

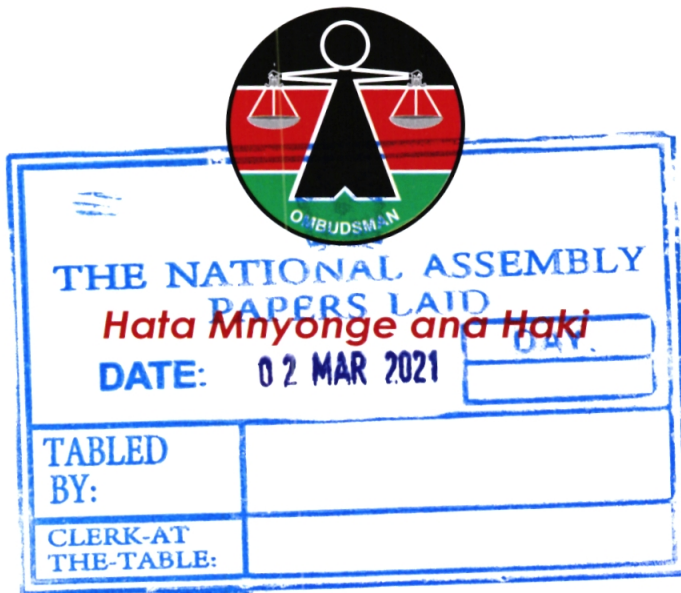
# THE COMMISSION ON ADMINISTRATIVE JUSTICE ANNUAL REPORT FY 2018/19



Prepared and issued in accordance with Article 254(1) of the Constitution  
and Section 53(1) of the Commission on Administrative Justice Act, 2011

# THE COMMISSION ON ADMINISTRATIVE JUSTICE

“Office of the Ombudsman”



## ANNUAL REPORT FOR 2018/19

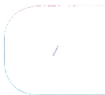
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## ABBREVIATIONS and ACRONYM

AGPO	Access to Government Procurement
AHADI	Agile Harmonized Assistance for Devolved Institutions
AOMA	African Ombudsman and Mediators Association
ATI	Access to Information Act
CAJ	Commission on Administrative Justice
CC & IOs	Constitutional Commissions and Independent Offices
CRF	Coffee Research Foundation
GoK	Government of Kenya
IAOs	Information Access Officers
ICT	Information, Communication and Technology
IDLO	International Development Law Organization
IEBC	Independent Boundaries and Elections Commission
IEC	Information Education and Communication Materials
IFMIS	Integrated Financial Management Information System
IGAD	Intergovernmental Authority for Development
IOI	International Ombudsman Institute
KALRO	Kenya Agricultural and Livestock Research Organization
KARI	Kenya Agricultural Research Institute
KASREF	Kenya Sugar Research Foundation
KNADS	Kenya National Archives and Documentation Services
KPA	Kenya Ports Authority
MDAs	Ministries Government Departments and Agencies
NEMA	The National Environment Management Authority
NGEC	National Gender and Equality Commission
NSSF	National Social Security Fund
OGP	Open Government Partnerships
PWD	Persons with Disabilities
TRFK	Tea Research Foundation of Kenya
TSC	Teachers Service Commission

## STATEMENT OF THE CHAIRPERSON

It gives me great pleasure to present the eighth edition of the Annual Report of the Commission on Administrative Justice (Office of the Ombudsman) for the 2018/2019 financial year in accordance with Article 254 of the Constitution, section 53 of the Commission on Administrative Justice Act and section 26 of the Access to Information Act. It is also the first annual report since the Vice-Chairperson, Mr. Washington Opiyo Sati, the Access to Information Commissioner, Mrs. Lucy Ndungu and I assumed office on 8<sup>th</sup> August 2018. The report, therefore, serves as our accountability statement to the public and a scorecard for the Commission during the first year of our stewardship.

As you are aware, the mandate of the Commission is to enforce administrative justice and access to information. These are important pillars of good governance, which define the centrality of the Commission in the promotion and consolidation of constitutionalism in Kenya. It is in this regard that, upon assumption of office, we embarked on strengthening the capacity of the Commission to deliver on its mandate. Notably, we enhanced the institutional human resource capacity and commenced the development of the Second Strategic Plan and operationalization of the ATI Act through formulation of the Regulations to the Act. Additionally, we designated one of the Commissioners to be in charge of access to information as required under section 20(3) of the ATI Act. These efforts were instrumental in the attainment of positive results in all the functional areas during the reporting period.

