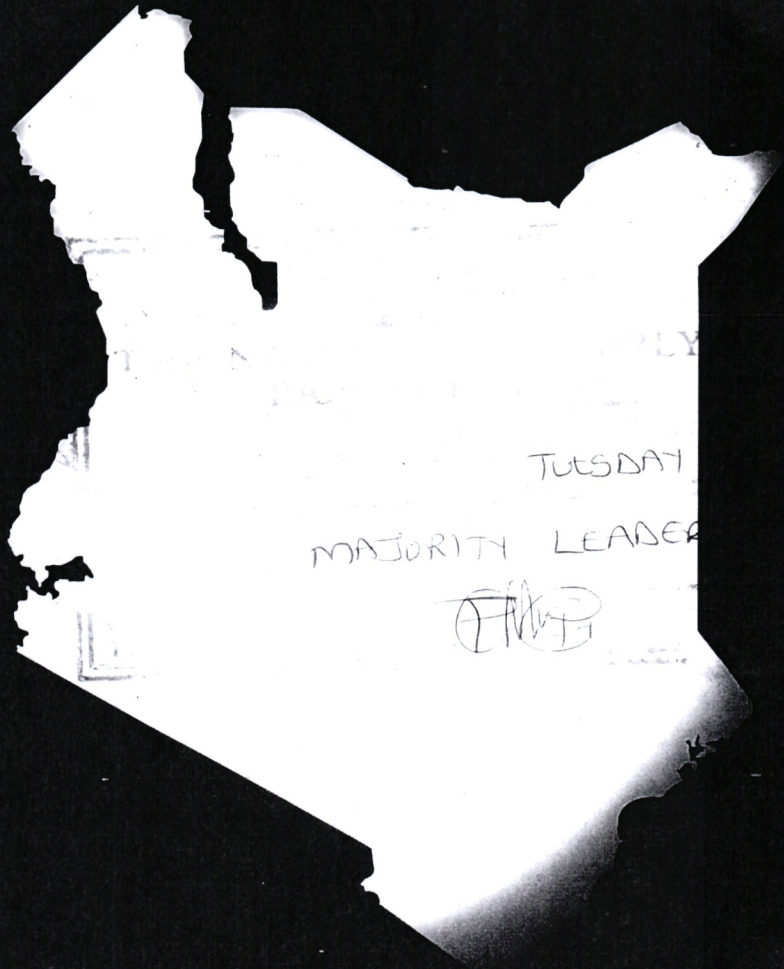
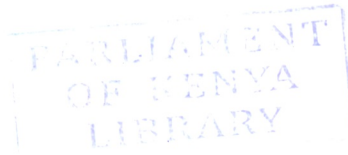


# COMMISSION ON PUBLIC SERVICE ALBUQUERQUE 2017/18



Constitution  
2011



### Vision



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

### Mission

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

### Core Values

Fairness, Accountability and Diversity

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE:</b> 04 JUN 2019	DAY: TUESDAY
<b>TABLED BY:</b>	MAJORITY LEADER
<b>CLERK-AT THE TABLE:</b>	

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**“Office of the Ombudsman”**



*Hata Mnyonge ana Haki*

**ANNUAL REPORT FOR 2017/2018**

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

## ABBREVIATIONS and ACRONYM

<b>AOMA</b>	African Ombudsman and Mediators Association
<b>ATI</b>	Access to Information Act
<b>CAJ</b>	Commission on Administrative Justice
<b>GoK</b>	Government of Kenya
<b>ICT</b>	Information, Communication and Technology
<b>IEBC</b>	Independent Boundaries and Elections Commission
<b>IFMIS</b>	Integrated Financial Management Information System
<b>IGAD</b>	Intergovernmental Authority for Development
<b>IOI</b>	International Ombudsman Institute
<b>KNADS</b>	Kenya National Archives and Documentation Services
<b>NEMA</b>	The National Environment Management Authority
<b>NSSF</b>	National Social Security Fund
<b>TSC</b>	Teachers Service Commission

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## STATEMENT OF THE CHAIRPERSON

The Commission on Administrative Justice (Office of the Ombudsman), is now seven years old, having been established in 2011. The pioneer commissioners who served from 2011 – 2017 published their first annual report in 2012 amidst the opportunities and challenges of a nascent office that was just beginning to make known the traditional mandate of the Ombudsman. Seven years later, the Ombudsman concurrently holds the mandate of oversight and enforcement of the Access to Information Act of 2016.

While complaints handling remain our cornerstone, significant work has been undertaken to redress maladministration in the public sector using other strategies such as capacity building, partnership building, legal aid, public education and spot checks. It is a privilege to present the 2017-2018 Annual Report of the Commission. As always, this report reflects the diversity of work undertaken by the Commission in the financial year. With the understanding that the Ombudsman calls to account the administrative and service failures and shortcomings in public service, the reporting period 2017-2018 can be summed up as yet again another year of significant success for the Commission. The number of complaints finalised in the reporting period may have dipped a bit; this may be mainly because the Commission spent a significant part of the year without commissioners. However, the overall performance of the Commission remained strong, with a resolution rate of 74.52 % of the public complaints handled.

The Commission also enhanced its performance with regard to implementation of the right to access to information, scaling up training of public officers on their obligations under the new law and reviewing decisions of public entities on complaints of access to information. With the Commission now fully constituted following our appointment in August 2018, we look forward to consolidating and building on these gains to promote transparency and responsiveness in public service delivery. Top on the agenda will be to enhance the reach of the Commission's services to all parts of the country through decentralisation of services, awareness creation, effective partnership building and leveraging on technology. A new Strategic Plan is in the offing to realise this vision. I urge all Kenyans and stakeholders to walk with us in this journey.



**DN. FLORENCE KAJUJU, MBS**  
**CHAIRPERSON**

## FOREWORD

It is yet another time for the Commission to reflect on the year that ended 30<sup>th</sup> June 2018. It gives me great pleasure to present an account on how as a public institution we utilised the resources allocated for the execution of our mandate.

The Commission achieved notable milestones, despite the various challenges encountered in the period under review. Among them the progress made towards the mainstreaming the Access to Information Act, 2016, where capacity building was enhanced through training of staff and sensitization of public officers at the national and county levels. The Commission also promoted administrative justice through resolution of 52,573 complaints, out of a total of 70,549 received in the period under review. Further, it offered support to 208 public institutions, where a total of 2,807 public officers were trained on complaint handling and Access to Information provisions.

However, we encountered a number of challenges which hindered the realization of some of the planned activities. One of the major setbacks was the reduction of the Commission's budgetary allocation on critical items that support its outreach services including public education and monitoring of service delivery especially at the county level and the planned decentralization of ombudsman services. Finally, the exiting of the pioneer Commissioners upon expiry of their tenure in office inhibited the Commission from fulfilling some of the objectives on policy formulation and implementation.

Despite the challenges, I am upbeat that the successor Commissioners who assumed office w.e.f from 8<sup>th</sup> August, 2018 will take the Commission to greater heights of achievements. I take this opportunity to welcome the new Commissioner and assure them of the necessary support from the Secretariat.

This report has a detailed account of the milestones achieved in the period under review and I commend the Secretariat, for their dedication and commitment that enabled the Commission accomplish them. As I conclude, I wish to reiterate the Commission's commitment to promoting a culture of responsiveness in the public service and quality service delivery by public institutions.



**LEONARD NGALUMA, MBS**  
**COMMISSION SECRETARY / CEO**

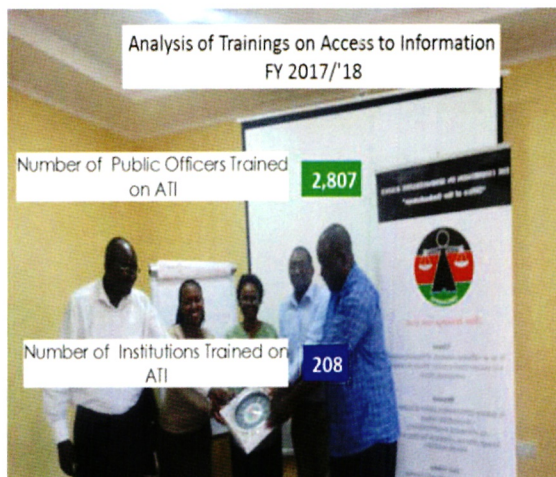
## EXECUTIVE SUMMARY

The Commission prepares and submits an Annual Report to Parliament and President in accordance with Article 254(1) of the Constitution and Section 53(1) of the Commission on Administrative Justice Act No 23 of 2011 and Section 26(1) of the Access to Information Act No. 31 of 2016. The report highlights among others: description of the activities undertaken by the Commission, recommendations on legal and administrative measures to address specific concerns identified, financial statements and any other information relating to its functions that is deemed relevant.

This is the seventh Annual Report of the Commission on Administrative Justice. The report covers the steps that the Commission has taken in regard to the execution of its mandate in the financial year 2017/'18. The Report is organised into nine chapters with each chapter addressing a specific thematic area. The first chapter gives background information on establishment and mandate, vision, mission and core values. The content of the subsequent chapters are highlighted below.

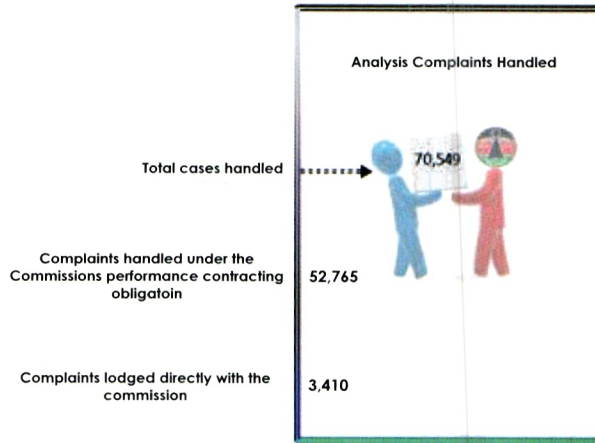
### Access to Information Act

During the reporting period, the Commission put in place mechanisms to facilitate the implementation of the Act. These included development of a simplified version of the Act and other handbooks, mainstreaming of compliance and reporting by public institutions through performance contracting and creating partnerships and linkages.



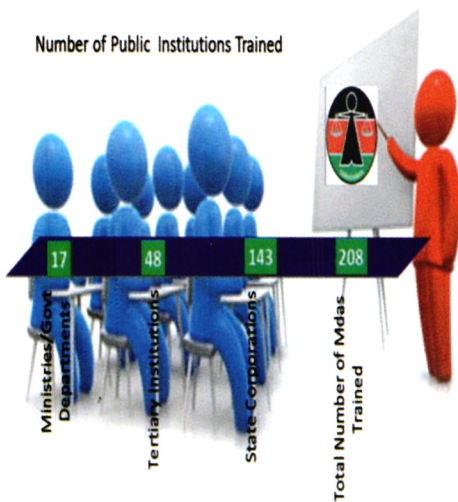
## Righting Administrative Injustices

The principal mandate of the Commission is to address maladministration in the public sector—this is handled through inquiries and investigations. Maladministration is manifested in various ways, which include unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others. During the period under review, the Commission handled 70,549 cases out of which 52,573 were resolved.



## Strengthening Complaints Management the Public Sector

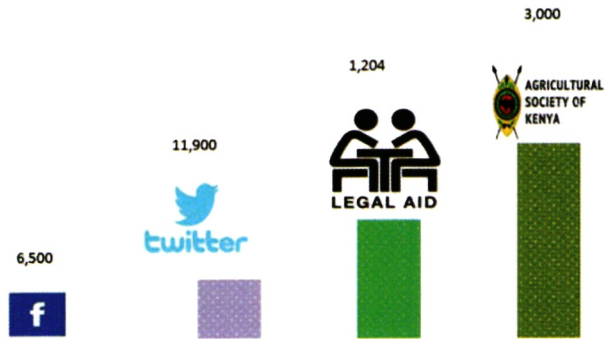
The Commission is an important stakeholder in ensuring quality public service delivery. Pursuant to section 8 of the CAJ Act, the Commission serves to facilitate the setting up of, and build complaint handling capacity in the public sector. It does this through training, periodic monitoring of service delivery standards and provision of technical support. To this end the Commission has trained 2,807 public officers on best practices in complaint management, principles of public administration, compliance with the Information and Access to Information Act, and access to information provisions.



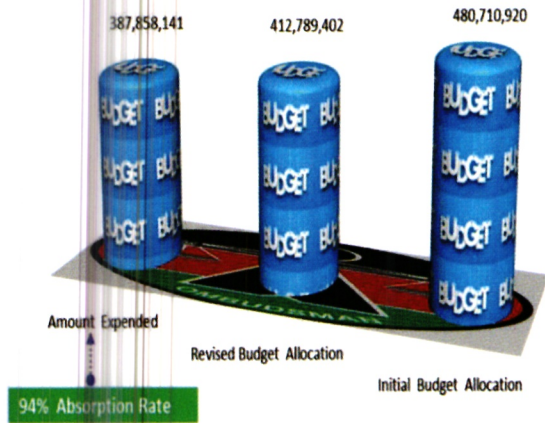
## Promotion of Good Governance in the Public Sector

The main objective of the Commission in all its undertakings is to promote good governance in public administration. Towards this end, the Commission employed various strategies, which included issuing advisory opinions on improvement of public administration, conducting public awareness, and creating strategic partnerships and linkages under the reporting period.

Various Platforms of Awareness Creation

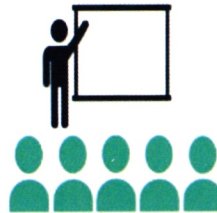


CAJ Budget Analysis FY 2017/18



## Corporate Affairs

The Commission has made tremendous progress in strengthening its internal capacity to enable it to discharge its mandate effectively, and address the emerging challenges. It has done this through staff motivation, skills development and prudent utilisation of funds allocated to the Commission.



19 Members of Staff Trained FY 2017/18

## Challenges

The Commission experienced a number of challenges that hindered full realisation of its set goals and objectives within the period under review. Key among them being the absence of a substantive Chairperson and Commissioners for the entire period, blanket budgetary cuts, and delay in release of funds for the third and fourth quarters.

## Looking ahead: Financial Year 2018/19 and beyond

The Commission stands at the threshold of a new epoch which obtains due to two coinciding reasons, namely: expiry of term of the pioneer Commissioners which heralds appointment of new ones, and expiry of the first term Strategic Framework which paves way for the development of a new one. Below are some of the key issues the Commission will focus on moving forward.

- I. Development of a new strategic plan.
- II. Strengthening legal framework for enhanced efficiency and effectiveness.
- III. Operationalisation of the Access to Information Act. In line with this, the Commission will partner with relevant agencies to put in place the regulatory framework, and monitor and enforce compliance.
- IV. Decentralisation of Ombudsman services to enhance accessibility.
- V. Scale up awareness and public engagement.
- VI. Increase and strengthen partnerships, and enhance resource mobilisation.
- VII. Operationalisation of the mortgage and car loan scheme.
- VIII. Promote good governance by recognising and rewarding outstanding public officers and institutions.

## CHAPTER ONE

### 1.0. ESTABLISHMENT AND MANDATE

#### 1.1. Introduction

The Commission is established under Article 59(4) and Chapter 15 of the Constitution, and the Commission on Administrative Justice Act, 2011. The Commission consists of three commissioners and a secretariat headed by the commission secretary. The Commission has its Headquarters in Nairobi and four branch offices in Mombasa, Kisumu, Eldoret and Isiolo. It also has representation in 9 Huduma Centres spread across the country.

The mandate of the Commission entails, tackling maladministration (improper administration) in the public sector and enforcing the right to access information. The scope covers both national and county governments and in the case of access to information, it covers certain private entities.

The Commission is empowered to, among other things, investigate complaints of delay, abuse of power, improper, unlawful or oppressive conduct, administrative injustice, unfair treatment, and manifest injustice or discourtesy. It also enforces compliance and oversees implementation of the Access to Information Act No.31 2016 (ATI Act).

#### 1.2. Functions

The functions of the Commission under the CAJ Act are:

- I. investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice;
- II. investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;
- III. report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- IV. inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;

- V. facilitate the setting up of, and build complaint handling capacity in the sector of public service, public offices and state organs;
- VI. work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- VII. recommend compensation or other appropriate remedies against persons or bodies to which this Act applies;
- VIII. provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures; and
- IX. promote public awareness of policies and administrative procedures on matters relating to administrative justice.

