

Dated the.....^{2ND}.....day of ^{FEBRUARY}.....2017 at EL DORET

TO: The Senate
C/O The Clerk
The Senate
Parliament Buildings
Tel: (254-2) 2221291 or 2848000
P. O Box 41842 - 00100
NAIROBI, KENYA



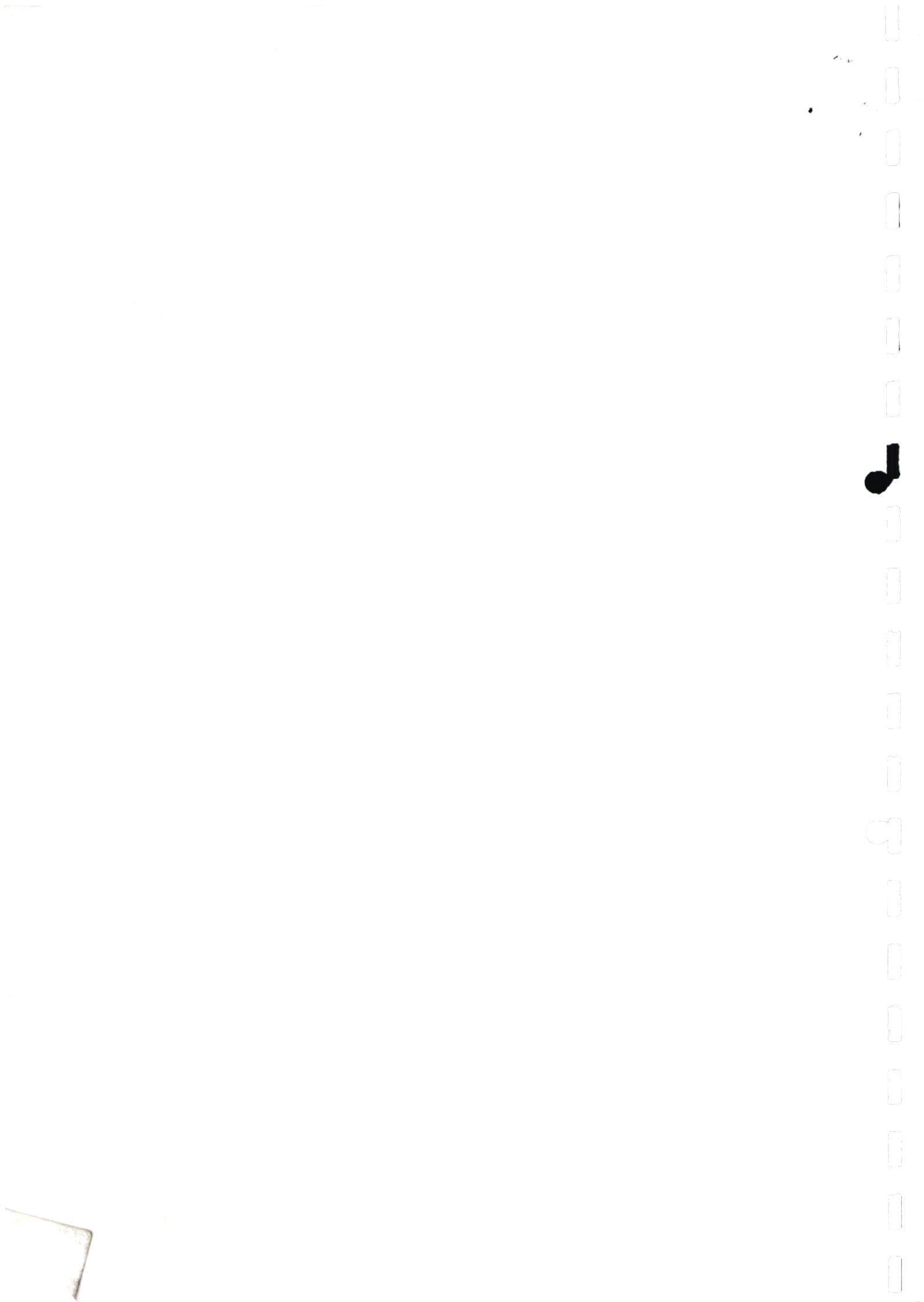
DLPS
Please deal.
[Signature]
20/3/17

CC: Sen. Wilfred Machage,
The Chairman,
The Senate Committee on Health, Labour and Social Welfare
Sen. Billow Kerrow,
The Chairman,
The Senate Committee on, Commerce and Economic Affairs

