- i. Labour,
- ii. Labour relations,
- iii. Manpower or Human resource Planning,
- iv. Gender,
- v. Youth,
- vi. Social Welfare and Security,
- vii. Children`s Welfare,
- viii. And Persons Living With Disabilities.

### ***Oversight***

In executing its mandate, the Committee oversees the following Government Ministries, Departments and Agencies, namely:

- i. Ministry of Labour
- ii. The State Department for Social Security and services
- iii. The State Department for Gender
- iv. The State Department for Youth

## COMMITTEE MEMBERSHIP

1. The Hon. Ali Wario, MP - **Chairperson**
2. The Hon. Joyce Korir, MP- **Vice Chairperson**
3. The Hon. Gladys Wanga, MP
4. The Hon. Janet MaraniaTeyiaa, MP
5. The Hon. Janet Nangabo Wanyama, MP
6. The Hon. Ronald KiprotichTunoi, MP
7. The Hon. James Onyango Koyoo, MP
8. The Hon. Rose Museo, MP
9. The Hon. Alfred KiptooKeter, M.P
10. The Hon. Charles KanyiNjagua, MP
11. The Hon. Catherine Wambilyanga, MP
12. The Hon. Fabian KyuleMuli, MP

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13. The Hon. Ole Sankok David, MP
14. The Hon. Abdi Mude Ibrahim, MP
15. The Hon. Michael Mwangi Muchira, MP
16. The Hon. Safia Sheikh Adan, MP
17. The Hon. Tom Odege, MP
18. The Hon. Wilson Sossion, MP
19. The Hon. OmbokoMilemba, MP

## COMMITTEE SECRETARIAT

- |   |                     |
|---|---------------------|
| <b>1. First Clerk Assistant</b>         | Mr. Adan Gindicha   |
| <b>2. Clerk Assistant</b>               | Mr. John Mugoma     |
| <b>3. Legal Counsel</b>                 | Ms. Marlene Ayiro   |
| <b>4. Research &amp; Policy Analyst</b> | Mr. Said Osman      |
| <b>5. Fiscal Analyst</b>                | Ms. AmranMursal     |
| <b>6. Media Relations</b>               | Ms. Noelle Chelagat |
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## TABLE OF CONTENT

<b>ABBREVIATIONS</b> .....	<b>ii</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>iii</b>
<b>COMMITTEE MEMBERSHIP</b> .....	<b>vi</b>
1.0Background .....	1
1.1Introduction.....	1
1.2Prayers to the National Assembly.....	2
2.0 Meeting with the CAS of Labour and Social Welfare.....	3
2.1 Response from the Ministry on the Samburu North Residents Petition .....	5
3.0 Meeting with County Commissioner of Kwale County and Beneficiaries .....	6
Emerging Issues .....	7
3.1 Meeting with County Commissioner Samburu and Beneficiaries.....	11
Emerging issues .....	12
3.2 Meeting County Commissioner Laikipia County and Beneficiaries .....	13
Expected Beneficiaries for the 70 and above programme (not yet validated).....	14
4.0Observation.....	15
5.0 Recommendation .....	16

## 1.0

## BACKGROUND

### 1.1

#### Introduction

The Petition was read in the National Assembly on 20<sup>th</sup> February, 2018 by the Hon. Justin B. Muturi, Speaker of the National Assembly pursuant to Standing Orders 220(1)(a)(b) and (5). The petition was submitted through the Clerk of the National Assembly by Hon. Alois M. Lentoimaga regarding the challenges in implementation of the social assistance programme in Samburu North Constituency. Pursuant to Standing Order 227(1), The Petition was committed to the Departmental Committee on Labour and Social Welfare for consideration and subsequent reporting to the House in accordance with Standing Order 227(2). The issues raised in the said Petition are as follows:-

- a) THAT, article 43 (e) of the Constitution provides that every person has the right to social security;
- b) THAT, article 21 of the constitution on the implementation of the rights and fundamental freedoms provides that the state shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realization of the rights guaranteed under article 43;
- c) THAT, the social assistance Act, the National Security Fund Act, the Pension Act, the Retirement Benefits Act and National Hospital Insurance Fund Act are in place and endeavours to deal with social assistance to the community;
- d) THAT, beneficiaries households face a number of service delivery challenges in accessing social security assistance/funds especially in registration process and disbursement of the funds;
- e) THAT, the programme elements are not being implemented in a timely manner and service delivery to the beneficiaries are inadequate;
- f) THAT, delayed payments have negative impact on the wellbeing and livelihood strategies of beneficiaries, threatening their achievements, undermining social safety net functions;



- g) THAT, while the service level arrangement stipulates that beneficiaries should be served within 6km radius, some beneficiaries continue to travel inordinately long distance to pay points and are not compensated;
- h) THAT, the Ministry of Labour and Social protection which is responsible for overseeing the implementation of the social assistance programme has failed and as a result, there is duplication of roles by various government agencies and non-governmental organizations;
- i) NOTING THAT, the amount disbursed to this vulnerable person is inadequate to cater for basic need.