Under the ATI Act, the Commission has the following functions:

- I. investigate violations of the provisions of the provisions of the Act;
- II. receive reports from public entities with respect to implementation of the Act and evaluating the use and disclosure of information;
- III. facilitate public awareness and develop programs on the right to access information and the right to protection of personal data;
- IV. promote right of access to information in public entities;
- V. monitor state compliance with international obligations related to the right to access information and protection of personal data;
- VI. hear and determine complaints and review decisions arising from violations of the right to access information;
- VII. promote protection of data; and
- VIII. perform such other function as the commission may consider necessary for the promotion of access to information and promotion of data protection.

### **1.3. Powers**

The Commission has powers to:

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

## 1.4. Achieving the Mandate

The Commission executes its mandate in varied ways including:

- I. complaints handling which is carried out through inquiries, investigations, adjudication or alternative dispute resolution methods;
- II. public education and awareness;
- III. training and technical support on complaints management and access to information;
- IV. advisory opinions on matters affecting public administration and the right to access to information;
- V. public interest litigation; and
- VI. audits or spot checks on public offices to ascertain standards of service delivery.
- VII. Conducts research on topical issues within its mandate for publication

### 1.4.1. Vision

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

### 1.4.2. Mission

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

### 1.4.3. Core Values

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

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

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

**Diversity:** Recognizing and appreciating individual and group differences.

## CHAPTER TWO

### 2.0. ACCESS TO INFORMATION

#### 2.1. Introduction

The Commission put in place mechanisms to facilitate the implementation of the Act. These included development of simplified version of the Act and other handbooks, mainstreaming of compliance and reporting by public institutions through performance contracting and creating partnerships and linkages.

This section highlights milestones achieved during the reporting period

#### 2.2. Setting Access to Information standards

The commission developed documents to provide guidance and set standards for the implementation of the Act. These include a handbook on best practices, a guide on proactive disclosure and a popular version of the Act. The handbook contains an overview of the legal framework on access to information in Kenya and documents illustrations of best practices in implementation of access to information. It is designed as a "how to" guide for public officers, access to information practitioners and public and private entities.

Public institutions are required to disclose certain categories of information in their possession without being prompted. The guide sets standards and lists the broad categories that require disclosure. It is meant to assist in making proactive disclosure uniform across national and county governments.

Lastly, the Commission developed a simplified version of the Access to Information Act. This is a citizen friendly handbook that simplifies the provisions of the Act making it easy to understand for public officers and the public.

#### 2.3. Mainstreaming the reporting on access to information

The Commission leveraged on Performance Contracting Framework in the public sector to mainstream compliance with the ATI Act. In this regard, public institutions were required to:

- 1) Notify the designated Access to Information Officer;
- 2) Put in place necessary mechanisms for lodging requests;

- 3) Maintain ATI register;
- 4) Develop ATI procedures; and
- 5) Report on requests received, action taken as prescribed by the Commission reporting guidelines

In order to facilitate compliance by public entities, the Commission developed reporting templates for requesting information, information registers for institutions and reporting.

According to reports filed with the Commission, a total of 2,664 requests for information were received and processed by the concerned public entities. Out of the requests made, 2,440 were granted, 93 declined, 93 transferred to other institutions in possession of the information, 29 ongoing, and nine requests were not actionable.

Further, 64 public entities (20% of the total MDAs on performance contract) complied with the requirement of appointing information access officers, as per the Act and provided the Commission with their names and contact details. This comprised of 50 state Corporations, 13 tertiary Institutions and a Ministry. Moreover, 60 public entities have developed procedures for processing requests. These are comprised of 46 state corporations, 13 tertiary institutions and 1 ministry.

## 2.4. Sensitisation on Access to Information Act

The Commission endeavored to create awareness on the rights and obligations under the Access to Information Act targeting both public officers and the public. In line with this, the Commission sensitised 2,807 officers in 208 institutions. At the same time, it conducted trainings targeting county governments. Consequently, 44 county governments appointed information access officers who are charged with responsibility of facilitating access to information at the counties.

In order to create awareness among members of the public, the Commission integrated public education on the ATI Act in its outreach programmes. Further, it carried out awareness on electronic, print and social media highlighting the existence of the law and its effect.



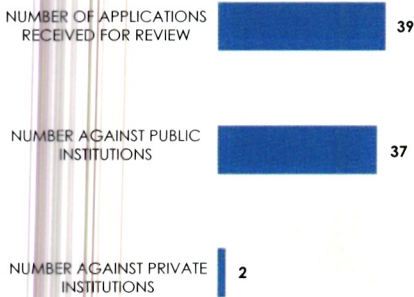
The Commission strengthened its internal capacity by training 42 members of staff on the technical aspects of implementing the Act. Through this, the Commission created a pool of trainers to spearhead public education and training of public officers.

### **2.5. Review of Decisions**

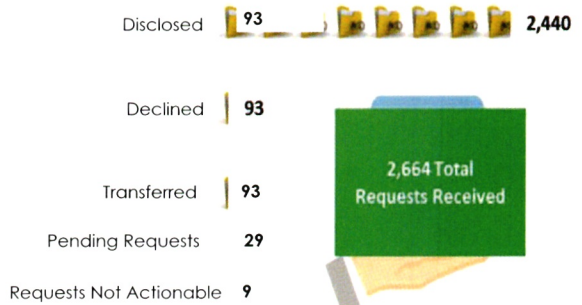
The Commission received 39 requests for review of decisions on access to information, out of which 37 were against public entities and two against private entities. The following charts shows an analysis of the various issues and trends from the applications received.

Figure 1: Analysis of Various Issues on Access to Information

Analysis of Application for Review by the Commission

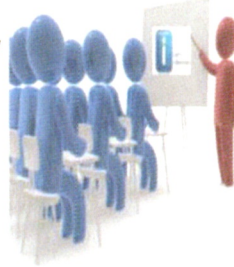


Analysis of ATI Requests Handles by Public Institutions 2,440



Analysis of Trainings on ATI

Number of Public Officers Trained on ATI 2,807



Number of Institutions Trained on ATI 208

Number of Institutions that have shared ATI Officers Details with CAJ

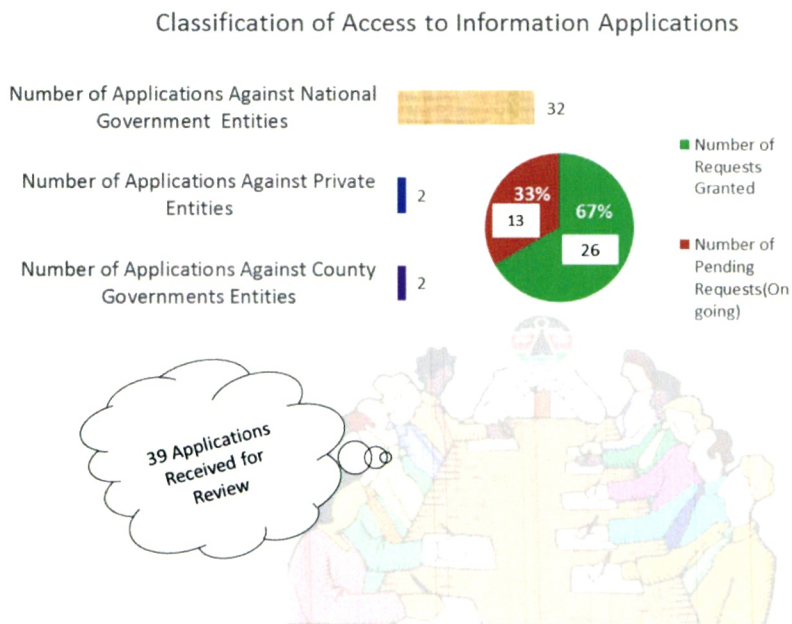


Number of Institutions with ATI Procedures



Most of the applications (33) for review were on refusal to grant access to Information by public entities, whereas the rest were on refusal to correct/update/annotate record of personal information (two), proactive disclosure (three) and one requesting information from the Commission. Figure 2 presents a classification of applications.

Figure 2: Classification of Applications



## 2.6. Development of Relevant Regulations and Guidelines

The Commission initiated the process of developing the general Regulations under sections 12 and 25 of the Act by engaging with the Ministry of ICT to discuss the modalities of developing the Regulations. Likewise, the Commission has engaged with the Office of the Chief Justice to allow initiation of appropriate measures towards development of Guidelines for enforcing its decisions under the Act. Further, the Commission participated in Access to Information Strategy Workshop organized by Article 19, ICJ Kenya and Open Society Initiative on access to information including NGOs undertaken in Naivasha on 24<sup>th</sup> and 25<sup>th</sup> July 2017 whereof the participants who were key stakeholders on the implementation process were enlightened on the various measures and strategies that the Commission had deployed in the implementation process. The Workshop was able to come-up with key strategies to be initiated by the Commission towards developing appropriate regulations mechanisms.

## 2.7. Strategic Partnerships

The Commission held meetings with key stakeholders with a view of establishing strategic partnerships on the implementation process of the Act. Some of the partnership the Commission established includes those geared at capacity building of CAJ staff on implementation of the Act, peer learning, awareness creation, information sharing and development of necessary regulatory framework. The Commission was able partner with Kenya National Archives and Documentation Services (KNADS) whereof the modalities for granting authority by the Commission for destruction of public records was developed. Based on the partnership, CAJ officers were sensitized on record management and disposal in a one-day training conducted on 3<sup>rd</sup> May 2018 and facilitated by KNADS officers. As a follow-up to the said training, the Commission was able to develop Records Management Policy and Retention and Disposal Schedule for internal use.

Based on the requirement of concurrence for destruction of public records contained in the Access to Information Act, KNADS and CAJ established a committee for the purpose of securing concurrence for disposal of public documents whereof two representatives from the Commission and two representatives from KNADS participate. During the reporting period, seven (7) meetings were held by the said committee whereof concurrence for authority to destroy public records was granted.

### Successful Resolutions

#### Application for Review against National Social Security Fund

**A complaint alleging that National Social Security Fund Management had failed to publish and publicize all its audited financial statements and reports for public scrutiny as required by the Access to information Act 2016. The Complaint was resolved successfully after NSSF responded by indicating how the Fund had complied with the Access to Information Act provisions on proactive disclosure.**



#### Application for Review Against National Sports Fund

**A complaint alleging refusal of access to requested information and documents. An inquiry was initiated and complaint resolved after the information and documents requested were supplied to the complainant.**

## CHAPTER THREE

### 3.0. RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR

This chapter deals with the mandate of the Commission in relation to addressing maladministration which is manifested in unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others. This was handled through inquiries and investigations.

#### 3.1. Complaints Handling

##### 3.1.1. Lodging a Complaint

A complaint may be lodged by an aggrieved person or by a person acting on their behalf at the Commission's offices or at such a place as the Commission may from time to time designate. Complaints may be instituted anonymously, and the Commission may take up a matter on its own initiative. Complaints may be made orally or in writing if an oral complaint is reduced into writing. It is worth noting that the Commission does not charge any fee for its services. Figure 3 depicts various ways of lodging complaints.

Figure 3: Ways of Lodging complaints to the Commission

**EMAIL**

[complain@ombudsman.go.ke](mailto:complain@ombudsman.go.ke)

**NAIROBI TEL: 020-2270000**  
**P.O. BOX 20414-00200**

**KISUMU TEL: 0718 965590**  
**P.O. BOX 1967-40100**



**MOMBASA TEL: 041-2220468**  
**P.O. BOX 80979-80100**

**ISIOLO TEL: 020-2007671**  
**P.O. BOX 80979-80100**

**ELDORET TEL: 020-8106515**  
**P.O. BOX 10326-30100**



**WEBSITE**

[www.ombudsman.go.ke](http://www.ombudsman.go.ke)



Commission on Administrative Justice  
 "Office of the Ombudsman"  
*Hata Afanyonge ana Hata*

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Latest News & Events Commission Participates in the Second Edition of Devolution Sensitisation Week - Monday, 01 October 2018 13:10

Commission Participates in the Second Edition of Devolution Sensitisation Week on 25th to 27th September, 2018, at Makadara Grounds in Mombasa County.

Complaints Management Information System

Access To Information (ATI) Centre

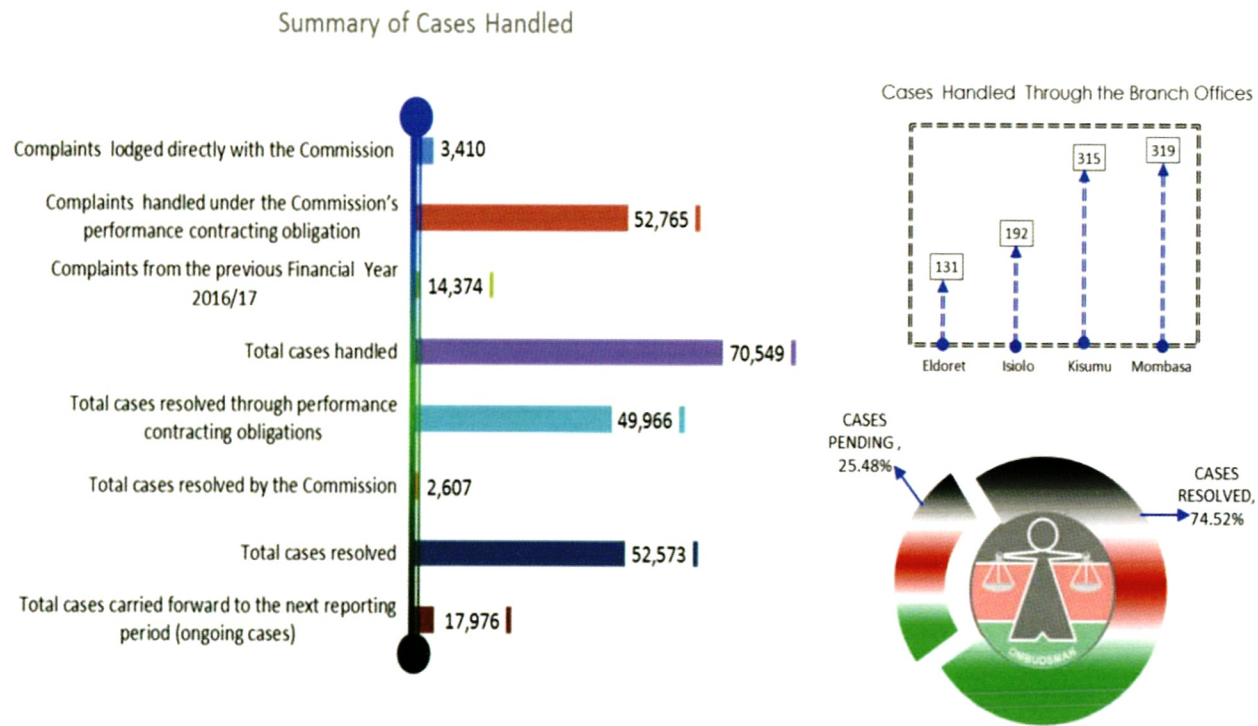
Performance Contracting Guidelines

About The Ombudsman (Commission On Administrative Justice)

### 3.2. Cases Handled

During the period under review, the Commission handled 70,549 complaints of which 52,573 were resolved. The breakdown is presented in Figure 4.