RE: PETITION TO THE SENATE, PURSUANT TO ARTICLES 37 AND ARTICLE 119 AND ARTICLE 202 OF THE CONSTITUTION AND AS PER PETITION TO PARLIAMENT (PROCEDURE) ACT AND PART XXIV OF THE SENATE STANDING ORDERS: ON HEALTH SERVICES CONDITIONAL GRANT TO COUNTY GOVERNMENT OF UASIN GISHU

BY

THE COUNTY GOVERNMENT OF UASIN GISHU



RE: PETITION TO THE SENATE, PURSUANT TO ARTICLES 37 AND ARTICLE 119 AND ARTICLE 202 OF THE CONSTITUTION AND AS PER PETITION TO PARLIAMENT (PROCEDURE) ACT AND PART XXIV OF THE SENATE STANDING ORDERS: ON HEALTH SERVICES CONDITIONAL GRANT TO COUNTY GOVERNMENT OF UASIN GISHU

WE, the undersigned,

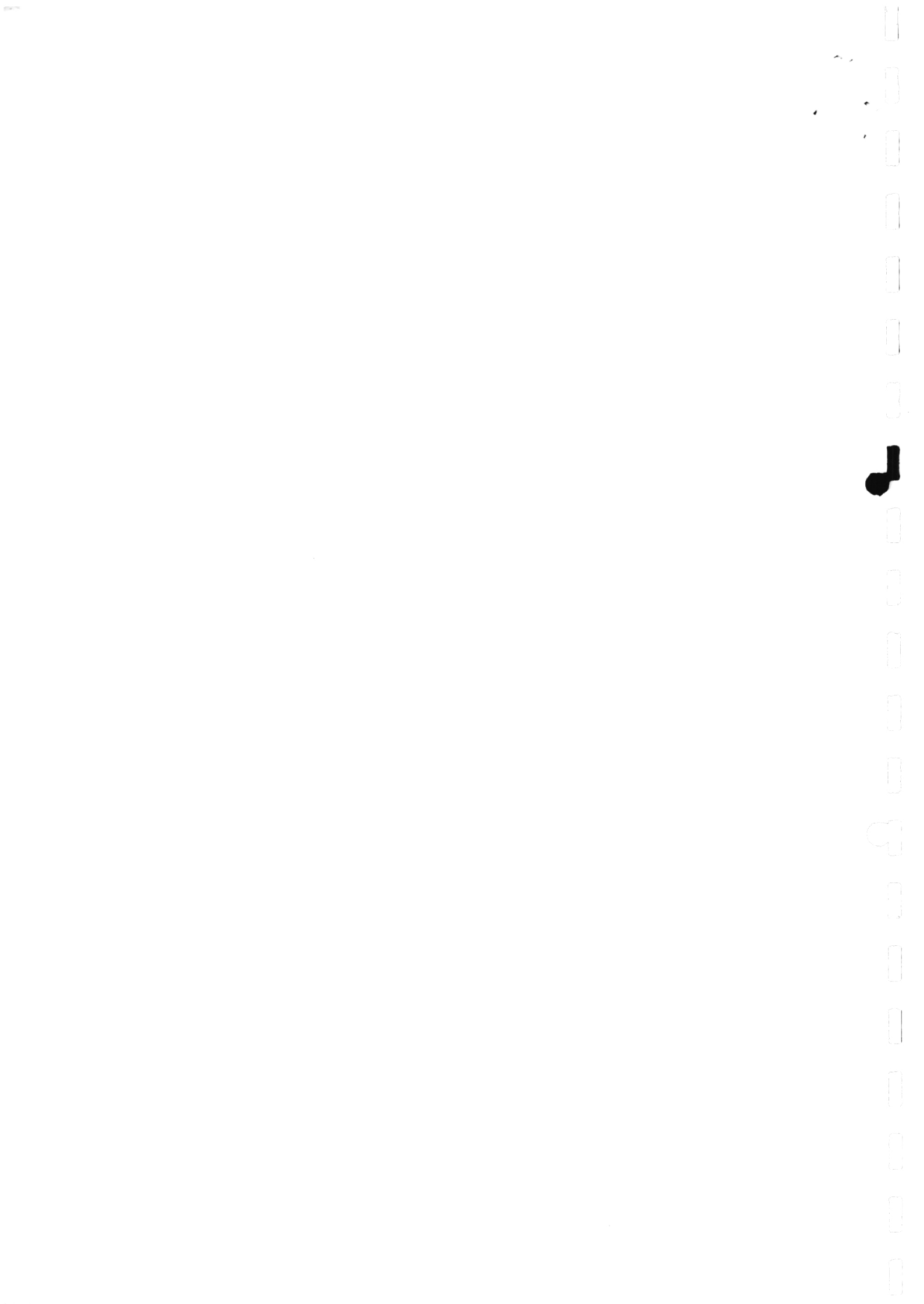
The County Government of Uasin Gishu in representation of the Citizens of the Republic of Kenya and residents of Uasin Gishu County;