I am happy to report the accomplishments of the Commission during the 2018/2019 financial year. In particular, we handled 9,574 complaints, which included 4,016 new complaints and 5,558 complaints carried forward from the previous year. It is worthwhile to note that the Commission also indirectly handled 276,844 complaints which were processed by Ministries, Departments and Agencies through the performance contracting system. In addition, we trained 2,136 officers drawn from the national and county governments on complaints management and access to information. We also handled 82 applications for review under the access to information, and conducted an assessment on compliance with the proactive disclosure requirements in the public sector. The incorporation of

access to information in the Commission's performance contracting indicator enhanced the implementation of access to information in the public sector as demonstrated with the 4,607 requests for access to information out of which 4,355 were positively processed, the appointment and notification of Information Access Officers in 244 public institutions, and development of access to information procedures in 116 public institutions. Further milestones were achieved in key programmatic areas such as awareness creation by undertaking county visits in Kisumu, Isiolo, Eldoret, Samburu, Uasin Gishu and Laikipia and partnerships where the Commission continued to play central roles in local and international umbrella bodies. Notably, the Chairperson was elected as the Secretary General of the African Ombudsman and Mediators Association in November 2018.

The above milestones notwithstanding, we encountered challenges that affected our optimal realisation of our set goals and objectives. We faced budgetary constraints occasioned by austerity measures, inadequate human resource capacity, insufficient legal framework, unresponsiveness by public institutions in resolution of complaints and limited regional presence. While acknowledging these challenges, we adopted a number of strategies aimed at deepening our work. Moving forward, we will lobby for the strengthening of the policy and legal frameworks, finalise and operationalise the strategic plan, review the organisational structure, scale up outreach and awareness creation, promote open governance through proactive disclosure of information, leverage on technology for efficiency and effectiveness, decentralise our services, and enhance resource mobilisation and partnerships.

The achievements outlined above would not have been possible without the innovation, resourcefulness, commitment of the Commissioners and staff who have lived the slogan of the Commission, '*Hata Mnyonge ana Haki.*' We remain committed to executing our mandate in order to create a society that upholds administrative justice and open governance.



**HON. FLORENCE KAJUJU, MBS**  
**CHAIRPERSON OF THE COMMISSION**

## FOREWORD

This Annual Report which covers the period 2018/19 fiscal year, marks the first year in office for the Commissioners who were appointed in 2<sup>nd</sup> August 2018. The report underscores transparency and accountability, as the Commission gives an account of how it utilized the resources allocated to uphold administrative justice, in the year under review.

The Commission made tremendous progress in addressing maladministration and operationalizing the Access to Information Act, 2016, as documented in the report. To achieve these, the Commission was able to utilize 95% of the budgetary provision, to provide the much-needed services to the public.

The Commission endeavoured to ensure that the resources allocated were put into proper use, in accordance with the Public Finance Management Act and other relevant laws. To this end, the Commission continues to strengthen its management controls to enhance efficiency. In addition, the lessons learnt and recommendations by the parliamentary oversight committees among them, the Parliamentary Accounts and the Justice and Legal Affairs Committees, are incorporated in planning and execution of the Commission's mandate, for continuous improvement to enhance efficiency.

The Commission experienced several challenges while implementing the planned activities for the year under review, as highlighted in the report. It is hoped that the relevant government departments will address the challenges in line with our recommendations.

I take this opportunity to reiterate the Commission's commitment to prudent utilization of resources at its disposal, as we gear up to implement the new strategic plan covering 2019-2023 period.

My sincere gratitude goes to the Commissioners and staff for their valuable contribution towards the achievement of the highlighted milestones in the year under review.

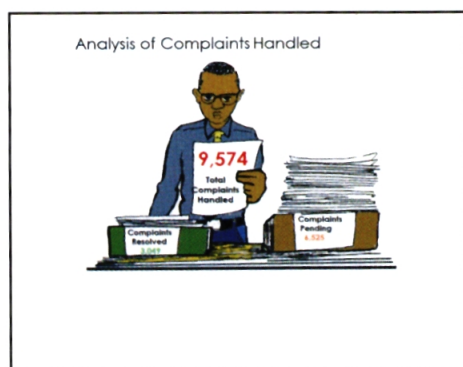


**LEONARD NGALUMA, MBS**  
**COMMISSION SECRETARY/CEO**

## EXECUTIVE SUMMARY

The Commission is obligated to prepare and submit 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 eighth 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 2018/19. The Report is structured into eight 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.