Figure 4: Summary of Cases Received



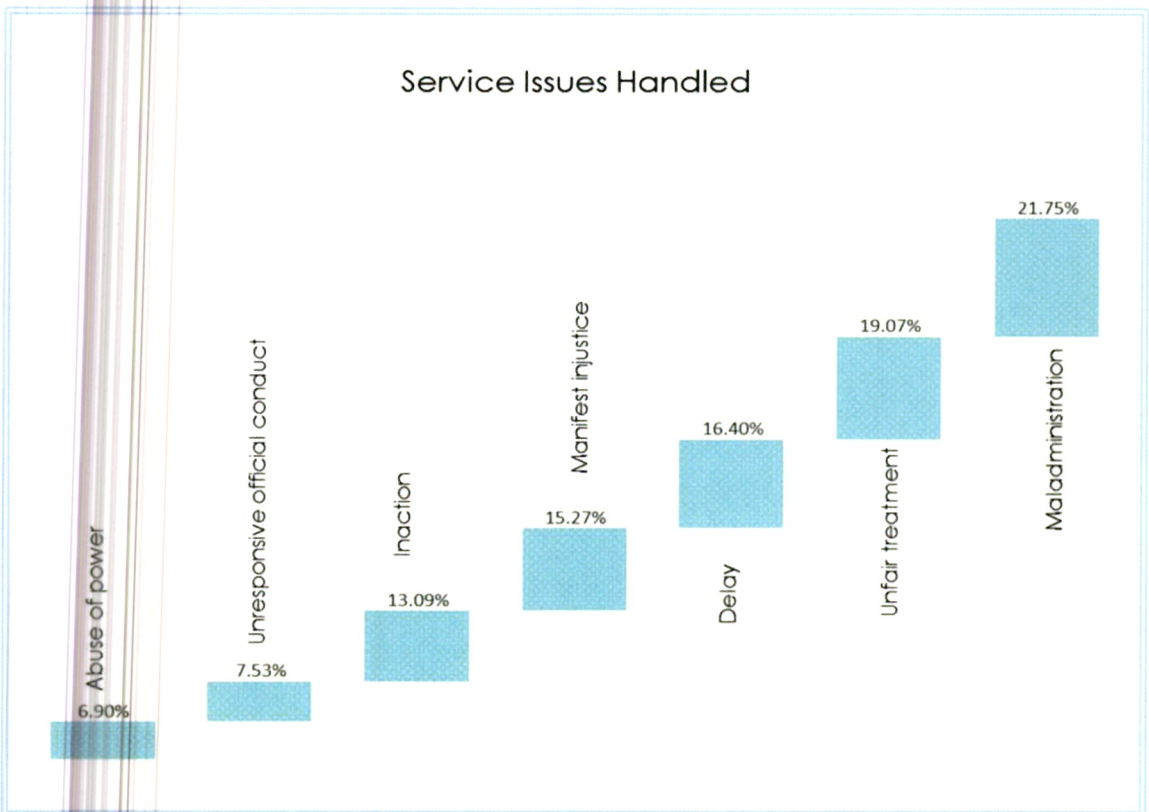
### 3.2.1. ANALYSIS OF CASES BASED ON SERVICE ISSUES, GENDER AND RESPONDENTS

Below is a representation of complaints handled based on service issues, gender and public institutions complained against.

#### 3.2.1.1. SERVICE ISSUES

Figure 5 demonstrates that maladministration, delay, inaction and unfair treatment are prevalent in the public sector thereby impeding service delivery.

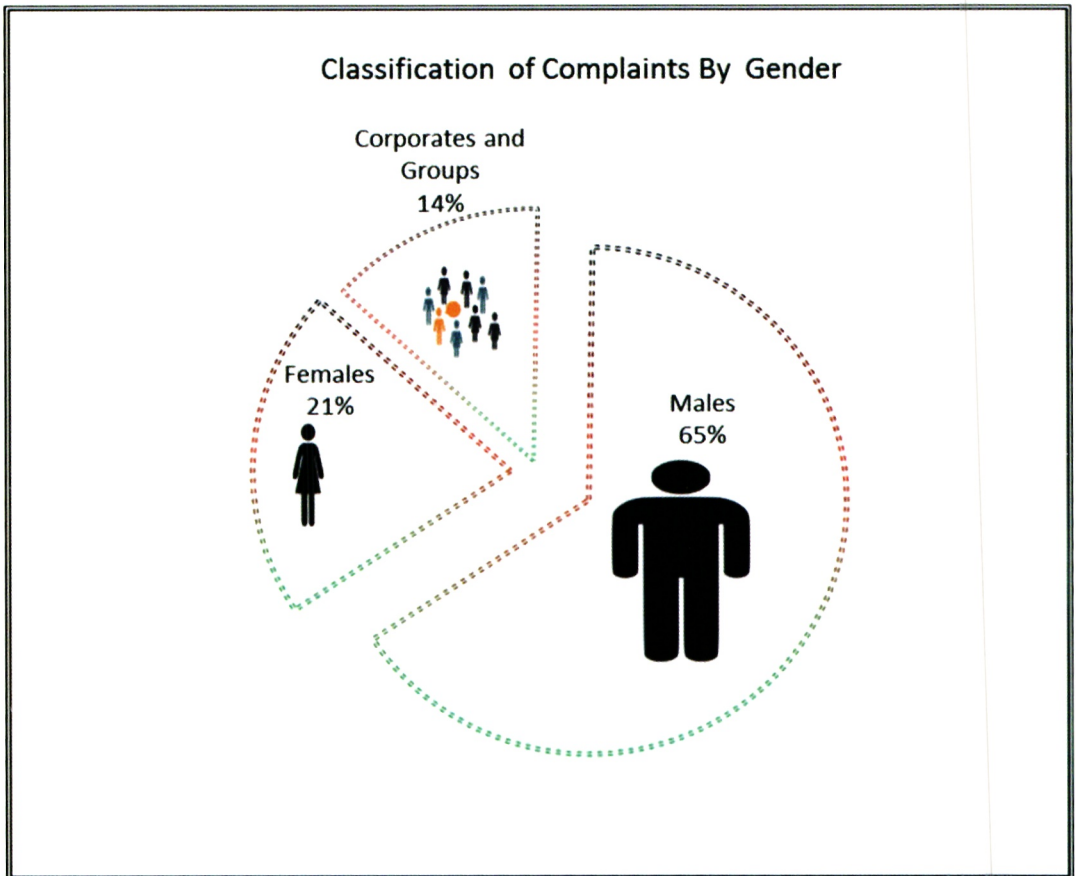
Figure 5: Classification of Complaints by Service Issues



### 3.2.1.2. GENDER

As in the past, more male filed complaints than female counterparts. Other complaints were filed by groups and institutions while others were filed anonymously.

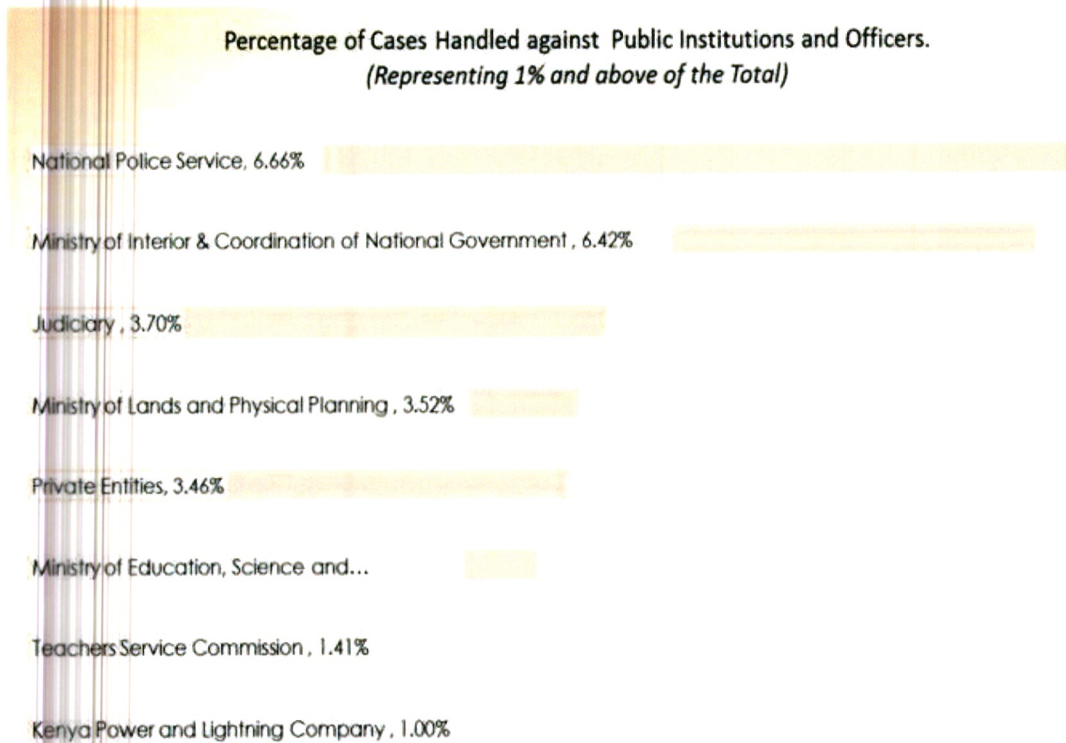
Figure 6: Classification of Complaints by Gender



### 3.2.1.3. ANALYSIS OF CASES BASED ON RESPONDENTS

Figure 7 presents a synopsis of the number of complaints lodged against public institutions and officers.

Figure 7: Classification by Complainants



### 3.3. Success Stories and Sample Cases

#### 3.3.1. SUCCESS STORIES

##### CASE 1

A complainant lodged a complaint on 8<sup>th</sup> June 2017 alleging that the green card for all that parcel of land known as Laikipia/Donyoloip Block 1/4282 was misplaced/missing at the Lands Registry in Laikipia. The Commission intervened and through a letter dated 21<sup>st</sup> November 2017, the Land Registrar stated that the green card was available at Laikipia Lands Registry. The Complainant confirmed resolution of the matter.

##### CASE 2

A complainant lodged a complaint on 19<sup>th</sup> October 2015 alleging that National Council for Persons with Disability delayed in responding to the Complainant's request for funding to support his child's education. The Commission intervened and the Complainant's son received funding of KES 37,000 towards his education.

##### CASE 3

The complainant lodged a complaint stating that her mother was knocked down by a PSV Matatu Reg. No. KBN 633U and the matter reported at Nyali Traffic Base in Mombasa but no action had been taken against the driver of the vehicle. Upon the Commission's intervention, the driver was arrested and subsequently arraigned in court. The matter is still ongoing.

##### CASE 4

The complainant stated that he was a party in Mombasa ELC Cause No. 142 of 2014 whose court file had disappeared and his efforts to get the file or a skeleton file opened had been futile. He indicated that despite making further inquiries at the registry, he had not been assisted. upon intervention, the court file was retrieved.

### CASE 5

A complainant filed a case on 1<sup>st</sup> September 2017 alleging that the National Council for Persons with Disability failed to financially support him to pursue a Bachelor's Degree Course in Business Information Technology at St Paul University. Upon inquiry, the National Council for Persons with Disabilities paid Ksh 31,000 towards his school fees.

### CASE 7

The complaint was on allegations of unfair termination of his employment by KERRA. The complainant was a subordinate employee of KERRA whose terms of employment was contractual. Following financial constraints that the institution experienced, KERRA did not extend his contract upon its termination. Despite the failure to extend his contract, they also failed to pay him his severance dues therefore the complainant sought for the intervention of the Commission. Following the Commission's intervention, KERRA duly settled the severance pay owed to the complainant of KES 61,509.

### CASE 6

The complaint was on allegations of failure by the Directorate of Criminal Investigations to expunge from their records a criminal case to which he was duly acquitted by the Kisumu Chief Magistrate's Court in the Police clearance certificate. The information was depriving him of job opportunities as it indicated he had a criminal case. Following the Commission's intervention, the information was duly expunged and the complainant issued with a rectified certificate of good conduct.

### CASE 8

The complaint was a beneficiary of the Orphans and vulnerable Children Cash Transfer Fund. She could not collect her dues because her debit card issued by the Kenya Commercial Bank was not functional. She was asked to surrender her non-functional debit card so that she can be issued with another one. When she surrendered the debit card she was not issued with another one which made it impossible to withdraw her dues. Owing to the non-withdrawal of the funds from her bank account, she was suspended from the list of the beneficiaries. She raised the issue at the Isilolo Children office but her complaint went unresolved. Upon the commission's intervention the matter was settled enabling her to access the funds

#### **CASE 9**

A complainant alleged unfair treatment by Higher Education Loans Board (HELB) by imposing loan deductions from his salary to offset a loan disbursed which he claimed to have fully settled. Upon inquiry HELB attributed the irregular deductions to a computation error and stopped the deductions forthwith. The monies that had been overpaid were refunded to the complainant.

#### **CASE 10**

A complainant alleged delay in the payment of Inua Jamii Cash Transfer for his mother who is a senior citizen. He alleged that they had applied for the Inua Jamii Card with KCB in September 2017, but the same had not been issued. Upon inquiry, the card was released to the beneficiary enabling them to access the remittance.

#### **CASE 11**

A complainant alleged inordinate delay by Kenya National Examinations Council to issue him with his KCSE Certificate for examinations he sat back in the year 2011 at Finch Secondary School in Nakuru. Upon inquiries, KNEC processed the certificate and issued the same to the complainant who confirmed receipt.

#### **CASE 12**

A complainant alleged delay by the Agricultural Development Corporation in processing his terminal dues. He alleged that he worked for Agricultural Development Corporation at Lanet until his resignation in 2016 and that his request for payment of terminal dues had not been honoured by October 2017. Upon intervention the ADC processed the dues and the payments were settled in January of 2018.

### **CASE 13**

An anonymous compliant regarding non-remittance of staff pensions and deductions for employers and employees of Kenya School of Law. Through the Commission's intervention, a remedial plan was drawn up by both parties that saw to the remittance of the staff's accrued six month contributions to their pension scheme.

### **CASE 14**

A complaint alleging that Teachers Service Commission had failed to give the complainant a deployment letter despite the fact that he filled an employment form in January 2018. An inquiry was done and the complaint resolved successfully after Teachers Service Commission dispatched the complainant's deployment letter.

### **CASE 15**

A complaint alleging that the complainant who worked with IEBC as Presiding Officer Kihate Primary School polling station, Mukurweni Constituency, Nyeri County in the General elections of 8<sup>th</sup> August 2017 had not been paid his allowances. An inquiry was initiated and the matter resolved after IEBC settled the claimed allowances.

### 3.3.2. SAMPLE CASES

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

Table 1: Sample of complaints handled

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
1.	CAJ/M.WAT/009/117/118 – AOL	Water Resources Management Authority	Inefficiency	An allegation that the complainant is the proprietor of land parcel number LR 12423/702, which is next to land parcel LR 6725/87, both located in North Muthaiga, Nairobi County and bordering River Ruaka. The owner of the latter parcel of land excavated his land and dumped the soil on River's bank blocking its path. As a result, the water flooded the complainant's land and he lodged a complaint with the respondent, whereafter an Order was issued to his neighbor to the effect that the dumping of soil into the River's riparian area be stopped and the soil already dumped be removed. The deadline for implementation of the said Order was 29th March 2017. As at the date of lodging the complaint, his neighbour was still dumping soil on the River's riparian area and no action had been taken to ensure compliance with the Order.	Commenced an inquiry, which is still ongoing
2.	CAJ/M.LAB/017/686/17-KWK	Ministry of East Africa Community, Labour and Social Protection	Manifest Injustice	A complaint alleging failure by the Respondents herein in registering her children under Orphans and Vulnerable Children (OVC) program despite making the application and adducing requisite documents.	We initiated an inquiry which is still ongoing.
3.	CAJ/KPLC/021/300/17-KWK	The Kenya Power And Lighting Company	Manifest injustice	A complaint alleging that the Respondent herein is yet to either refund Kshs 44,480 or connect the Complainant to a power supply notwithstanding the fact that he applied for connection and paid the aforementioned sum on 12th February 2007.	Initiated an inquiry which is still ongoing.

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
4.	CAJ/M:IMM/003/313/17	The Ministry Of Immigration	Delay	A complaint alleging inordinate delay in replacement of Kenyan Passport to the Complainant by the Respondent herein.	We initiated an inquiry into the matter and the complaint was resolved. The Complainant vide letter dated 15th December 2017, informed the Commission that she had received the said passport. File closed.
5.	CAJ/M:EDU/013/144 3/17-KWK	The Kenyatta University	Maladministration	A complaint alleging failure by the Respondents herein in conducting the Kenyatta University Students Association (KUSA) elections according to the laid down rules and regulations as espoused in KUSA Constitution revised in 2017.	Initiated an inquiry which is still ongoing.
6.	CAJ/JUD/001/1993/17	Judiciary	Abuse of power	A complaint alleging that Justice K Bor in Constitutional Petition No.9 of 2017 refused to release a copy of the judgement in the said case without any explanation thereof.	The Complainant vide telephone conversation on 14 <sup>th</sup> December 2017 informed the Commission that the matter was resolved. File closed.
7.	CAJ/M:TRA/004/350/17-KWK	Kenya Railways Corporation (KRC)	Injustice	A complaint alleging that Kenya Railways Corporation leased land occupied by the Complainants to unknown individuals without their knowledge and consent. As result of the said lease, the Complainants are being forced out of the said land and the erection of beacons have since commenced.	Complainants referred to the National Land Commission for further assistance.