DRAW the attention of the Senate House to the following:

THIS Petition concerns the non-allocation of Health Services Conditional grant to the County Government of Uasin Gishu, as per the *Article 202 (2)*, as read with *Article 6(2)* of the Constitution of Kenya 2010. These grants are one option for increasing funding flows to counties to improve service delivery, while enabling the Ministry of Health and other national government actors to set standards and develop accountability frameworks for the use of these funds.

Whereas the County Government of Uasin Gishu in collaboration with the National Government of Kenya, through the Departments and Ministries for Health respectively, is tasked to provide integrated, efficient and high quality health care services that are reasonable, equitable and affordable to all Kenyans and in accordance with the Constitution and all relevant legislation;

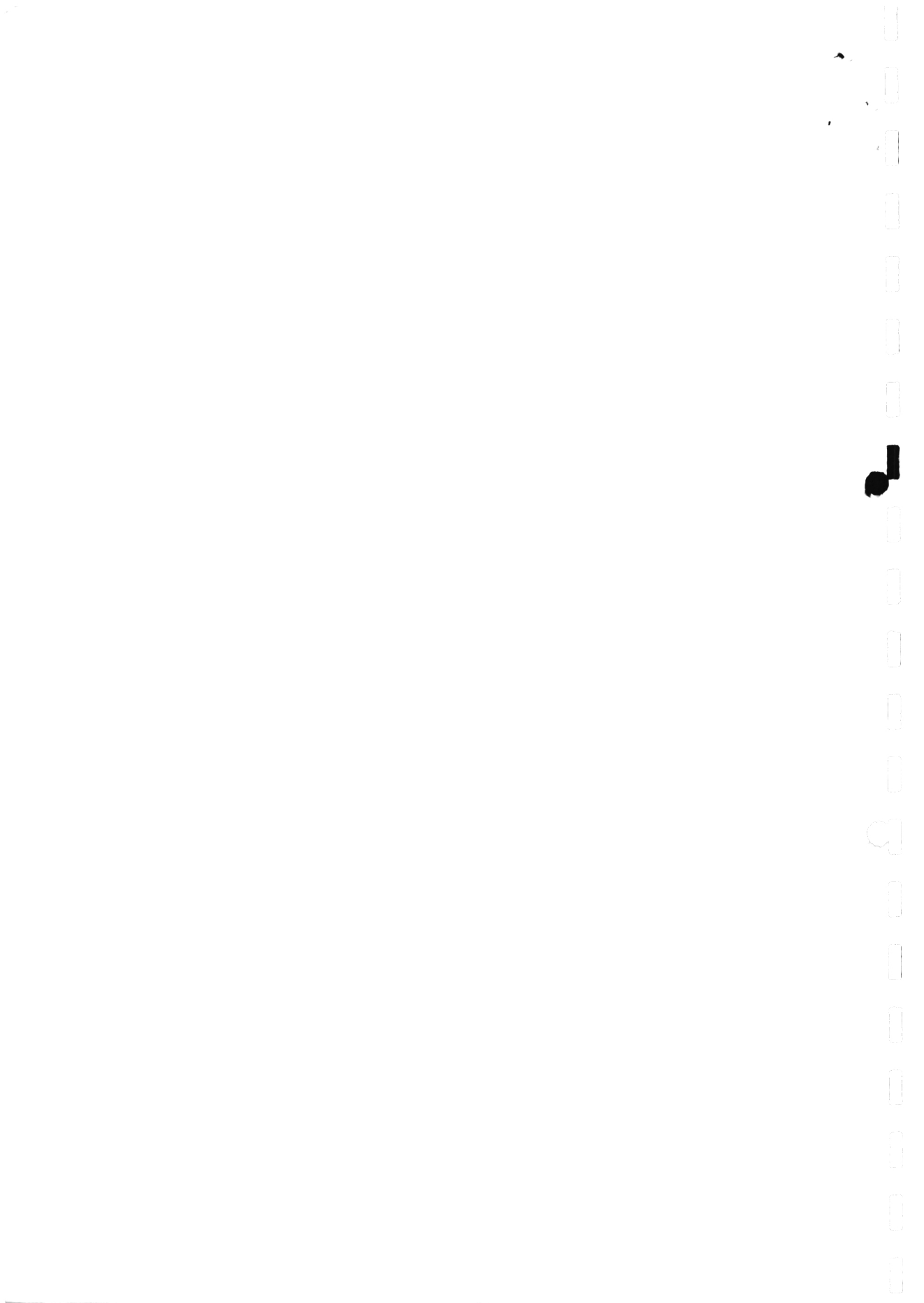
The County Government of Uasin Gishu in the discharge of the mentioned functions has embarked on an assessment, rehabilitation, improvement, appraisal of pre-existing health facilities. Notwithstanding the various