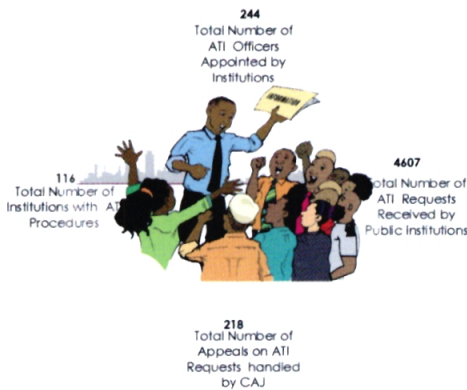
### Righting Administrative Injustices

The Commission is mandated to handle complaints in the public sector with a view to improve service delivery. During the period under review, a total of 9,574 complaints were handled. Maladministration, delay and unresponsive official conducted were ranked highest on complaints handled based on service issues.

## 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 endeavours to build complaint handling capacity of the national and county governments. This is achieved through training, provision of technical support and monitoring of service delivery as per the set standards

Analysis of Training and Certification FY 2018/19

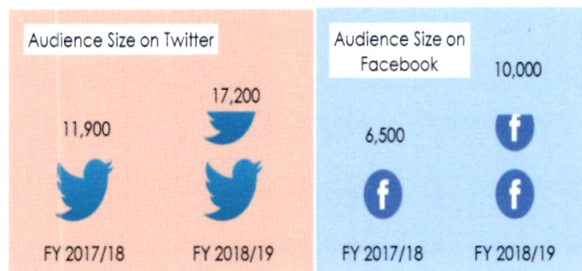


## Access to Information

Under the ATI Act the Commission is mandated to oversee and enforce the right of access to information. It requires the Commission to report to Parliament on implementation of the right of access to information. In this regard, the Commission undertook a number of initiatives to operationalise the law.

## Public Education and Outreach

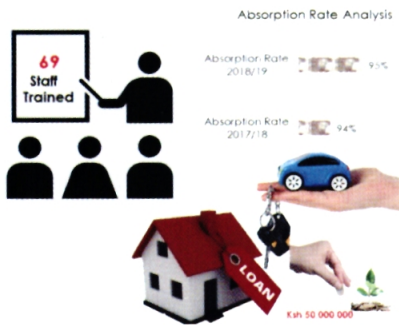
The Commission undertook various awareness creation initiatives during the reporting period. The activities were aimed at creating public awareness and education on the mandate and functions of the Commission.



## Partnerships and linkages

The Commission appreciates partnerships and linkages since they provide an important platform for exchange of ideas and best practices in promoting good governance. To this

end, the Commission fostered strategic partnerships with local and international stakeholders during the reporting period. These include USAID, World Bank, GIZ and AOMA.



## Governance, Human Resource Management and Finance

During the period under review the Commission strengthened its capacity to deliver on its mandate. The focus was to strengthen corporate governance, human resource capacity, and financial resource mobilisation and utilisation.

### Challenges

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

- Delay in the disbursement of fourth quarter budgetary and supplementary allocations.
- Identification of suitable offices for the Garissa branch office.
- Inadequate resources.
- Unresponsiveness by some public institutions.
- Insufficient legal framework.

### Priorities Moving Forward

- Implementation of the second strategic plan(2019-2023).
- Strengthening policy, legal and regulatory framework.
- Digitisation and automation of systems and processes.
- Enhancement of resource mobilisation and partnerships.
- Decentralisation of Ombudsman services to enhance accessibility by members of public.

## CHAPTER ONE

### 1.0. ESTABLISHMENT AND MANDATE

#### 1.1. Introduction

The Commission is a constitutional body established under Article 59(4) and Chapter 15 of the Constitution, and the Commission on Administrative Justice Act, Chapter 102A of the Laws of Kenya. The Commission has been in existence since September 2011 upon enactment of the constitutive Act. It plays a key role in the consolidation of good governance in Kenya.