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
8.	CAJ/IEBC/026/196/17	Independent Boundaries and Elections Commission (IEBC)	Delay	A complaint alleging that IEBC delayed in paying the Complainant and other polling clerks during the Presidential Election held on 26th October 2017	The Commission initiated an inquiry into the matter. The Complainant vide telephone conversation on 14th December 2017 informed the Commission that the complaint was resolved. File closed.
9.	CAJ/M.EDU/013/1445/17-KWK	Teachers Service Commission	Abuse of Power	A complaint alleging that a Mr. Farah, Senior Deputy Director-Teacher Management, treated the Complainant in a callous and unprofessional manner when he visited his office on 5 <sup>th</sup> December 2017 to make a follow up on his transfer.	Initiated an inquiry which is still ongoing
10.	CAJ/M.LAN/022/1688/17-NK	Ministry of lands & Physical Planning	Unresponsive official conduct	A complaint alleging that the District Land Registrar Kiambu failed to furnish the complainant with copies of the consent of the Land Board, Transfer forms and a copy of the Title deed to enable him prosecute Nairobi High Court ELC NO. 1460 of 2016 Hannah Ruru Njeri vs Rhodolite Company Limited.	We closed the file since the subject matter was pending in court. The complainant was advised to seek legal advice on available remedies from his lawyer in the matter.
11.	CAJ/IS/CG/MERU/129/001/17-SG	Meru county Government	injustice	The complainant alleges that he was allotted plot No. 22718 situate at Kisimani Market within the Meru County and that an officer of the Meru County Government has irregularly re-allotted the land to a third party	Initiated an inquiry which is on going
12.	CAJ/POL/015/3336/2017-WT	National Police Service	Human rights violations	A complaint regarding allegations of series of violent activities and human rights violations by police officers in Migori Town during the 2017 General elections.	Complaint referred to the Kenya National Commission on Human Rights for resolution.

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
13.	CAJ/M.EDU/013/1393/2018-SAK	Ministry of Education, Science and Technology	Injustice	A complaint by the Council of behalf of Mr. Joel Muhindi. The complaint alleges that the Ministry retired Mr. Muhindi at sixty years on 9th May 2016, despite the government circular dated 29th May 2017 advising that the retirement age for all civil servants with disabilities be increased to 65 years with effect from 1st July 2012.	Initiated an inquiry which is on going
14.	CAJ/CGNYERI/065/14/2017-SAK	County Government of Nyeri	Unresponsive Official Conduct	A complaint that on 14th June 2017, the County Government refurbished a road at Kiahungu town in Mukurwaini Central Ward. The portion of road to be refurbished was adjacent to the complainant's farm Title No. Mahito/Gaturia/698, and consequently part of his crops were uprooted, and soil dumped on his farm. Furthermore, he alleges part of his farm was hived off to cater for the road expansion of which he was neither consulted nor compensated for the acquisition.	Initiated an inquiry which is ongoing
15.	CAJ/TSC/013/1438/2018-WT	Teachers Service Commission	Unfair Treatment	A complaint alleging unfair treatment of the complainant by the Teachers Service Commission. That the TSC discriminated the complainant in transfers since it refused to transfer him to another school following the terrorist attacks that hit the north Eastern Region early 2015, yet other teachers were transferred. That TSC also unfairly demoted him from employment for no reason.	Inquiry initiated which is ongoing.

3.3.3. SAMPLE LETTERS of APPRECIATION

PATRICK RONO,  
BOX 7070,  
ELDORET,  
REF: CAJ/KPC/021/93/2013-CK

-CAJ/K

SECRETARY,  
CAJ,  
NAIROBI.



Dear Sir/Madam,

**REF: DAMAGES PAID BY KPC AS DETERMINED**

I take this opportunity to thank you for the work you are doing as a commission; as indicated above Kenya pipeline paid me damages as recommended / determined by the commission.

Thanks for your continued co-operation.

Yours faithfully,

A handwritten signature in black ink, appearing to be "P. RONO", written over a horizontal line.

**PATRICK RONO**

The Commissioner  
Of Administrative Justice  
Office of the ombudsman  
10 February 2018

022/12  
1465  
Walter Chipa

~~Dear~~

Dear Sir/Madam

This is to confirm that I have today received the a letter which confirms that my complaint I had reported in your office about the caveat placed on my plots by the Kilifi land registry has today been confirmed to me by the Land registry Kilifi that it was removed on the 20<sup>th</sup> Feb 2017 on the letter Mf KLF/LR/133/VOL 11/65.

Thank you for all the battle you went through this matter, May God bless you.

Walter A. Chipa



LANGAT KIPROTICH BETHUEL,  
P.O. Box 152,  
LOXDIAKI.

16<sup>TH</sup> MARCH, 2018

SALOME KARIMI,  
COMMISSIONER OF ADMINISTRATIVE  
JUSTICE,  
P.O. BOX 10326-30100,  
ELDORET.



Dear sir/Madam,

RE: ISSUANCE OF K.C.S.E. CERTIFICATE.

After having reported to your office about the delay of my K.C.S.E certificate due to missing photos, since the year 2011 when I sat for my K.C.S.E. exams, I received my K.C.S.E Certificate on 14<sup>TH</sup> MARCH, 2018 after you ~~you~~ following up.

I was having a big challenge especially in interviews because always they requested for the Original Certificate.

Therefore, I do request you to close the case about my K.C.S.E certificate because I have received it.

Thank you in advance.

Yours faithfully,  
  
LANGAT KIPROTICH BETHUEL.

CONTACTS: 0711 123209

1) A/LQA  
2) A/A&C  
-----  
To note and  
document.  
FCS  
26/04/18

FRANCIS WANGUNYU NYORO  
P.O.BOX 168  
WANGURU  
DATE: 20/4/2018

JUSTICE COMMISSION  
P.O.BOX 20414-00200  
NAIROBI

Dear Sir,

**RE: SATISFACTION OF SERVICE GIVEN BY PENSION DEPARTMENT**

Further to my queries regarding Pension Department. I do here say that I was served satisfactory by this department.

Thanks for your assistance.

Yours faithfully,



Francis W. Nyoro



9/05/2018

**THE CHAIRPERSON  
COMMISSION ON ADMINISTRATIVE JUSTICE  
P.O.BOX 2414 – 00200  
NAIROBI**



**ATTN: MS. SALOME KARIMI**

Dear Madam,

**RE: COMPLIMENTS**

I am grateful to your **tireless effort** and your unique commitment to the vision and mission of the commission. So far TSC and HELB have stopped the oppressive deductions on my salary. It is for this reason that I join the Psalmist to Praise God for what he has done to me thorough you:

‘Many, O LORD my God, are thy wonderful works which thou hast done and thy thoughts which are to us-ward: they cannot be reckoned up in order unto thee: if I would declare and speak of them, they are more than can be numbered’ (Psalm: 40:5)

God bless!

Yours faithfully,

**PAUL LUBISIA**

**ID. NO: 22402278**

**CELL: 0728802298**

1041 >

021/254 AOL



George M. Wanjunguna  
Box 345 - 10100 Nyeri  
Phone 0725796414

7<sup>th</sup> May 2018

The Commission of Administrative Justice

Office of the Ombudsman

Yours Ref: CAJ/KPLC/021/254/16 - AOL

Dated 24<sup>th</sup> April 2018

Re: COMPLAINT AGAINST KENYA POWER LTD

Kindly accept my Apology for not keeping you posted.

Thank you very much for your letter dated 7<sup>th</sup> June concerning the above subject whose advice was very useful.

I visited KPLC Business manager and after some discussion he agreed to provide the service I had paid for. Soon after he sent his staff who installed the "Three Phase" I had paid for years earlier.

Thank you very much for your concern and, consideration and appropriate action.

*George M. Wanjunguna*

02/041 -

KIGOTHO NJUGUNA  
JOHN MUCHORI  
Box 4479-20200  
KITALE.

08/05/2018

THE CHAIRMAN,  
THE COMMISSION ON ADMINISTRATIVE  
JUSTICE,  
P.O. Box 20414-00200,  
NAIROBI



Dear Sir,

Re: OUR COMPLAINT AGAINST THE MINISTRY  
OF LANDS AND PHYSICAL PLANNING.

First we want to thank your officers for the good work they are doing in intervention on "waranchis" complain's.

We in particular thank you very much, for when you acted on our complain letter dated 20th October 2014, through it took some time, were issued with our Certificate of Leases by June 2015.

We appreciate the good work you do and urge you to continue serving Kenyans and all human-kind delightfully.

Yours Faithfully,

*James M. Kigotho*

JAMES M. KIGOTHO.

YAKUB HUSSEIN HASSAN  
0725567825  
MOMBASA

COMMUNICATIONS SECTION  
COAST REGIONAL OFFICE  
**RECEIVED**  
DATE: 12/16/2012  
P.O. Box 10774, NAIROBI, KENYA

TO @  
OFFICE OF THE OMBUDSMAN  
MOMBASA

RE: MY COMPLAIN AGAINST IMMIGRATION

I brought a complain to your office regarding my passport which had delayed for a long time and the immigration office had refused to issue me with.

I want to thank your office for assisting me because I now have my passport.

Yours faithfully  
Y

### 3.4. Investigations

The Commission carried out seven investigations to identify gaps in procedures and processes affecting the efficiency of public service delivery and provided recommendations thereof. The table below documents some of the investigations undertaken during the period.

#### 3.4.1. Investigations into Ministry of lands and physical Planning

The Commission conducted a systemic investigation into the processes and procedures of accessing services from the Ministry of Lands and Physical Planning both at its Headquarters and regional offices. The investigation was prompted by high number of complaints received against the Ministry. The investigations revealed among other things that there were inefficiencies, delays and inadequate working tools and unconducive working environment. The Commission recommended that the Ministry avails adequate working tools for the officers and provide grievance redress mechanism for the members of the public to improve service delivery.

#### 3.4.2. Investigation into issues affecting distribution of water in Nairobi

Based on complaints received with regard to distribution of water within Nairobi County the Commission conducted investigations into the same. It was found that there was unequal distribution of water to Nairobi estates in terms hours of supply. There were no policy guidelines for the development and implementation of water rationing programme, and poor maintenance of water supply infrastructure resulting in wastage. The Commission recommended among other things that the aging water supply network infrastructure in the city be upgraded, and proper water management and regulatory framework be put in place by relevant agencies.

#### 3.4.3. Investigation into anonymous complaints against The National Environment Management Authority

Following anonymous complaints against NEMA, the Commission conducted investigations on allegations of unfair treatment of staff, job stagnation, irregular employment, staff discrimination, nepotism or lack of fairness in training staff, irregular procurement leading to loss of millions in the execution of construction and renovation projects among others. The investigations revealed that allegations were unfounded except that staff experience stagnation upon reaching a certain cadre (E7). The Commission recommended that the NEMA Board of Management review their human resource management policies to allow staff upward mobility

## CHAPTER FOUR

### 4.0. STRENGTHENING COMPLAINTS MANAGEMENT IN THE PUBLIC SECTOR

The Commission is an important stakeholder in ensuring quality public service delivery. Pursuant to section 8 (e) of the CAJ Act, the Commission serves to facilitate the setting up of, and build complaint handling capacity in the public sector. It does this through training, periodic monitoring of service delivery standards and provision of technical support as highlighted in this section.

#### 4.1. Capacity Building in the Public Sector

Training remains a key strategy of strengthening capacity in the public sector. To this end, the Commission trained 2,807 officers drawn from 208 institutions. This was a significant improvement compared to previous year where only 639 officers drawn from 83 institutions were trained. The increase in the number of officers trained is attributable to the regional trainings organised by the Commission with the support of GIZ. The training specifically targeted complaints officers, senior managers and frontline officers. The objectives of the trainings were to:

- i. educate on the legal and regulatory framework governing handling of complaints and access to information;
- ii. create an understanding of principles of public administration and good governance; and
- iii. enhance the skills of public officers on complaints management and development of service delivery charters and standards.

Table 2 presents the number of institutions and officers trained during the period under review.

Table 2: Number of Institutions and Officers Trained

No	Public Institutions	Number of Officers	No	Public Institutions	Number of Officers
1.	Kenya Pipeline Company Ltd	192	2.	Kenya Dairy Board	166
3.	Kenyatta University	130	4.	Kenya Rural Roads Authority	106
5.	Jomo Kenyatta Foundation	102	6.	Ministry of Foreign Affairs	85
7.	Agricultural Finance Corporation	83	8.	Chuka University	74
9.	Insurance Regulatory Authority	67	10.	Kenya Ports Authority	64
11.	Machakos University	63	12.	Ol' Lessos Technical Training Institute	62
13.	Mombasa County Government	62	14.	Kenya Medical Research Institute	61
15.	Postal Corporation of Kenya	54	16.	Kenya Meat Commission	54
17.	Kenya Deposit Insurance Corporation	53	18.	Kibabii Diploma Teachers' Training College	53
19.	National Irrigation Board	47	20.	Kenya Forestry Research Institute	46
21.	Kirinyaga University	46	22.	The Kenya Institute For Public Policy Research and Analysis	44
23.	Kenya National Highways Authority	44	24.	Kenya Broadcasting Corporation	44
25.	Energy Regulatory Commission	43	26.	Technical University of Mombasa	41
27.	The Kenyatta International Convention Centre	34	28.	Siaya County Government	33
29.	Kenya Airports Authority	32	30.	Kenya Marine & Fisheries Research Institute	31
31.	Pest Control Products Board	31	32.	Kenya Trade Network Agency	30

No	Public Institutions	Number of Officers	No	Public Institutions	Number of Officers
33.	Elgeyo Marakwet County Government	29	34.	Witness Protection Agency	28
35.	Bungoma County Government	27	36.	Kenya Veterinary Vaccines Production Institute	27
37.	Kenya Bureau of Standards	26	38.	Kwale County Government	25
39.	Ministry of Petroleum and Mining	23	40.	Geothermal Development Company	20
41.	National Housing Corporation	20	42.	Kenya Wildlife Service	19
43.	Co-operative University of Kenya	18	44.	National Environment Trust Fund	17
45.	Communications Authority of Kenya	17	46.	Anti-Doping Agency of Kenya	15
47.	National Industrial Training Authority	15	48.	Ministry of Agriculture, Livestock Fisheries And	15
49.	National Transport and Safety Authority	15	50.	New Kenya Co-Operative Creameries Ltd	12
51.	Lake Victoria South Water Services Board	12	52.	Kenya Civil Aviation Authority	11
53.	Kenya School of Government	11	54.	Local Authorities Provident Fund	10
55.	Kenya National Library Services	10	56.	Kenya National Examinations Council	10
57.	University of Eldoret	9	58.	National Aids Control Council	9
59.	Commodities Fund	9	60.	Lake Victoria North Water Services Board	5
61.	Nairobi Centre For International Arbitration	5	62.	Egerton University	4
63.	National Oil Corporation of Kenya Ltd	3	64.	Kenya Roads Board	3
65.	Kenya Nuclear Electricity Board	3	66.	Capital Markets Authority	3
67.	Jomo Kenyatta University of Agriculture AND	3	68.	University Of Nairobi Enterprises and Services Ltd	3



THE COMMISSION ON ADMINISTRATIVE JUSTICE

No	Public Institutions	Number of Officers	No	Public Institutions	Number of Officers
69.	Kenya Institute Of Curriculum Development	3	70.	Kenya Power	3
71.	Lake Basin Development Authority	3	72.	Betting Control and Licensing Board	3
73.	Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works	3	74.	Kenya Electricity Generating Company	2
75.	Kenya Law Reform Commission	2	76.	Kenya Revenue Authority	2
77.	Water Sector Trust Fund	2	78.	Nzoia Sugar Company	2
79.	Export Processing Zones Authority	2	80.	Ministry of Tourism	2
81.	Brand Kenya Board	2	82.	National Government Constituencies Development	2
83.	Higher Education Loans Board	2	84.	National Drought Management Authority	2
85.	Kenya Film Classification Board	2	86.	The National Council For Children's Services	2
87.	Northern Waters Services Board	2	88.	Kenya Institute Of Special Education	2
89.	Athi Water Services Board	2	90.	Kenya Tourism Board	2
91.	Kenya Film Commission	2	92.	Privatization Commission	2
93.	Kenya Ferry Services Ltd	2	94.	Teachers Service Commission	2
95.	Kenya Investment Authority	2	96.	Kenya Urban Roads Authority	2
97.	Industrial & Commercial Development Corporation	2	98.	University of Nairobi	2
99.	Kenya School of Law	2	100.	Kenya Copyright Board	2
101.	Kenya Seed Company Ltd	2	102.	Laikipia University	2