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challenges over the years on Health provisions, the following was ascertained;

1. That the County of Uasin Gishu has its level four (4) Hospital which is the **Moi Teaching and Referral Hospital**. The said Hospital has never received a Conditional grant as envisaged by the *Article 202 (2)* and the various Division of Revenue Allocation Acts even after the new Constitutional dispensation. The County Government of Uasin Gishu contends that it is within the rights of the people of Uasin Gishu to benefit from such a grant and without which **Moi Teaching and Referral Hospital** should relocate to enable the residents of the County remain with their level 4 Hospital
2. With the status put on the **Moi Teaching and Referral Hospital** to be a Level 6 Hospital and thereby a referral Hospital, the residents of Uasin Gishu County have been left with no proper Hospital to provide emergency, outpatient and inpatient services. As a matter of fact, the said Hospital serves residents from the Rift Valley, Western Kenya and also from East and Central Africa therefore denying the residents from the County proper health services.
3. The **Moi Teaching and Referral Hospital**, has been struggling from underfunding, neglect and budget cuts and therefore deserves a Conditional grant to uplift its services and in the event such a grant is not given then the grant should be given to the County Government of Uasin Gishu to improve its health centres to a higher level.

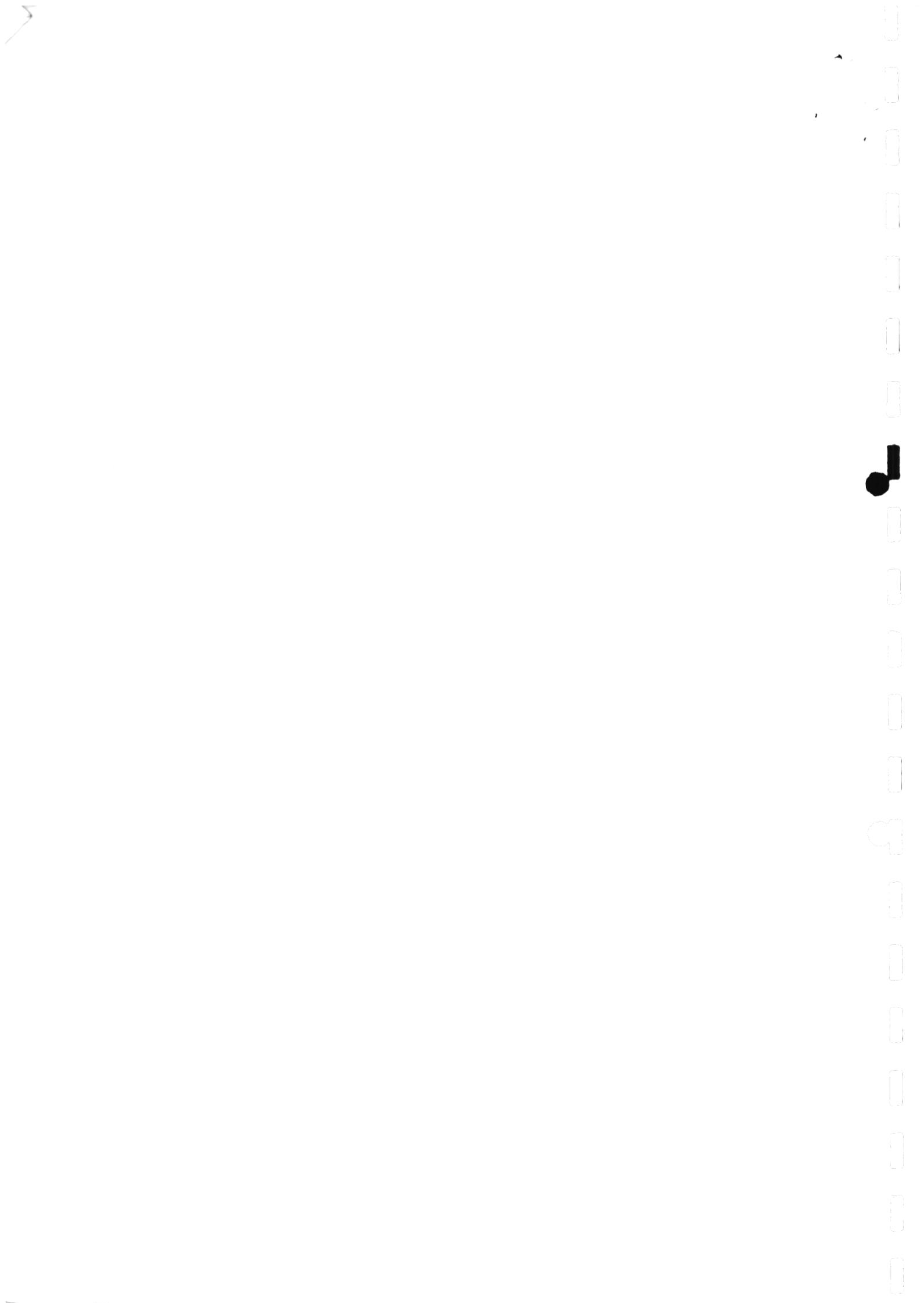


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4. That the Ministry of Health uplifted the **Moi Teaching and Referral Hospital** to be also a level 6 Hospital without considering the residents of Uasin Gishu County as the same is their level 4 Hospital.

In consideration of the aforementioned challenges the County Government of Uasin Gishu notes;