## **1.2 Prayers to the National Assembly**

The Petitioner, therefore, prays-

THAT the National Assembly Labour and Social Welfare Committee;

- a) Recommends that the Ministry of Labour and Social Protection put in place measures to address the challenges experienced in disbursement of the social security assistance funds;
- b) Recommend an increment in social assistance disbursed to the vulnerable members of the society;
- c) Recommend for continuous engagement between county/sub-county levels and locational levels to identify changes required; and
- d) Makes any other order or direction that it deems fit in the circumstances of the matter.

## **2.0 Meeting with the Chief Administrative Secretary write in full Ministry of Labour and Social Protection**

The meeting started with a brief introduction and the committee was taken through an overview of the management of safety net program by the Chief Administrative Secretary of the Ministry of Labour and Social Protection who was representing the Cabinet Secretary. On the National Safety Net Program “InuaJamii”, the Committee was informed that poverty, disease and ignorance were identified through “*Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning in Kenya*” as critical challenges facing independent Kenya. Social protection has been implemented in Kenya for many years in various forms that include both contributory and non-contributory means.

Kenya’s vision 2030 envisaged the establishment of consolidated social protection fund for cash transfers. This initiative was subsequently identified as priority and renamed the National Safety Net Program. The program, also known as the “InuaJamii” was started with cash transfers to orphans and vulnerable children component in 2004/2005 financial year. Thereafter, two other cash transfers components targeting older persons and persons with severe disabilities were started in 2007/2008 and 2010/2011.

The National Safety Net “InuaJamii” program objective was to cushion the most vulnerable section with in the society specifically the orphans and vulnerable children, older persons and persons with severe disabilities against vulnerability to enable them meet basic needs, live a dignified life and prevent them from sinking into further poverty. Social assistance is a constitutional right provided in Article 43(3) of the Constitution and ministry acknowledged the gaps that exist in the legal framework with regard to the implementation of the Social Assistance Act. The committee was informed that:-

- (a) The fund is managed through the steering committee comprising of Permanent Secretaries at ministerial level and the steering secretariat teams at county and sub county level.
- (b) The fund is audited by the auditor general.

(c) The appropriation Act guides how the fund is spent.

### **Plenary**

During the plenary session the Committee members posed the following questions to the CAS and his team;

- (a) Who coordinates the program at county and sub county level?
- (b) Legal framework or environment the fund is anchored on in terms of operation.
- (c) The difficulties implementing the Social Assistance Act?
- (d) Who's the accounting officer for this fund?
- (e) Criteria of selection of the vulnerable beneficiary?
- (f) Is M&E done to assess the impact of the fund?

Social protection is national governments function although various county governments passed legislation on the same. The policy allows us to coordinates all actors in the social protection stakeholders. The county and sub county committees are provided for in our manuals. The proportion of the entire population guides the allocation although the selection criterion is a challenge and the officers depend or work closely with the national administrative officer's at the sub county level such as the county commissioners and local chiefs in terms of beneficiary identification.

The ministry also indicted to the Committee that there are identified gaps in the Social Assistance Act that hinder its implementation. The Ministry constituted a team to work on the review for introducing amendment. Social Assistance Constituency Committee (SACC) is also composed of the Constituency Member of Parliament who is the patron County Women Member of Parliament as the ex-official provided for in the manual.

Under staffing and insufficient resources to administer the funds affect the M&E component which is critical for continuous information on improvement and decision making. The Committee was informed that the accounting officer for the administration and the management of the funds is the Permanent Secretary for Social Protection. The

last recruitment or scale up of the program was done in the year 2015 and the guiding parameter is the poverty index.

### **2.1 Response from the Ministry on the Samburu North Residents Petition**

The Ministry is aware of the various challenges facing the disbursement of the Social Assistance Funds. Consequently, the Ministry recently procured four Payment Service Providers (PSPs) namely Kenya Commercial Bank, Equity Bank Limited, Postbank and Cooperative Bank that have a nationwide branch network coupled with wide agency distribution. Previously, the Ministry had contracted only the first two PSPs (KCB and EBL).

Starting with the oncoming 70+, enhanced OPCT Programme, beneficiaries will be allowed to pick a bank of their choice with agents nearest to them. The Ministry have also moved from card to account based payment meaning that the beneficiaries will be able to withdraw portions of their stipends depending on their individual needs and will no longer have to withdraw all KShs.4,000/- entitlement per cycle at once.

The beneficiaries will also henceforth be allowed two 2 free withdrawals by the programme and can go to the agents at their convenience and not during the select 21 days as it was before. For those who are infirm due to old age or disability and the children under 18 years, they are encouraged to nominate trusted caregivers who can operate the accounts on their behalf. Beneficiaries will also be exposed to Financial Literacy to enhance the impact of the stipend under the new contract with the four PSPs. The new contract also allows for a more robust reconciliation and monitoring and evaluation platforms for the programme which enhances service delivery and transparency.