No	Public Institutions	Number of Officers	No	Public Institutions	Number of Officers
103.	Ewaso Ngiro South Development Authority	2	104.	KASNEB	2
105.	Nyayo Tea Zones Development Corporation	2	106.	Youth Enterprise Development Fund	2
107.	Konza Technopolis Development Authority	2	108.	Kenya Industrial Research And Development Institute	2
109.	Agriculture and Food Authority	2	110.	National Hospital Insurance Fund	2
111.	Uwezo Fund Oversight Board	2	112.	Maasai Mara University	2
113.	Kenya Institute of Mass Communication	2	114.	Kenya National Trading Corporation Limited	2
115.	Unclaimed Financial Assets Authority	2	116.	Women Enterprise Fund	2
117.	Anti Fgm Board	2	118.	Jaramogi Oginga Odinga University of Science and Technology	2
119.	Child Welfare Society of Kenya	2	120.	Commission for University Education	2
121.	Kenya Universities and Colleges Central Placement Services	2	122.	Kenya Yearbook Editorial Board	2
123.	Kitale Technical Training Institute	2	124.	National Crime Research Centre	2
125.	Egoji Teachers College	2	126.	Multimedia University of Kenya	2
127.	Dedan Kimathi University of Technology	2	128.	Karatina University	2
129.	Nkabune Technical Training Institute	2	130.	Kenya Reinsurance Corporation	2
131.	Kaiboi Technical Training Institute	2	132.	Kenya Industrial Property Institute	2
133.	Mathenge Technical Training Institute	2	134.	South Nyanza Sugar Company Ltd	2
135.	Jeremiah Nyagah Technical Institute	2	136.	National Council for Population and Development	2

THE COMMISSION ON ADMINISTRATIVE JUSTICE

No	Public Institutions	No	Public Institutions	No	Public Institutions	Number of Officers	Number of Officers
137.	The Nyeri National Polytechnic	138.	Anti-Counterfeit Agency			2	2
139.	Meru University of Science & Technology	140.	Kenya Leather Development Council			2	2
141.	sang'alo institute of science and technology	142.	Retirement Benefits Authority			2	2
143.	Meru National Polytechnic	144.	National Construction Authority			2	2
145.	Masai Technical Training Institute	146.	Kenya Isetse and Trypanosomiasis Eradication			2	2
147.	Mosoriot Teachers' College	148.	East African Portland Cement co. Ltd			2	2
149.	Bukura Agricultural College	150.	IDB Capital Limited			2	2
151.	Mawego Technical Training Institute	152.	University of Embu			2	2
153.	Nyandarua Institute of Science And Technology	154.	Rift Valley Institute of Science And Technology			2	2
155.	Nairobi Technical Training Institute	156.	Kenya Technical Trainers College			2	2
157.	Bumbe Technical Training Institute	158.	Kisumu Technical Institute			2	2
159.	Ministry of Energy And Petroleum	160.	Siaya Institute of Technology			2	2
161.	Public Service Commission	162.	Ministry of Labour And Social Protection			2	2
163.	Office of The Attorney General	164.	Water Resources Authority			2	1
165.	Taita Taveta University	166.	Competition Authority of Kenya			1	1
167.	Michuki Technical Training Institute	168.	Kenya Maritime Authority			1	1
169.	Kagumo Teachers College	170.	Moi Teaching and Referral Hospital			1	1
171.	Kisumu National Polytechnic	172.	Kenya National Assurance Company Ltd			1	1

No	Public Institutions	Number of Officers	No	Public Institutions	Number of Officers
173.	Bondo Teachers' Training College	1	174.	Kenya Safari Lodges & Hotels	1
175.	Kaimosi Teachers' Training College	1	176.	Kenya Water Institute	1
177.	Friends College Kaimosi	1	178.	KENYA ELECTRICITY TRANSMISSION CO. LTD	1
179.	Matili Technical Training Institute	1	180.	Tana Water Services Board	1
181.	St. Johns TTC-killimambogo	1	182.	Agricultural Development Corporation	1
183.	Bushiangala Technical Training Institute	1	184.	National Commission For Science, Technology and Innovation	1
185.	Sigalagala Technical Training Institute	1	186.	Centre For Mathematics, Science and Technology	1
187.	Keroka Technical Training Institute	1	188.	University of Kabianga	1
189.	Ramogi Institute of Advanced Technology	1	190.	Kerio Valley Development Authority	1
191.	vocational training centre for the blind and deaf -	1	192.	Sports Kenya	1
193.	Shamberere Technical Training Institute	1	194.	Kenya medical training college	1
195.	Wote Technical Training Institute	1	196.	The Sacco Societies Regulatory Authority	1
197.	Kitui Teachers Training College	1	198.	National Environment Management Authority	1
199.	North Eastern National Polytechnic	1	200.	Coast Water Services Board `	1
201.	Coast Institute of Technology	1	202.	Agro-Chemical and Food Company Ltd	1
203.	National Treasury	1	204.	Public Procurement Regulatory Authority	1
205.	Ministry of Industry Trade and Cooperatives	1	206.	National authority for the campaign against alcohol and drug abuse	1

THE COMMISSION ON ADMINISTRATIVE JUSTICE

No	Public Institutions	Number of Officers	No	Public Institutions	Number of Officers
207.	Ministry of Lands, and Physical Planning	1	208.	Engineers Board of Kenya	1
<b>TOTAL</b>			<b>2807</b>		

## 4.2. Resolution of Public Complaints Indicator

Mainstreaming of resolution of complaints in the public sector through the inclusion of 'Resolution of Public Complaints' indicator in the performance contracting framework of the national government has immensely contributed towards improvement of public service delivery.

Under the Indicator, public institutions are obligated to establish a mechanism of addressing complaints and report to the Commission on a quarterly basis. The Commission evaluates the reports, carries out assessments and certifies public institutions based on a set criteria to enforce compliance.

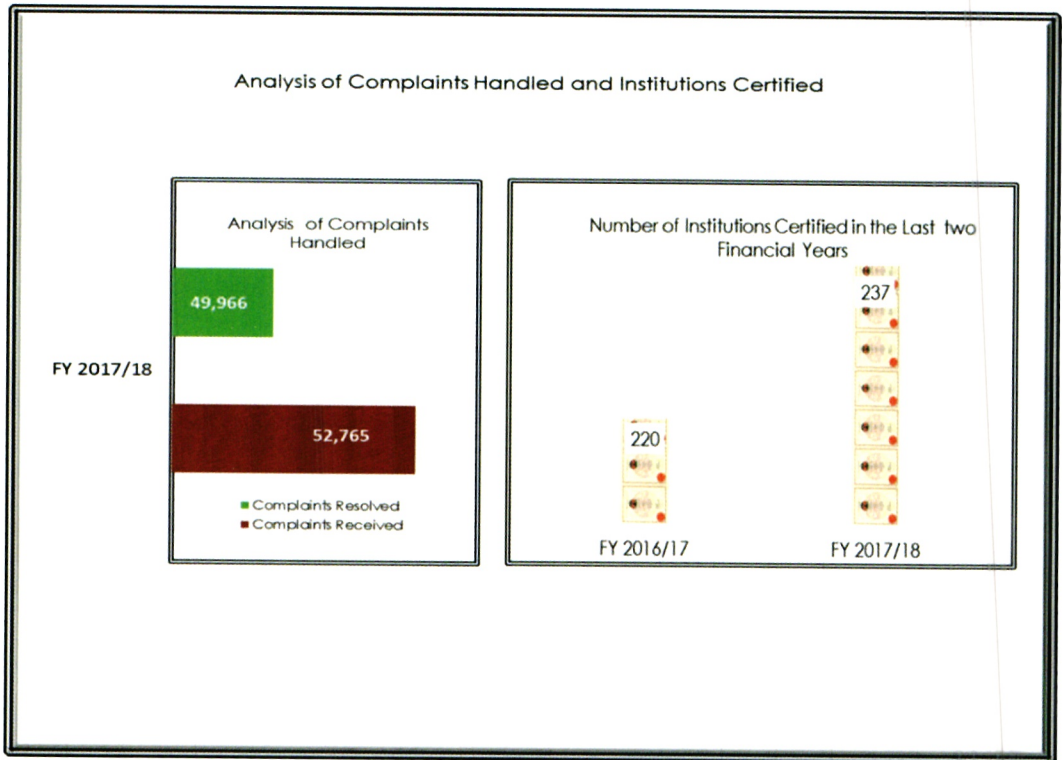
During the period under review, the Commission developed the seventh edition reporting guidelines for implementing the Indicator in line with the Performance Contracting Framework.

In assessing the level of compliance, the Commission checks whether a public entity has:

- i. established a complaints management infrastructure,
- ii. developed a complaints handling policy and procedures,
- iii. maintained a complaints register,
- iv. developed, implemented and publicised a citizen service delivery charter,
- v. built capacity for complaints handling officers and staff,
- vi. created awareness on complaints handling systems,
- vii. resolved and reported on complaints handled to the Commission as per the guidelines,
- viii. reported on access to information requests, and
- ix. Implemented decisions of the Commission.

According to the reports filed with the Commission, public institutions reported handling 52,765 complaints out of which 49,966 (94.7% of the total complaints were resolved). Notably, the number of institutions certified rose from 220 in the previous year to 237 – which may be attributable to the Commission's interventions in mainstreaming complaints management within the public sector. Figure 8 presents an analysis of complaints handled and institutions certified.

Figure 8: Certification and Complaints Analysis



### 4.3. Provision of Technical Support

The Commission continues to support public institutions in the development and implementation of policies and procedures. In this regard, it established standards on development of citizen service charters, complaints handling mechanisms and implementation of obligations on access to information.

The Commission assisted 10 institutions to develop service charters. Through the charters, public institutions express commitment to service standards and adherence to the same, and protect the rights of customers. Other complaint handling tools installed include complaints registers, policies and procedures.

### 4.4. Service Delivery Audit

The Commission carried out audits to ascertain adherence to service delivery standards and to verify their reports on the same. This was done through spot which focused on the following areas:

- i. institutional set-up, accessibility and signage;
- ii. service standards;
- iii. establishment of complaints management infrastructure;
- iv. customer perception of services offered;
- v. complaints management process; and
- vi. existence and effectiveness of feedback mechanisms.

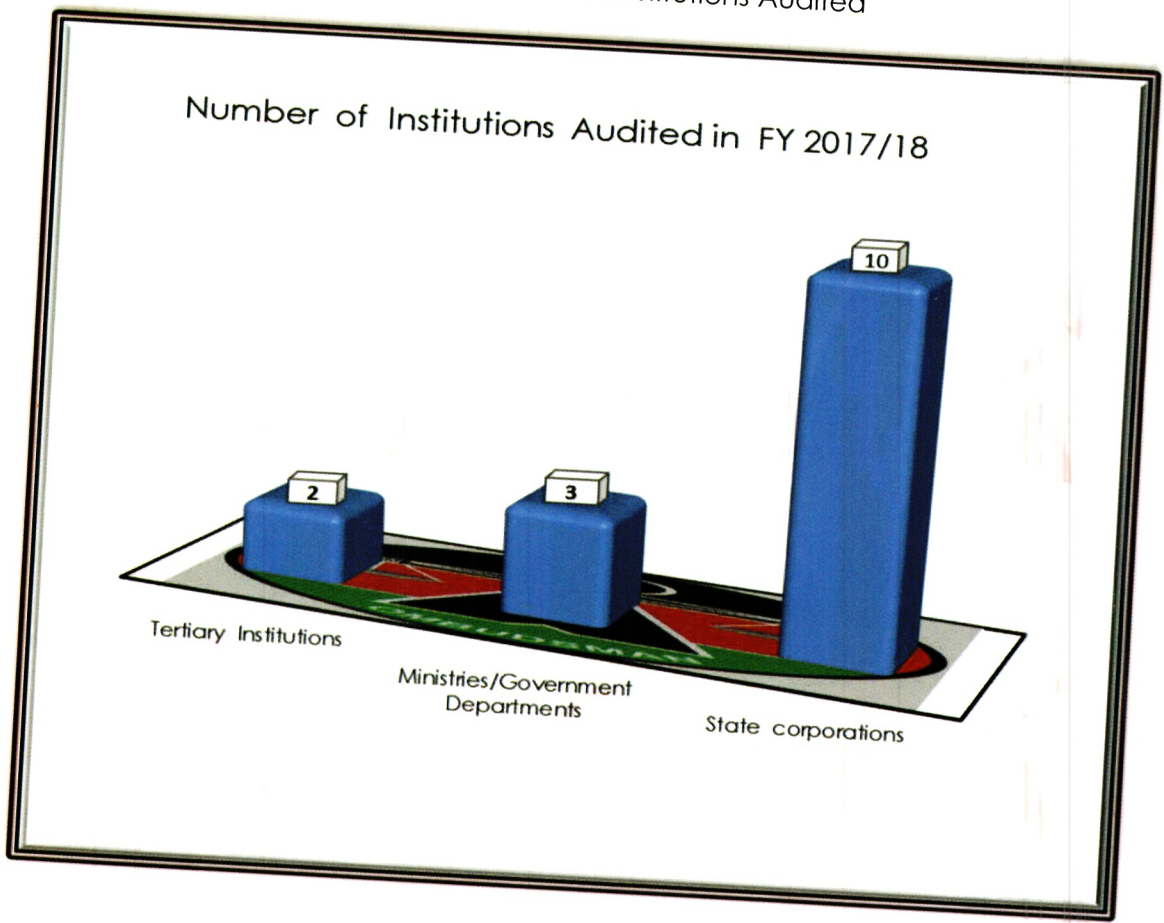
The Commission conducted spot checks in 15 public institutions which were selected after analysing periodic reports.

Following the audits, the Commission recommended to the concerned public institutions to:

- I. sensitise their frontline officers with information on the services offered (including on-line services), processes, and timelines;
- II. create awareness on the content of citizen service delivery charters within the institutions (and develop charter where they do not exist);
- III. develop and/or review customer complaints handling mechanism that is responsive to the needs of customers;

- IV. ensure proper maintenance of records that are accurate, authentic, have integrity and usable; and
- V. ensure that citizens are aware of external grievance redress mechanism (Include CAJ contacts in the service charters).

Figure 9: Number of Institutions Audited



## CHAPTER FIVE

### 5.0. PROMOTION OF GOOD GOVERNANCE IN THE PUBLIC SECTOR

The main objective of the Commission in all its undertakings is to promote good governance in public administration. Towards this end, the Commission employed various strategies which included issuing advisory opinions on improvement of public administration, conducting public awareness, and creating strategic partnerships and linkages under the reporting period. This chapter outlines the various activities undertaken in this regard.

#### 5.1. Advisory Opinions

The Commission issues advisory opinions to improve public administration and promote good governance. During the reporting period, the Commission issued an advisory opinions on management of employees during transition at the county governments after an election. This was precipitated by the aftermath of the 2017 General Elections which was characterised by dismissal, suspension intimidation and threats to employees.