1. Health is a devolved function though bedeviled with challenges. That is not , however, a reason to state that the County Governments have failed, instead issues of funding, policy making and implementation, the role of the Ministry of Health in handing over should be addressed.
2. The County Government of Uasin Gishu contends that the *Article 6 (2) , Articles 202 (2)* of the Constitution as read with *Article 187* were not drafted in vain and the provision of services to the people should be a key determinant in allocation of a conditional grant.
3. The 2016/2017 Division of revenue proposals by the National Treasury intimates a Ksh.302 billion to be devolved to the counties, up from Ksh. 287 billion in 2015/16. The Division of revenue Act 2015 created 5 (five) conditional grants. There is a proposed increase of these grants in the 2016/2017 year with the County Government of Uasin Gishu conspicuously missing.



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4. One of the solution to the problem would have been to allocate better status to the Health facilities in Uasin Gishu County but the criteria used by the Ministry of health relies heavily on facilities and bed capacity ironically which cannot be attained since grants are based on hospital status.
5. The criteria used by the Ministry of Health to refer levels to Hospitals throughout the Uasin Gishu County is greatly disadvantageous and prejudicial to the people of Uasin Gishu as it has denied them an opportunity to have their proper level 4 Hospital facility.
6. The distribution of funds and essentially conditional grants should be all-inclusive, equitable and evidence- based and not merely through assumption of hospital levels poorly categorized.
7. Attendance data of each Hospital in the Country should be a measure as to the need for Conditional grant in every County.

The County Government of Uasin Gishu therefore acknowledges the powers of this Honourable Senate House to discuss issues of National importance within its mandate in *Article 96* of the Constitution in ensuring that it represents the counties, and serves to protect the interests of the counties and their Governments.