### **3.0 Meeting with County Commissioner of Kwale County and Beneficiaries**

After brief introduction the County Commissioner invited the social protection officer to brief the Committee on the progress of the program. The Chairperson informed beneficiaries on issues that needed clarification:-

- a) Whether they receive the right information with regard to the disbursement of the funds,
- b) Where there is dignity in the process of disbursement,
- c) The distance they travel to access payment from service providers.

The representatives of the beneficiaries of the cash transfer informed the Committee that:-

- a) The cash was beneficial to the beneficiaries. However, the Government should consider increasing the amount given to each beneficiary from Kshs. 2000 per month to Kshs. 4000.
- b) The government should consider implementing the 6km radius policy to guard against the beneficiaries travelling long distance to receive the cash.
- c) Some of the cards issued to the beneficiaries is not working hence the government should consider introducing other modes of payment.
- d) There are delays in disbursement of funds to beneficiaries.
- e) There is mix up in the names of beneficiaries the government should consider constant updating of the register.
- f) Failure of the biometric identification process is another thing that affects the vulnerable beneficiaries
- g) Lack of transparency from the agents of the banks is another issue that is affecting the beneficiaries since sometimes they are issued with less money.

The Table below gives a breakdown of beneficiaries of Kwale County

<b>Constituency</b>	<b>OPCT beneficiaries</b>	<b>PWSD beneficiaries</b>	<b>CT-OVC BENEFICIARIES</b>	<b>70 YEARS &amp; ABOVE CT</b>	<b>TOTAL</b>
<b>KINANGO</b>	4574	341	2351	1384	<b>8650</b>
<b>LUNGALUNGA</b>	2934	392	1775	1405	<b>6506</b>
<b>MATUGA</b>	2780	424	1053	1248	<b>5505</b>
<b>MSAMBWENI</b>	2283	323	1257	856	<b>4719</b>
<b>GRAND TOTAL</b>	12571	1480	6436	4893	<b>25380</b>

#### **Emerging Issues**

- a) The payment of consolidation cash transfer was previously done through the Postal Corporation of Kenya. It has now changed to Equity Bank and Kenya Commercial Bank. The aim was to make sure that beneficiaries are paid within a radius of 6KM. this has not been fully realized due to inadequate capacity of service providers. The ministry is in the process of recruiting more service providers to fill this gap.
- b) Number of needy and vulnerable groups of PWSD has not been fully reached. There is also need to enhance the number of OVC as the number of households of OVC keeps increasing every day.
- c) There is need for timely facilitation to the implementing departments at the county and sub-county levels not only for M&E but to handle issues of change management in time.

The status report on the consolidated cash transfer program for Kwale County per location for older persons and persons with severe disability is shown figure below;

Location	Enrolled HHs – receiving cash transfer	Registered 70 and above older persons
<b>Matuga Sub County</b>		
Tsimba	314	
Mbuguni	129	
Mwaluphamba	433	
Golini	422	
Mangawani	225	
Lukore	128	
Waa	175	
Tiwi	134	
Ngombeni	116	
Mwaluvanga	128	
Shimba Hills / Majimboni	144	
Sub Total	2,780	1,248
<b>Msambweni Constituency / Sub County</b>		
Msambweni	464	
Diani	720	
Kinodo	589	
Mivumoni	331	
Kingwede / Shiranzi	179	
Sub total	2,283	856
<b>LungaLunga Constituency / Sub county</b>		
Mwereni	646	
LungaLunga	415	
Dzombo	729	

Vanga	339	
Kikoneni	367	
PongweKidimu	438	
Sub total	2,934	1,405
<b>Kinango Constituency / Sub county</b>		
Ndavaya	404	
Chengoni	390	
Vigurungani	349	
Makamini	277	
Mtaa	225	
Kinango	426	
Puma	154	
Mackinnon	259	
Gandini	375	
Mwatate	288	
Samburu south	365	
Taru	156	
Mwavumbo	425	
Kasemeni	481	
Sub total	4,574	1,384
Grand total	12,571	4,893

PWSD by constituency

Constituency / Sub county	No. enrolled
Matuga	424
Kinango	341
Msambweni	323
LungaLunga	392
Total	1,480



**Cash Transfer OVC Beneficiary Distribution per Location**

<b>Matuga Constituency Subcounty</b>	
Tsimba	247
Mbuguni	15
Mkongani	186
Mwaluphamba	15
Golini	13
Mangawani	11
Lukore	15
Waa	172
Tiwi	8
Ngombeni	339
Mwaluvanga	16
Shimba Hills / Majimboni	16
Sub total	1,053
<b>Msambweni constituency / sub county</b>	
Msambweni	228
Diani	364
Kinondo	216
Mivumoni	238
Kingwede / Shirazi	211
Sub total	1,257
<b>LungaLunga Constituency / Sub county</b>	
Mwereni	756
Lungalunga	227
Dzombo	360
Vanga	52
Kikoneni	88
Pongwekidimu	292
Sub total	1,775