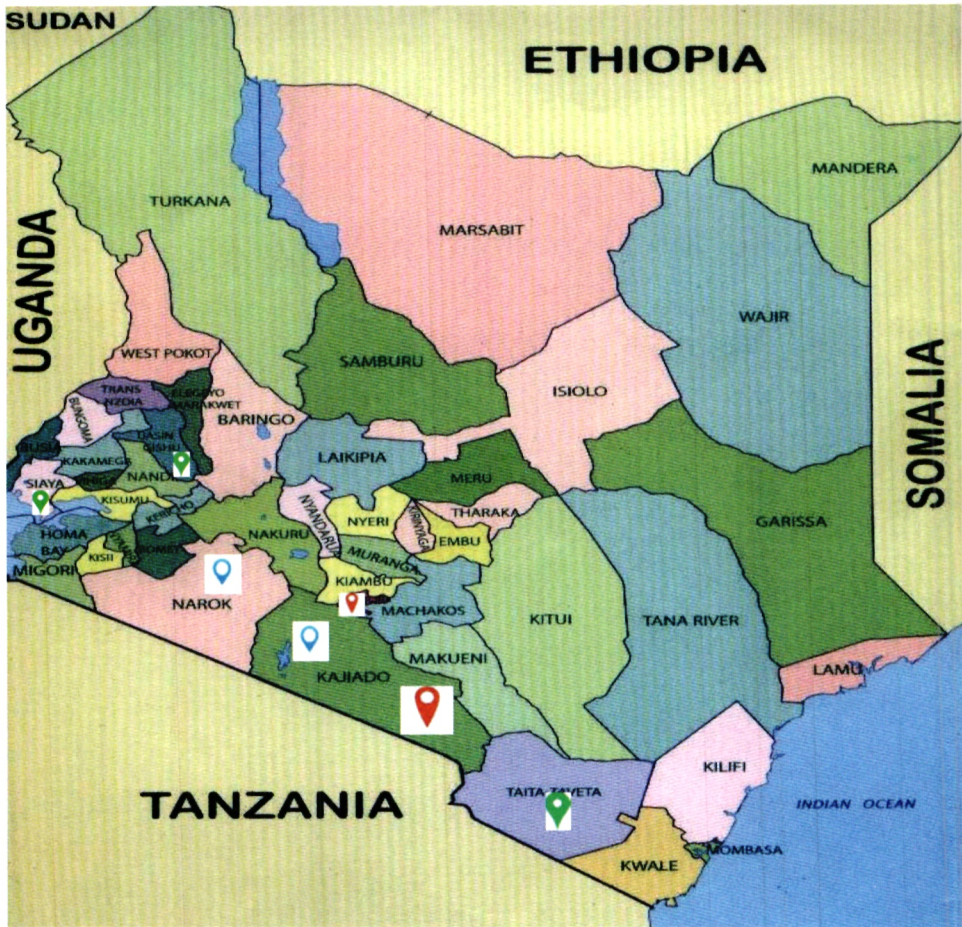
#### 5.2. Outreach

##### 5.2.1. Public Awareness Forums

The Commission employed various strategies to conduct public education on its mandate and create awareness on administrative justice matters. They include the following:

1. Public forums in various counties including Nakuru, Busia, Makueni, and Elgeyo Marakwet.
2. 16 Days of Activism against Gender-Based Violence through public outreach programmes: the Commission participated in a series of activities in Kiambu County, and Narok County.
3. Devolution Sensitisation Week: the three-day event spearheaded by the Council of Governors took place in December 2017, at the Kencom Bus Station in Nairobi County.

4. Annual Conference of the of Constitutional Commissions and Independent Offices: the Commission participated in the 6<sup>th</sup> Annual Conference held in Nyeri on December 2017.
5. Huduma Mashinani: the Commission undertook community outreach in Mukuru kwa Njenga, Kiambu, Mathare, Kibra and Korogocho in Nairobi City County.
6. Agricultural Society of Kenya Shows: the Commission participated in the Nairobi International Trade Fair show and reached about 3,000 show attendants.



KEY

-  Devolution Sensitisation Week, Huduma Mashinani and International Trade Fair Show
-  Public Awareness Forums
-  Gender Based Violence Outreach Programmes

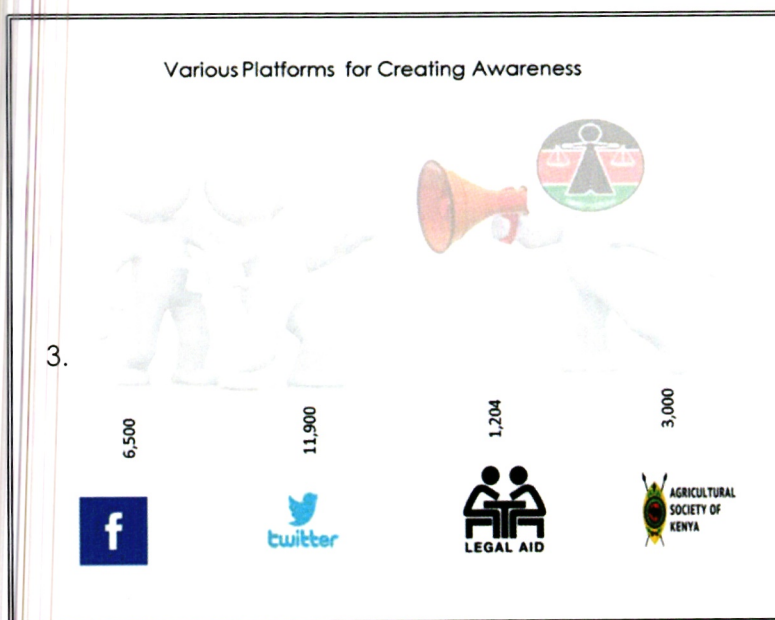
### 5.2.2. Media Engagement

The Commission used different media platforms for public education on various radio and television stations including Emoo FM, Citizen TV and NTV. The Commission also engaged the public on its own media including Facebook, Twitter and the website. The interactive nature of social media continues to enable citizen to demand for accountability. Kenyans continue to make inquiries, report cases and even make follow ups through the Commission's Facebook page, Ombudsman Kenya, and Twitter handle @KenyasOmbudsman. As such, social media has enhanced accessibility of the Commission with the audience size on twitter growing from 6,780 to 11,900 and from 5,067 to 6,500 on Facebook. Within the same period the interaction rate increase by 50% an indication that social media continues to be an interactive platform for engagement with the public.

### 5.2.3. Legal Aid Clinics

The objective of legal aid clinics is to provide an avenue for the commission to take its services closer to the people. It entails offering legal advice on administrative justice matters, receipt of complaints, creation of awareness and engagement of public officers. The Commission conducted legal aid clinics in four counties, namely: Makueni, Elgeyo Marakwet, Nyeri and Kisii where 1,204 members of the public were attended.

Figure 10 : Awareness Creation Platforms



### **5.3. Partnerships and Linkages**

The Commission leveraged on partnerships and development stakeholders to enhance its capacity to deliver on its mandate. These partnerships enabled the Commission to benchmark on best practices and improve its operations, implement various programmes and activities, and establish collaboration for optimal performance. In the year under review, the Commission consolidated the existing partnerships and expanded into new ones through various strategies. Some of the partnerships are presented here below.

#### **5.3.1. Partnerships**

The Commission created partnerships with organisations including Agile and Harmonized Assistance to Devolved Institutions (AHADI), International Development Law Organisations (IDLO) and GIZ Good Governance programme to enhance collaboration. It also participated in the IOI Africa Region meeting in Lilongwe, Malawi in February 2018. The regional meeting, usually organized on an annual basis, presents a unique networking opportunity for ombudsman institutions in Africa as well as providing a platform at the regional level for ombudsman institutions to exchange valuable experiences and best practices.

#### **5.3.2. Policy and Legislative Development**

The Commission proactively contributed to improvements in public administration by assisting agencies before complaints are raised. This was realized through various strategies, including reviewing and commenting on legislative, policy and procedural matters of public entities to ensure that they reflect good administrative practice. In the reporting period, the Commission provided input to the Police Operations Manual and the draft Constitution of the University of Nairobi Students' Association, with a view to aligning them with the principles of good governance and administrative justice. In addition, the Commission assisted the Ministry of Foreign Affairs to develop a policy manual on access to information.

#### **5.3.3. Shaping Governance through Strategic Meetings**

The Commission participated in a number of meetings, trainings and workshops, and made contributions in the subjects of governance and public administration. Notable among these are:

- (a) A meeting with the Society of Clerks at the Table (SOCATT) held at the Commission offices in Nairobi on 04<sup>th</sup> May 2018.
- (b) A meeting with the National Police Service Commission on the 19<sup>th</sup> October 2017.
- (c) A meeting with the Imara Daima Residents Association following the Association's complaint against various public entities on environmental issues.
- (d) A meeting with a delegation from the Carter Center and explored ways of collaboration and partnerships.

#### **5.3.4. The African Ombudsman and Mediators Association**

The Commission, the current secretariat of AOMA, coordinated development of AOMA's strategic plan and convened a meeting of the Executive Committee of AOMA to discuss pertinent issues to the Association. The Commission also coordinated and attended a regional training of AOMA East Africa region in Djibouti in March 2018 and participated in an Africa-wide study on comparative models of the Ombudsman institution under the auspices of AOMA's research and training arm, the African Ombudsman Research Centre.

#### **5.3.5. Intergovernmental Authority on Development**

The Commission participated in the first Regional Conference for Ombudsman institutions of IGAD member states in Djibouti. The Conference explored the question of migration that plagues the Horn of Africa region, and provided a platform for experience sharing and development of a regional approach to addressing common challenges.

The conference culminated in the Djibouti Declaration that provides a platform for engagement of Ombudsman institutions with IGAD.

## CHAPTER SIX

### 6.0. CORPORATE AFFAIRS

The Commission has made tremendous progress in strengthening its internal capacity to enable it to discharge its mandate effectively, and address the emerging challenges. This section highlights developments in governance, human resources, finance and administration.

#### 6.1. End of Term for Pioneer Commissioners

The tenure of the Pioneer Commissioners came to an end on 7<sup>th</sup> November 2017. The Commissioners had achieved notable milestones in laying the foundation for the institution of the Ombudsman in Kenya. They worked tirelessly to position the Commission as the people's defender and contributed immensely, towards improved public service delivery, by inculcating a culture of responsiveness in the public service. They also established strategic partnerships with key stakeholders at the international, regional, and national levels. They profiled, created awareness and made notable contribution to policy formulation on matters administrative justice. The new Commissioners' have since assumed office with effect from 8<sup>th</sup> August 2018, with Honorable Florence Kajuju as the Chairperson, Mr. Washington Sati as the Vice Chairperson, and Mrs. Lucy Ndungu as a member.

#### 6.2. Human Resource Motivation and Welfare

##### 6.2.1. Staff Welfare

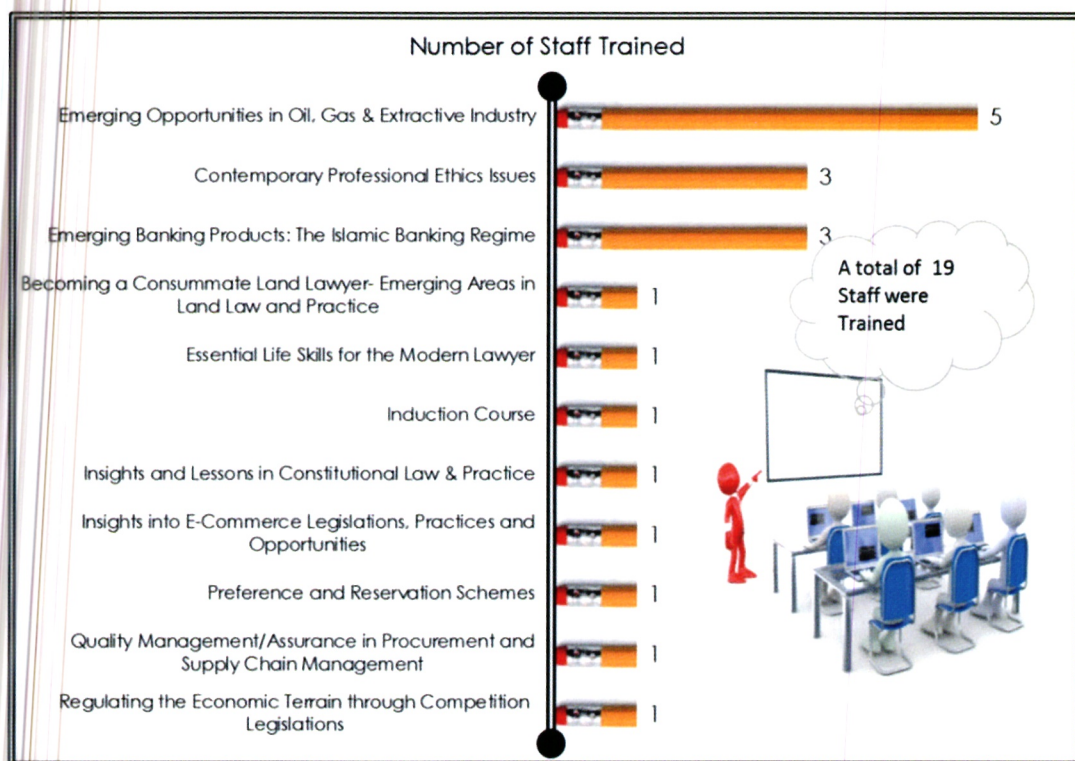
Human resource is the most valuable asset for any organisation. The Commission, therefore, endeavours to attract, motivate and retain highly competent staff. In line with this, the Commission translated terms and condition of service for staff (with the exception of top management) from contractual to permanent and pensionable. Consequently, it established a pension scheme for the staff with effect from 1 January 2018.

Further, the Commission commenced establishment of a staff car and mortgage scheme which culminated in securing 'seed funding' from the Exchequer in the 2018/'19 Fiscal Year.

### 6.2.2. Skills Development

The Commission places premium on skills development of its staff to enhance technical capacities in order to enhance efficiency in executing its mandate. Owing to austerity measures instituted by the Government, priority was given to continuous professional development courses for the various professions where 19 members of staff benefited as depicted in figure 11.

Figure 11: Number of Staff Trained



### 6.2.3. Staff Turnover

During the reporting period, five positions fell vacant thereby affecting the human resource capacity. This is because the position could not be filled immediately due to the absence of Commissioners who play a key role in recruitment of staff.

### 6.3. Financial Management

#### 6.3.1. Budgetary Allocation and Implementation

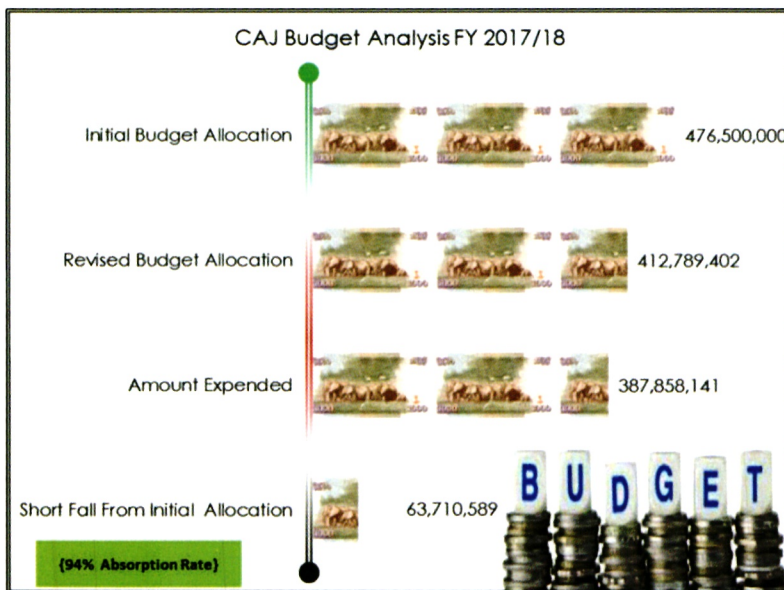
The Commission was initially allocated a total of KES 476, 500, 000 in the 2017/'18 Financial Year. The allocation was, however, revised downwards by KES 63,710,589, to KES 412,789,402 due to austerity measures instituted early in the year.

The reduction had serious implications on planned activities, and especially the Commission's outreach services which were adversely affected by the "blanket" budgetary cuts to the tune of 75%. Consequently, planned activities were rationalized and scaled down.

The challenge was further compounded by the erratic IFMIS platform, which hindered timely procurement and payment for goods and services. This notwithstanding, the Commission utilised the allocated financial resources prudently, towards the realization of the planned activities.

As at 30<sup>th</sup> June 2018, the Commission had expended a total of KES 387,858,141 (94% absorption rate). This is was improvement from the previous year which stood at 92.8%.