The County Government thus seeks the intervention, guidance, wisdom, and recommendation of the Honourable Senate House as per *Article 96* of

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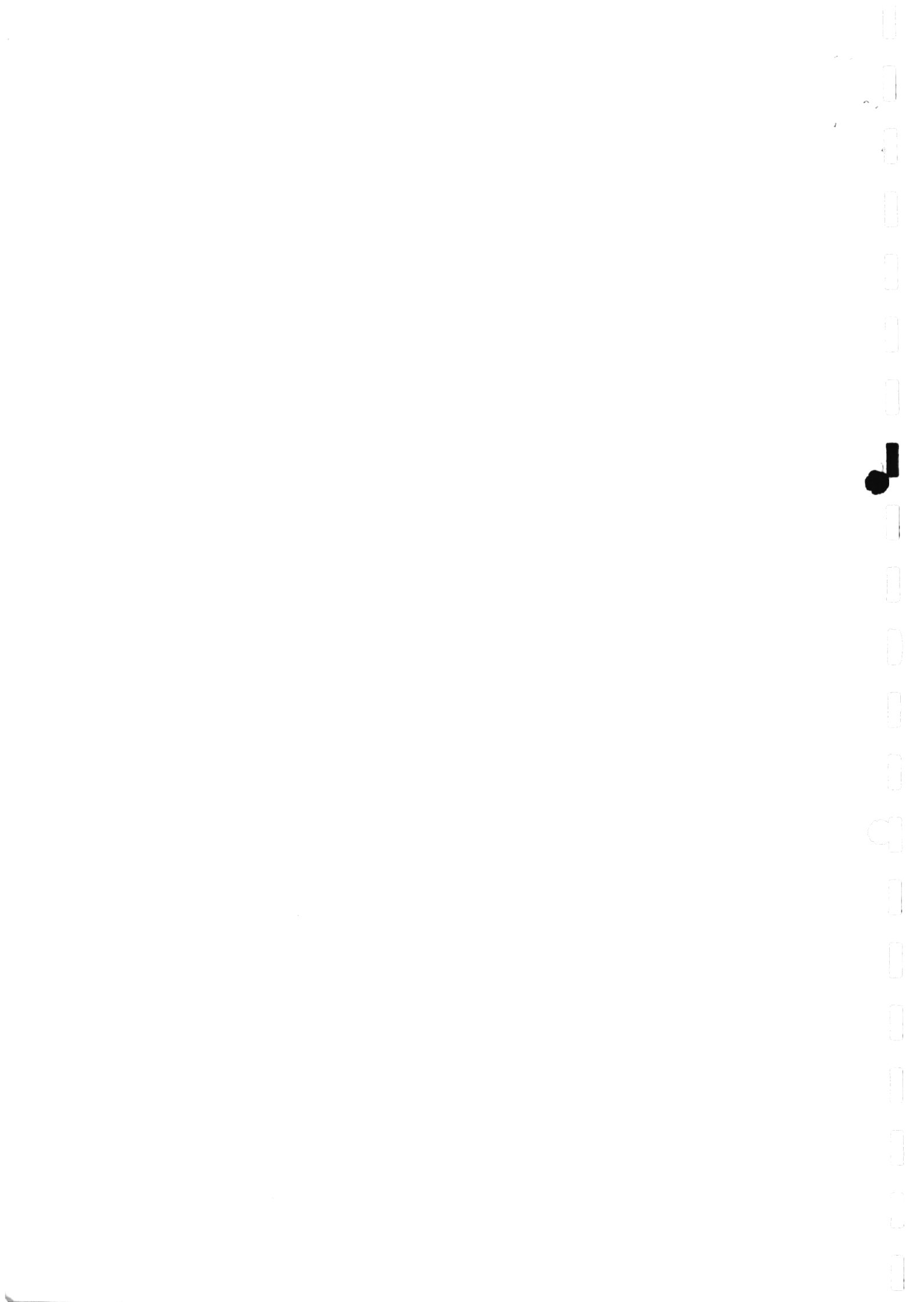
the Constitution to protect the interests of the County Government of Uasin Gishu and its people; protect the objects of the Constitution and more so *Article 43* on fundamental rights to highest attainable standard of health, which includes the right to health care services, including reproductive health care; and subsequently ensure that the Conditional Grant so mentioned in this Petition is allocated to the County Government of Uasin Gishu and by extension the **Moi teaching and Referral Hospital** for ultimate realization by the people of Uasin Gishu County and the people of Kenya.