Figure 12: Analysis of CAJ Budget FY 2017/18



REPUBLIC OF KENYA



OFFICE OF THE AUDITOR-GENERAL

REPORT

OF

THE AUDITOR-GENERAL

ON

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

**FOR THE YEAR ENDED  
30 JUNE 2018**

## 6.3.2. Financial Statements

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# FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED  
JUNE 30, 2018

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

## KEY ENTITY INFORMATION AND MANAGEMENT

### THE COMMISSION MEMBERS

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

NO.	NAME	DESIGNATION
1.	Dr. Regina Mwatha, MBS	Acting Chairperson
2.	Ms.Saadia Mohammed, MBS	Commissioner
3.	Vacant	Commissioner

As at 8<sup>th</sup> August 2018, a new Commission was appointed comprising of the following members:

NO.	NAME	DESIGNATION
1.	Hon. Florence Kajuju, MBS	Chairperson
2.	Mr. Washington Sati	Vice-Chairperson
3.	Mrs. Lucy Ndung'u, EBS,HSC	Commissioner

### SENIOR MANAGEMENT STAFF

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

NO.	NAME	DESIGNATION
1	Mr. Leonard Ngaluma,MBS	Commission Secretary
2.	Mr. Daniel Karomo	Director, Corporate Services
3.	Mr. Vincent Chahale	Director, Legal and Advisory Services
4.	Mr. Ismail Maaruf	Director, Compliance and Risk
5.	Mr. Micah Nguli	Director, Research and Investigations
6.	Ms. Phoebe Nadupoi	Director, Advocacy and Communications
7.	Mr. Edward Okello	Special Advisor to the Chairperson

The Accounting Officer in charge of the Commission on Administrative Justice accepts responsibility for the entity's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Commission's financial statements give a true and fair view of the state of entity's transactions during the financial year ended June 30, 2018, and of the entity's financial position as at that date. The Accounting Officer charge of the Commission on Administrative Justice further confirms the completeness of the accounting records maintained for the Commission, which have been relied upon in the preparation of the entity's financial statements as well as the adequacy of the systems of internal financial control.

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

### Approval of the financial statements

The Commission's financial statements were approved and signed by the Accounting Officer on 28/09/ 2018.



Commission Secretary/CEO

Leonard Ngaluma, MBS



Director, Corporate Services

Daniel Karomo

8.	Ms. Christine Omollo	Manager, Human Resource and Administration
9.	Ms. Viola Achola	Manager, Legal and Advisory Services
10.	Mr. Sammy Cheboi	Manager, Advocacy and Communications
11.	Mr. Amos Musundi	Internal Audit Manager
12.	Ms. Damaris Mburu	Supply Chain Manager
13.	Mr. Benard Nyariki	Ag. Finance Manager
14.	Mr. Raphael Njeru	Chief Information Communication and Technology (ICT) Officer

### STATEMENT OF ENTITY MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2013 requires that, at the end of each financial year, the accounting officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

The Accounting Officer in charge of the Commission on Administrative Justice is responsible for the preparation and presentation of the entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2018. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

# REPUBLIC OF KENYA

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P.O. Box 30084-00100  
NAIROBI

## OFFICE OF THE AUDITOR-GENERAL

### REPORT OF THE AUDITOR-GENERAL ON THE COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE 2018

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#### REPORT ON THE FINANCIAL STATEMENTS

##### Opinion

I have audited the accompanying financial statements of set out on pages 9 to 26, which comprise the statement of financial assets and liabilities as at 30 June 2018, and the statement of receipts and payments, statement of cash flows and summary statements of appropriation – recurrent, development and combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission on Administrative Justice as at 30 June 2018, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Commission on Administrative Justice Act, 2011 and Public Finance Management Act, 2012.

##### Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Commission on Administrative Justice in accordance with ISSAI 30 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

##### Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. Except for the matter described in the Other Matter section of my report, there were no Key Audit Matters to report in the year under review.

##### Other Matter

Although the Commission has implemented Infiniti Human Resource Management System for capturing its employees' data and management of payroll, it was observed that there was

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*Report of the Auditor-General on the Financial Statements of the Commission on Administrative Justice for the year ended 30 June 2018*

no segregation of duties in the payroll management. The Commission stated that it had identified two officers who would be trained on the system for the time being to minimize the risk of only one officer operating the payroll and to ensure segregation of duties and enhance checks and balances.

#### REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC MONEY

##### **Conclusion**

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

##### **Basis for Conclusion**

My responsibility is to express a conclusion based on the review. The review was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the review so as to obtain limited assurance as to whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them.

A review is limited primarily to analytical procedures and to inquiries, and therefore provides less assurance than an audit. I have not performed an audit, and, accordingly, express my conclusion in the form of limited assurance, which is consistent with the more limited work I have performed under this compliance review. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

#### REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, GOVERNANCE AND RISK MANAGEMENT SYSTEMS

##### **Conclusion**

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

##### **Basis for Conclusion**

My responsibility is to express a conclusion based on the review. The review was conducted in accordance with ISSAI 1315. The standard requires that I plan and perform the review so as to obtain limited assurance as to whether effective processes and systems of internal control, risk management and governance were maintained in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

## **Responsibilities of Management and Those Charged with Governance for the Financial Statements**

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

In preparing the financial statements, management is responsible for assessing the Commission's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless the management either intends to cease operations, or have no realistic alternative but to do so.

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

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

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

### **Auditor-General's Responsibilities for the Audit**

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

In addition to the audit of the financial statements, a compliance review is planned and performed to express a conclusion with limited assurance as to whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them in accordance with the

provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution. The nature, timing and extent of the compliance work is limited compared to that designed to express an opinion with reasonable assurance on the financial statements.

Further, in planning and performing the audit of the financial statements and review of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7 (1) (a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

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

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

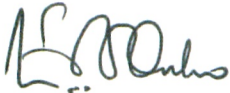
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in

the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Commission to cease sustaining its services.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Commission to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

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

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



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

**Nairobi**

**10 January 2019**


## STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2017-2018	2016-2017
		Kshs	Kshs
<b>RECEIPTS</b>			
Exchequer releases	1	389,297,468	427,300,000
Other Receipts	2	-	70,500
<b>TOTAL RECEIPTS</b>		<b>389,297,468</b>	<b>427,370,500</b>
<b>PAYMENTS</b>			
Compensation of Employees	3	226,637,859	215,388,491
Use of goods and services	4	112,816,196	132,576,834
Other grants and transfers	5	101,297	511,072
Social Security Benefits	6	48,478,390	54,250,000
Acquisition of Assets	7	1,835,847	7,496,573
<b>TOTAL PAYMENTS</b>		<b>389,869,589</b>	<b>410,222,970</b>
<b>SURPLUS/DEFICIT</b>		<b>(572,121)</b>	<b>17,147,530</b>


Note:

During the reporting period, the Commission had an opening exchequer balance of KSh. 18,072,349.75 which was partly utilized to fund the expenditure for the period.

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 28/09/ 2018 and signed by:



Commission Secretary/CEO  
Leonard Ngaluma, MBS



Director, Corporate Services  
Daniel Karomo

## STATEMENT OF ASSETS AND LIABILITIES

	Note	2017-2018	2016-2017
		Kshs	Kshs
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	8A	37,714,684	64,779,005
Cash Balances	8B	411,418	247,980
<b>Total Cash and cash equivalent</b>		<b><u>38,126,102</u></b>	<b><u>65,026,985</u></b>
Accounts receivables – Outstanding Imprests	9	-	68,310
<b>TOTAL FINANCIAL ASSETS</b>		<b>38,126,102</b>	<b>65,095,295</b>
<b>FINANCIAL LIABILITIES</b>			
Accounts Payables – Deposits and retentions	10	20,625,873	46,954,635
<b>NET FINANCIAL ASSETS</b>		<b>17,500,229</b>	<b>18,140,660</b>
<b>REPRESENTED BY</b>			
<b>Fund balance b/fwd</b>	11	18,140,660	50,929,584
Prior year adjustment	12	(68,310)	(49,936,454)
<b>Surplus/Deficit for the year</b>		(572,121)	17,147,530
<b>NET FINANCIAL POSSITION</b>		<b>17,500,229</b>	<b>18,140,660</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 28/09/ 2018 and signed by:



Commission Secretary/CEO  
Leonard Ngaluma, MBS



Director, Corporate Services  
Daniel Karomo

## STATEMENT OF CASH FLOWS

		2017-2018	2016 -2017
		Kshs	Kshs
<b>Receipts for operating income</b>			
Exchequer Releases	1	389,297,468	427,300,000
Other Revenues	2	-	70,500
		<b>389,297,468</b>	<b>427,370,500</b>
<b>Payments for operating expenses</b>			
Compensation of Employees	3	226,637,859	215,388,491
Use of goods and services	4	112,816,196	132,576,834
Other grants and transfers	5	101,297	511,072
Social Security Benefits	6	48,478,390	54,250,000
		<b>388,033,742</b>	<b>402,726,397</b>
<b>Adjusted for:</b>			
Changes in receivables		68,310	45,904
Changes in payables		(26,328,762)	(43,589,491)
Adjustments during the year		(68,310)	(49,936,454)
<b>Net cash flow from operating activities</b>		<b>(25,065,036)</b>	<b>(68,835,938)</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	7	(1,835,847)	(7,496,573)
<b>Net cash flows from Investing Activities</b>		<b>(1,835,847)</b>	<b>(7,496,573)</b>
<b>CASHFLOW FROM BORROWING ACTIVITIES</b>			
Proceeds from Domestic Borrowings		-	-
Proceeds from Foreign Borrowings		-	-
Repayment of principal on Domestic and Foreign borrowing		-	-
<b>Net cash flow from financing activities</b>		<b>-</b>	<b>-</b>
<b>NET DECREASE IN CASH AND CASH EQUIVALENT</b>		<b>(26,900,883)</b>	<b>(76,332,511)</b>
<b>Cash and cash equivalent at BEGINNING of the year</b>		<b>65,026,985</b>	<b>141,359,496</b>

	2017-2018	2016 -2017
	Kshs	Kshs
<b>Receipts for operating income</b>		
<b>Cash and cash equivalent at END of the year</b>	<b>38,126,102</b>	<b>65,026,985</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 28/09/ 2018 and signed by:



Commission Secretary/CEO

Leonard Ngaluma, MBS



Director, Corporate Services

Daniel Karomo

## SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
<b>RECEIPTS</b>						
Exchequer releases	476,500,000	(63,710,598)	412,789,402	389,297,468	23,491,934	94%
Other Receipts	-	-	-	-	-	-
<b>TOTAL RECEIPTS</b>	<b>476,500,000</b>	<b>(63,710,598)</b>	<b>412,789,402</b>	<b>389,297,468</b>	<b>23,491,934</b>	<b>94%</b>
<b>PAYMENTS</b>						
Compensation of Employees	236,500,000	(4,000,000)	232,500,000	226,637,859	5,862,141	97%
Use of goods and services	172,416,691	(51,555,092)	120,861,599	112,816,196	8,045,403	93%
Other grants and transfers	572,000	-	572,000	101,297	470,703	18%
Social Security Benefits	55,556,196	-	55,556,196	48,478,390	7,077,806	87%
Acquisition of Assets	11,455,113	(8,155,506)	3,299,607	1,835,847	1,463,760	56%
<b>TOTAL PAYMENTS</b>	<b>476,500,000</b>	<b>(63,710,598)</b>	<b>412,789,402</b>	<b>389,869,589</b>	<b>22,919,813</b>	<b>94%</b>
<b>Surplus/ Deficit</b>	-	-	-	<b>(572,121)</b>	<b>572,121</b>	

### Notes:

Underutilisation in Other Grants and Transfers of 18% was as a result of waiver for subscriptions to African Ombudsman Research Centre (AORC)

Underutilisation in Social Security Benefits of 87% was as a result of transition of staff from contractual to permanent terms of employment mid the financial year.

Underutilisation in Acquisition of Assets of 56% was as a result of long procurement process.

The changes between the original and final budget are as a result of reduction in funding by Exchequer of KShs. 63,710,598 and thus reallocation of the budget was necessary

The entity financial statements were approved on 28/09/ 2018 and signed by:

  
 \_\_\_\_\_  
 Commission Secretary/CEO  
 Leonard Ngaluma, MBS

  
 \_\_\_\_\_  
 Director, Corporate Services  
 Daniel Karomo

#### SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
<b>RECEIPTS</b>						
Exchequer releases	476,500,000	(63,710,598)	412,789,402	389,297,468	23,491,934	94%
Other Receipts	-	-	-	-	-	-
<b>TOTAL RECEIPTS</b>	<b>476,500,000</b>	<b>(63,710,598)</b>	<b>412,789,402</b>	<b>389,297,468</b>	<b>23,491,934</b>	<b>94%</b>
<b>PAYMENTS</b>						
Compensation of Employees	236,500,000	(4,000,000)	232,500,000	226,637,859	5,862,141	97%
Use of goods and services	172,416,691	(51,555,092)	120,861,599	112,816,196	8,045,403	93%
Other grants and transfers	572,000	-	572,000	101,297	470,703	18%

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
Social Security Benefits	55,556,196	-	55,556,196	48,478,390	7,077,806	87%
Acquisition of Assets	11,455,113	(8,155,506)	3,299,607	1,835,847	1,463,760	56%
<b>TOTAL PAYMENTS</b>	<b>476,500,000</b>	<b>(63,710,598)</b>	<b>412,789,402</b>	<b>389,869,589</b>	<b>22,919,813</b>	<b>94%</b>
<b>Surplus/ Deficit</b>	-	-	-	<b>(572,121)</b>	<b>572,121</b>	

**Notes:**

Underutilisation in Other Grants and Transfers of 18% was as a result of waiver for subscriptions to African Ombudsman Research Centre (AORC)

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Daniel Karomo

## BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget	Adjustments	Final Budget	Actual on comparable basis	Budget utilization difference
	2017/18FY		2017/18FY	JUNE 30 <sup>TH</sup> 2018	
	Kshs	Kshs	Kshs	Kshs	Kshs
Programme 1					
Sub-programme 1	476,500,000	(63,710,598)	412,789,402	389,297,468	94%
Sub-programme 3					
Programme 2					
Sub-programme 1					
Sub-programme 2					
Sub-programme 3					

**Note:**

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

The Commission did not have any voted provision for development during the reporting period. The Commission was only funded for the Recurrent budget.

The entity financial statements were approved on 28/09/ 2018 and signed by:



Commission Secretary/CEO  
Leonard Ngaluma, MBS



Director, Corporate Services  
Daniel Karomo

## **SIGNIFICANT ACCOUNTING POLICIES**

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

### **Statement of Compliance and Basis of Preparation**

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

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

### **Reporting Entity**

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

### **Reporting Currency**

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

### **Significant Accounting Policies**

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

#### **a) Recognition of Receipts**

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

#### **Tax Receipts**

Tax receipts are recognized in the books of accounts when cash is received. Cash is considered as received when notification of tax remittance is received.

## **Transfers from the Exchequer**

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

## **External Assistance**

External assistance is received through grants and loans from multilateral and bilateral development partners.

Grants and loans shall be recognized in the books of accounts when cash is received. Cash is considered as received when a payment advice is received by the recipient entity or by the beneficiary.

In case of grant/loan in kind, such grants are recorded upon receipt of the grant item and upon determination of the value. The date of the transaction is the value date indicated on the payment advice. A similar recognition criteria is applied for loans received in the form of a direct payment.

During the year ended 30<sup>th</sup> June 2018 there were no instances of non-compliance with terms and conditions which have resulted in cancellation of external assistance loans.

## **Other receipts**

These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognised in the financial statements the time associated cash is received.

### **b) Recognition of payments**

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

## **Compensation of Employees**

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

## **Use of Goods and Services**

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

### **Interest on Borrowing**

Borrowing costs that include interest are recognized as payment in the period in which they are paid for.

### **Repayment of Borrowing (Principal Amount)**

The repayment of principal amount of borrowing is recognized as payment in the period in which the repayment is made.

### **Acquisition of Fixed Assets**

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

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

### **In-kind contributions**

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

### **Third Party Payments**

Included in the receipts and payments, are payments made on its behalf to third parties in form of loans and grants. These payments do not constitute cash receipts and payments and are disclosed in the payment to third parties in the statement of receipts and payments as proceeds from foreign borrowings.

### **Cash and Cash Equivalents**

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash

include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year.

### **Restriction on Cash**

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

Amounts maintained in deposit bank accounts are restricted for use in refunding third party deposits. As at 30th June 2018, this amounted to **Kshs.20, 625,873** compared to **Kshs. 46,954,635** in prior period as indicated on **note 24**.

There were no other restrictions on cash during the year.

### **Accounts Receivable**

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

### **Accounts Payable**

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

### **Pending Bills**

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the Commission at the end of the year. When the pending bills

are finally settled, such payments are included in the Statement of Receipts and Payments in the year in which the payments are made.

## **Budget**

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament on June 2017 for the period 1<sup>st</sup> July 2017 to 30<sup>th</sup> June 2018 as required by Law and there were two supplementary adjustments to the original budget during the year.

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

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

## **Comparative Figures**

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

## **Subsequent Events**

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended 30<sup>th</sup> June 2018.

## **Errors**

Material prior period errors shall be corrected retrospectively in the first set of financial statements authorized for issue after their discovery by: **i.** restating the comparative amounts for prior period(s) presented in which the error occurred; or **ii.** If the error occurred before the earliest prior period presented, restating the opening balances of assets, liabilities and net assets/equity for the earliest prior period presented.

## **Related Party Transactions**

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

## NOTES TO THE FINANCIAL STATEMENTS

### EXCHEQUER RELEASES

Description	2017 -2018	2016 -2017
	Kshs	Kshs
Total Exchequer Releases for quarter 1	87,430,641	100,800,000
Total Exchequer Releases for quarter 2	80,505,427	78,900,000
Total Exchequer Releases for quarter 3	130,229,300	133,000,000
Total Exchequer Releases for quarter 4	91,132,100	114,600,000
<b>Total</b>	<b>389,297,468</b>	<b>427,300,000</b>

During the year, the Commission was to receive exchequer of KSh. 412,789,402; however, we received KSh. 389,297,468 only falling short by KSh. 23,491,934

### OTHER REVENUES

Description	2017 -2018	2016 -2017
	Kshs	Kshs
Other receipts not classified elsewhere	-	70,500
<b>Total</b>	<b>-</b>	<b>70,500</b>

Other receipts not classified elsewhere relates to refunds for conference fees for a conference that was not attended. The Commission did not have these receipts during the reporting period but we have included the note for comparative purposes.

### COMPENSATION OF EMPLOYEES

	2017 -2018	2016 -2017
	Kshs	Kshs
Basic salaries of permanent employees	171,881,251	159,298,512
Basic wages of temporary employees	5,617,879	5,836,776
Personal allowances paid as part of salary	48,152,689	49,368,683

	2017 -2018	2016 -2017
	Kshs	Kshs
Employer Contributions Compulsory national social security schemes	986,040	884,520
<b>Total</b>	<b>226,637,859</b>	<b>215,388,491</b>

## NOTES TO THE FINANCIAL STATEMENTS (Continued)

### USE OF GOODS AND SERVICES

	2017 -2018	2016 -2017
	Kshs	Kshs
Utilities, supplies and services	1,349,825	2,168,366
Communication, supplies and services	6,790,457	9,330,227
Domestic travel and subsistence	11,365,092	10,301,043
Foreign travel and subsistence	1,394,348	4,515,958
Printing, advertising and information supplies & services	1,838,439	4,468,023
Rentals of produced assets	51,771,690	47,339,716
Training expenses	2,935,181	12,940,301
Hospitality supplies and services	2,442,392	5,111,161
Insurance costs	18,177,760	17,616,182
Specialized materials and services	883,673	570,675
Office and general supplies and services	2,485,730	5,622,764
Other operating expenses	5,266,438	6,129,651
Routine maintenance – vehicles and other transport equipment	3,387,721	2,764,996
Fuel Oil and Lubricants	1,757,176	2,066,285
Routine maintenance – other assets	970,274	1,631,486
<b>Total</b>	<b>112,816,196</b>	<b>132,576,834</b>

## OTHER GRANTS AND TRANSFERS

Explanation	2017 -2018	2016 -2017
	Kshs	Kshs
Membership dues and subscriptions to international organizations	101,297	511,072
<b>Total</b>	<b>101,297</b>	<b>511,072</b>

Other Grants and transfers relate to membership subscriptions which were done to African Ombudsman and Mediators Association (AOMA). The Commission is an active member of African Ombudsman and Mediators Association (AOMA) and is required to pay annual subscriptions to retain good standing.

## SOCIAL SECURITY BENEFITS

Explanation	2017 -2018	2016 -2017
	Kshs	Kshs
Government pension and retirement benefits	48,478,390	54,250,000
<b>Total</b>	<b>48,478,390</b>	<b>54,250,000</b>

Social Security benefits relate to gratuity provision for staff working for the Commission.

## ACQUISITION OF ASSETS

<u>Non Financial Assets</u>	2017 -2018	2016 -2017
	Kshs	Kshs
Refurbishment of Buildings	183,900	2,863,691
Purchase of Office Furniture and General Equipment	629,650	3,308,248
Purchase of ICT Equipment, Software and Other ICT Assets	1,022,297	1,324,634
<b>Sub-total</b>	<b>1,835,847</b>	<b>7,496,573</b>
<u>Financial Assets</u>		
Domestic Public Non-Financial Enterprises	-	-

Domestic Public Financial Institutions	-	-
Foreign financial Institutions operating Abroad	-	-
Other Foreign Enterprises	-	-
Foreign Payables - From Previous Years	-	-
<b>Sub-total</b>	-	-
<b>Total</b>	<b>1,835,847</b>	<b>7,496,573</b>

The Commission did not acquire any financial assets during the reporting period.

#### 8A: Bank Accounts

Name of Bank, Account No. & currency	Amount in bank account currency	Indicate whether recurrent, Development, deposit e.t.c	Exc rate (if in foreign currency)	2017 -2018	2016 -2017
				Kshs	Kshs
Central Bank of Kenya, Account No.1000181524	KES	Recurrent	N/A	17,088,810	17,824,369.70
Central Bank of Kenya, Account No.1000182377	KES	Deposit	N/A	20,625,873	46,954,634,95
Central Bank of Kenya, Account No.1000182644	KES	CBK165	N/A	-	-
<b>Total</b>				<b>37,714,684</b>	<b>64,779,004.65</b>

**8B: CASH IN HAND**

	<b>2017 -2018</b>	<b>2016 -2017</b>
	<b>Kshs</b>	<b>Kshs</b>
Cash in Hand – Held in domestic currency	411,418.45	247,980.05
Cash in Hand – Held in foreign currency	-	-
<b>Total</b>	<b>411,418.45</b>	<b>247,980.05</b>

**Cash in hand is also analyzed as follows:**

	<b>2017 -2018</b>	<b>2016 -2017</b>
	<b>Kshs</b>	<b>Kshs</b>
Location 1 – Head office	411,418.45	247,980.05
Location 2 – Kisumu office	-	-
Location 3 – Mombasa office	-	-
Location 4 – Isiolo office	-	-
Location 5 – Eldoret office		
<b>Total</b>	<b>411,418.45</b>	<b>247,980.05</b>

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

## 9: ACCOUNTS RECEIVABLE - OUTSTANDING IMPRESTS

Description	2017 -2018	2016 -2017
	Kshs	Kshs
Government Imprests	-	68,310
Salary advances	-	-
District suspense	-	-
Clearance accounts	-	-
<b>Total</b>	-	<b>68,310</b>

The Commission did not have any accounts receivable as at 30<sup>th</sup> June 2018 but we have included the note for comparative purposes.

## 10. ACCOUNTS PAYABLE

Description	2017 -2018	2016 -2017
	Kshs	Kshs
Deposits	20,625,873.45	46,954,634.95
<b>Total</b>	<b>20,625,873.45</b>	<b>46,954,634.95</b>

These are contractors' retention moneys and staff gratuity held in the deposit account to be settled when due for payment

## 11. FUND BALANCE BROUGHT FORWARD

Description	2017 -2018	2016 -2017
	Kshs	Kshs
Bank accounts	64,779,005	141,181,932
Cash in hand	247,980	177,564
Accounts Receivables	68,310	114,214
Accounts Payables	(46,954,635)	(90,544,126)
<b>Total</b>	<b>18,140,660</b>	<b>50,929,584</b>

These are the fund balances that were brought forward from FY 2016/17. The recurrent account bank balances were however taken back by exchequer as shown in note 12.

## 12. PRIOR YEAR ADJUSTMENTS

Description of the error	2017 -2018	2016 -2017
	Kshs	Kshs
Adjustments on bank account balances	-	(49,822,240)
Adjustments on receivables	(68,310)	(114,214)
	<b>(68,310)</b>	<b>(49,936,454)</b>

Adjustment on receivables of KSh. 68,310 relate to imprest amount surrendered as expenses in the current year but relate to the prior year. These adjustments affect the Statement of Assets as they result into the reduction of the fund balance brought forward.

### 13. OTHER IMPORTANT DISCLOSURES

#### 13.1: PENDING ACCOUNTS PAYABLE (See Annex 1)

Description	2017 -2018	2016 -2017
	Kshs	Kshs
Construction of buildings	-	-
Construction of civil works	-	-
Supply of goods	41,760	-
Supply of services	5,341,857	-
	<b>5,383,617</b>	-

### 29. PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

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

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

**Note:**

The Commission got an unqualified audit opinion during the prior year and therefore no recommendations were to be followed up.

**Guidance Notes:**

Use the same reference numbers as contained in the external audit report;

Obtain the "Issue/Observation" and "management comments", required above, from final external audit report that is signed by Management;

Before approving the report, discuss the timeframe with the appointed Focal Point persons within your entity responsible for implementation of each issue;

Indicate the status of "Resolved" or "Not Resolved" by the date of submitting this report to National Treasury.



\_\_\_\_\_  
Commission Secretary/CEO  
Leonard Ngaluma, MBS



\_\_\_\_\_  
Director, Corporate Services  
Daniel Karomo

## ANNEX 1 - ANALYSIS OF PENDING ACCOUNTS PAYABLE

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2018	Outstanding Balance 2017	Comments
<b>Supply of goods</b>	41,760		-	41,760		
The Copy Cat Ltd						
<b>Sub-Total</b>	<b>41,760</b>			<b>41,760</b>		
<b>Supply of services</b>						
Postal Corporation of Kenya	1,066,992		-	1,066,992		
Attic tours	41,700		-	41,700		
KPC – Morendat	130,800		-	130,800		
Law Africa	144,072		-	144,072		
Destiny World Travel	58,400		-	58,400		
ASK Kenya	331,400		-	331,400		
KSG	607,260		-	607,260		
High flyers ventures	13,255		-	13,255		
KSG	270,000		-	270,000		
Machakos University	63,000		-	63,000		
African Touch Safaris	86,720		-	86,720		
Mombasa Trade Centre	289,049		-	289,049		
Lexis Investments Ltd	456,780		-	456,780		
KENATCO	199,044		-	199,044		
Airtel Kenya Networks	278,667		-	278,667		
Telkom Kenya Ltd	234,228		-	234,228		
Access Kenya Group	348,000		-	348,000		
MultiChoice Kenya Ltd	111,639		-	111,639		
Computer Revolution	125,493		-	125,493		

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2018	Outstanding Balance 2017	Comments
Africa						
Toyota Kenya Ltd	328,758		-	328,758		
Copy Cat Ltd	156,600		-	156,600		
<b>Sub-Total</b>	<b>5,341,857</b>		-	<b>5,341,857</b>		
<b>Grand Total</b>	<b>5,383,617</b>		-	<b>5,383,617</b>		

## ANNEX 2 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost b/f (Kshs) 2016/2017	Additions during the year (Kshs)	Disposals during the year (Kshs)	Historical Cost c/f (Kshs) 2017/2018
Land	-	-	-	-
Buildings and structures	2,863,691	183,900	-	3,047,591
Transport equipment	45,186,296	-	-	45,186,296
Office equipment, furniture and fittings	12,786,545	629,650	-	13,416,195
ICT Equipment, Software and Other ICT Assets	15,939,634	1,022,297	-	16,961,931
Other Machinery and Equipment	6,518,633	-	-	6,518,633
Heritage and cultural assets	-	-	-	-
Intangible assets	-	-	-	-
<b>Total</b>	<b>83,294,799</b>	<b>1,835,847</b>	-	<b>85,130,646</b>

NB: The balance as at the end of the year is the cumulative cost of all assets bought and inherited by the Ministry, Department or Agency. Additions during the year should tie to note 18 on acquisition of assets during the year. Ensure this section is complete covering all the entities assets)

### 6.3.3. Procurement of Goods and Services

The Commission utilised KES 91,199,927 on procurement of goods and services, out of which KES 19,217,330 (21.07%) went to tenders awarded to the youth, women and persons with disabilities. It is, however, worthwhile to note that utility bills and other services such as insurance, rent, communication and internet connectivity act as intervening variables, given that most suppliers under this category have no capacity to provide the services. If the amount for the utility and specialised services were to be excluded therefore, the Commission's Compliance rate with the 30% threshold would be higher than it was.

The Commission carried forward some pending bills, amounting to KES 5,546,736.96. This was mainly due to factors beyond its Control, among them the universal budgetary cuts instituted by the National Treasury, which adversely affected running contracts for goods and services that could not be terminated. The Commission also experienced a delay in uploading the funds especially for the third and fourth quarters, which had a ripple effect on the procurement of goods, works and services some of which the suppliers were unable to deliver and invoice before the closure of the financial year.

### 7.0. CHALLENGES AND RECOMMENDATIONS

#### 7.1. Challenges

The Commission experienced a number of challenges that hindered full realisation of its set goals and objectives within the period under review as highlighted below.

- I. The absence of a substantive Chairperson for the entire period and Commissioners for most of the period following the expiry of their term greatly hampered policy formulation, development, adoption and implementation.
- II. Blanket budgetary cuts that saw some allocation for some of the items which had running contracts reduced by 75%, resulting to pending bills.
- III. Delay in release of funds for the third and fourth quarters which hampered timely procurement of goods and services;
- IV. Prolonged down-time of the IFMIS platform, which hindered timely commitment of.
- V. Inability to undertake planned priority outreach and advocacy activities, and monitoring of service delivery due to budgetary constraints. It also hampered corporate complaints resolution and continuous public awareness and engagement.

#### 7.2. Recommendations

- I. National Treasury should exercise caution and involve the concerned institutions when instituting austerity measures on budgetary allocations, to mitigate on the impact of such measures.
- II. Timely release of funds should be observed to enhance efficiency.
- III. Adequate measures should be taken by the National Treasury, to minimize the down time of the IFMIS portal to avoid inordinate delay in budget implementation.

- IV. There is need to enhance the budgetary allocation of the Commission in line with its expanded mandate.
- V. Owing to the critical role the Commission plays in promoting effective service delivery and oversight, there is need to insulate its budgetary allocation from cuts even in the face of austerity measures.

### 7.3. Looking Ahead

The Commission stands at the threshold of a new epoch which obtains due to two coinciding reasons, namely: expiry of term of the pioneer Commissioners which heralds appointment of new ones, and expiry of the first term Strategic Framework which paves way for the development of a new one. Below are some of the key issues the Commission will focus on moving forward.

- I. Development of a new strategic plan.
- II. Strengthening legal framework.
- III. Operationalisation of the Access to Information Act. In line with this, the Commission will partner with relevant agencies to put in place the regulatory framework, and monitor and enforce compliance.
- IV. Decentralisation of Ombudsman services to enhance accessibility.
- V. Scale up awareness and public engagement
- VI. Increase and strengthen partnerships, and enhance resource mobilisation.
- VII. Operationalisation of the mortgage and car loan scheme.
- VIII. Promote good governance by recognising and rewarding outstanding public officers and institutions.

# COMMISSIONERS



**Hon. Florence Kajuju, MBS**  
Chairperson



**Mr. Washington O. Safi**  
Vice Chairperson



**Mrs. Lucy Ndung'u, EBS, HSC**  
Commissioner in charge of Access to Information



# SENIOR MANAGEMENT



**Leonard Ngaluma, MBS**  
*Commission Secretary/CEO*



**Daniel Karomo**  
*Director, Corporate Services*



**Edward Okello**  
*Director and Special Advisor to the Chairman*



**Ismael Maaruf**  
*Director, Compliance & Risk*



**Micah Nguli**  
*Director, Research & Investigation*



**Phoebe Nadupoi**  
*Director, Advocacy & Communications*



**Vincent Chahale**  
*Director, Legal & Advisory*