THAT, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response

THAT, the issues in respect of which the Petition is made are not pending before any Court of Law, Constitutional or legal body.

HEREFORE your humble petitioners PRAY that the Senate House;

- a) Duly and diligently respond to the matters raised in this Petition
- b) That the Ministry of Health, in consultation with the County Government of Uasin Gishu embarks on a thorough assessment of the healthcare provision in Uasin Gishu County to which they shall confirm the allegations in this Petition.
- c) That this Petition be dealt with immediately in view of the urgency of this matter.



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- d) Investigate, make inquiries and examine the issues raised herein.
- e) Exercise Senate's authority to give directions to produce evidence, both oral and written and to answer, act and co-operate with such investigation to such persons and entities as the House shall think fit.
- f) Establish committees and/or tribunals and engage such professionals to conduct forensic and other investigations as the House shall think fit to ensure that the County Government of Uasin Gishu is given a healthcare Conditional grant as entitled to it.
- g) Undertake a County wide process of seeking views from the public with regard to the subject matters.
- h) Liaise with national agencies, and more so with the Commission for Revenue Allocation and the National Treasury, in order to accomplish a full and detailed inquiry into these matters.
- i) To do all and anything necessary permitted under the law and Constitution of the Republic of Kenya to establish and enforce the law with regard to revenue allocation.

And your PETITIONERS will ever Pray.

Petitioned and Dated this 2ND.....day of FEBRUARY 2017 at ELDORET

PETITIONER;

For and on Behalf of the People of Uasin Gishu County and the County Government of Uasin Gishu;

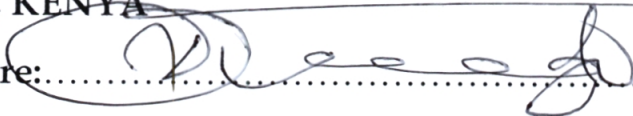
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His Excellency The Governor Jackson K. Arap Mandago

I.D. No.13206022.....

P.O Box 40-30100,

Eldoret, KENYA

Signature:.....

His Excellency the Deputy Governor, Daniel K. Kiprotich Chemno

I.D. No.4911481.....

P.O Box 40-30100,

Eldoret, KENYA

Signature:.....

The County Attorney, Stephen K. Lel

I.D. No.6847398.....

P.O Box 40-30100,

Eldoret, KENYA

Signature:.....

County Executive Committee Member for Health

Margaret Chepkwony

I.D. No.13364926.....

P.O Box 40-30100,

Eldoret, KENYA

Signature:.....

County Executive Committee Member for Finance and Economic Planning

Shadrach Sambai

I.D. No.22265344.....

P.O Box 40-30100,

Eldoret, KENYA

Signature:.....

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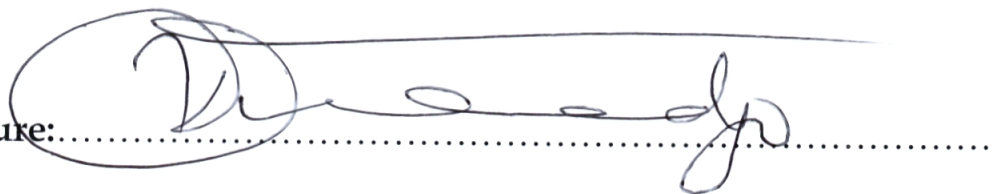
PETITION concerning the non-allocation of Health Services Conditional grant to the County Government of Uasin Gishu, as per the *Article 202 (2)*, as read with *Article 6(2)* of the Constitution of Kenya 2010. These grants are one option for increasing funding flows to counties to improve service delivery, while enabling the Ministry of Health and other national government actors to set standards and develop accountability frameworks for the use of these funds.

His Excellency Jackson K. Arap Mandago

P.O Box 40-30100,

Eldoret, KENYA

Signature:.....

A handwritten signature in blue ink, appearing to read 'Jackson K. Arap Mandago', is written over a dotted line. The signature is fluid and cursive, with the first name 'Jackson' being the most prominent part.