#### 1.2. Mandate

The mandate of the Commission is two-fold. The first mandate is the traditional work of an Ombudsman, which deals with maladministration and address of citizens' grievances against the Government. This mandate is primarily provided for in the CAJ Act though snippets of the same is provided in other laws such as Fair Administrative Action Act (No 4 of 2015). The second mandate is derived from the Access to Information Act (No 31 of 2016) which gives the Commission the mandate to enforce and oversee implementation of the right of access to information guaranteed under Article 35 of the Constitution.

#### 1.3. Composition

The Commission is a collegiate Ombudsman institution and is composed of three Commissioners one of whom is the Chairperson. The Commissioners, who assumed office on 8<sup>th</sup> August 2018, are:

- Hon. Florence Kajuju – Chairperson
- Mr. Washington O. Sati – Vice Chairperson
- Mrs. Lucy Ndungu – Commissioner in charge of access to information

The Commission has a Secretariat, headed by the Commission Secretary/CEO, which executes the mandate of the Commission. The head of the Secretariat is Mr. Leonard Ngaluma.



## 1.4. Scope

The scope of the work of the Commission under the traditional Ombudsman mandate applies to public institutions at the national and county levels of government. In respect to access to information, the jurisdiction of the Commission covers all public bodies and the private sector in applicable circumstances.

## 1.5. Functions

The functions of the Commission under the CAJ Act are to:

- 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;
- 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 functions of the Commission are to:

- 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 programmes 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; and
- VII. promote protection of data.

### **1.6. 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.

## 1.7. Execution of the Mandate

The Commission executes its mandate in varied ways including:

- I. complaints handling which is carried out through inquiries, investigations, adjudication or other dispute resolution methods;
- II. public education and awareness creation;
- III. capacity building on complaints management and access to information;
- IV. issuing advisory opinions on matters affecting public administration;
- V. engaging in public interest litigation; Review applications on ATI made to public and certain private institutions; and
- VI. conducting audits or spot checks on public offices to ascertain standards of service delivery.

## 1.8. Key Result Areas

The reporting period marks the last phase of implementing the first strategic framework of the Commission that focused on the following areas:

- i. Tackling maladministration in the public sector;
- ii. Addressing weak complaints handling capacity in public institutions;
- iii. Addressing the relatively low public awareness on the mandate of the Commission;
- iv. Addressing the weak culture of constitutionalism and poor governance in the public sector; and
- v. Strengthening the capacity of the Commission to deliver on its mandate.

## 1.9. Vision, Mission and Core Values

### 1.9.1. Vision

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

### 1.9.2. Mission

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

### 1.9.3. Core Values

- **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. RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR

This chapter reports on the activities of the Commission in addressing maladministration in Kenya. Maladministration manifests itself in various ways including unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others. This was handled through complaints handling and investigations.

#### 2.1. Complaints Handling

##### 2.1.1. 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. In cases where complaints are made orally the Commission reduces them into writing. It is worth noting that the Commission does not charge any fee for its services. Figure 1 depicts various ways of lodging complaints.

Figure 1: Ways of Lodging Complaints to the Commission

### 1. Website

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



### 2. Head Office, Branch Offices and Huduma Centres

**Mombasa Branch Office**  
 Haki House, 2nd Floor, Panal Freighters Lane  
 Off Haille Selassie Avenue  
 P. O. Box 80979 - 80100, Mombasa  
 Tel: 041 2220468/ 041 22205841  
 Email: mombasa@ombudsman.go.ke

**Huduma Centre**  
 Nairobi, Embu, Nyeri,  
 Nakuru, Kajiado, Kakamega  
 Kisumu, Kisii, Bungoma

**Kisumu Branch Office**  
 Central Square Building, 2nd Floor  
 Oginga Odinga Street  
 P. O. Box 1967 - 40100, Kisumu  
 Tel: 071 8965590/ 0731 248906  
 0731 248906/ 0718 965590  
 Email: kisumu@ombudsman.go.ke

**Head Office**  
 West End Towers, 2nd Floor, Waiyaki Way  
 P.O. Box 20414 - 00200, Nairobi  
 Tel: 020 - 2270000/2303000/263765  
 Email: info@ombudsman.go.ke (for general inquiries)  
 complain@ombudsman.go.ke (for complaints)  
 Twitter: @kenyasombudsman  
 Facebook: Ombudsman Kenya

**Isiolo**  
 County Area, Along Kiwandani Road,  
 Near KRA Office  
 Tel: 020 2007671  
 Email: isiolo@ombudsman.go.ke

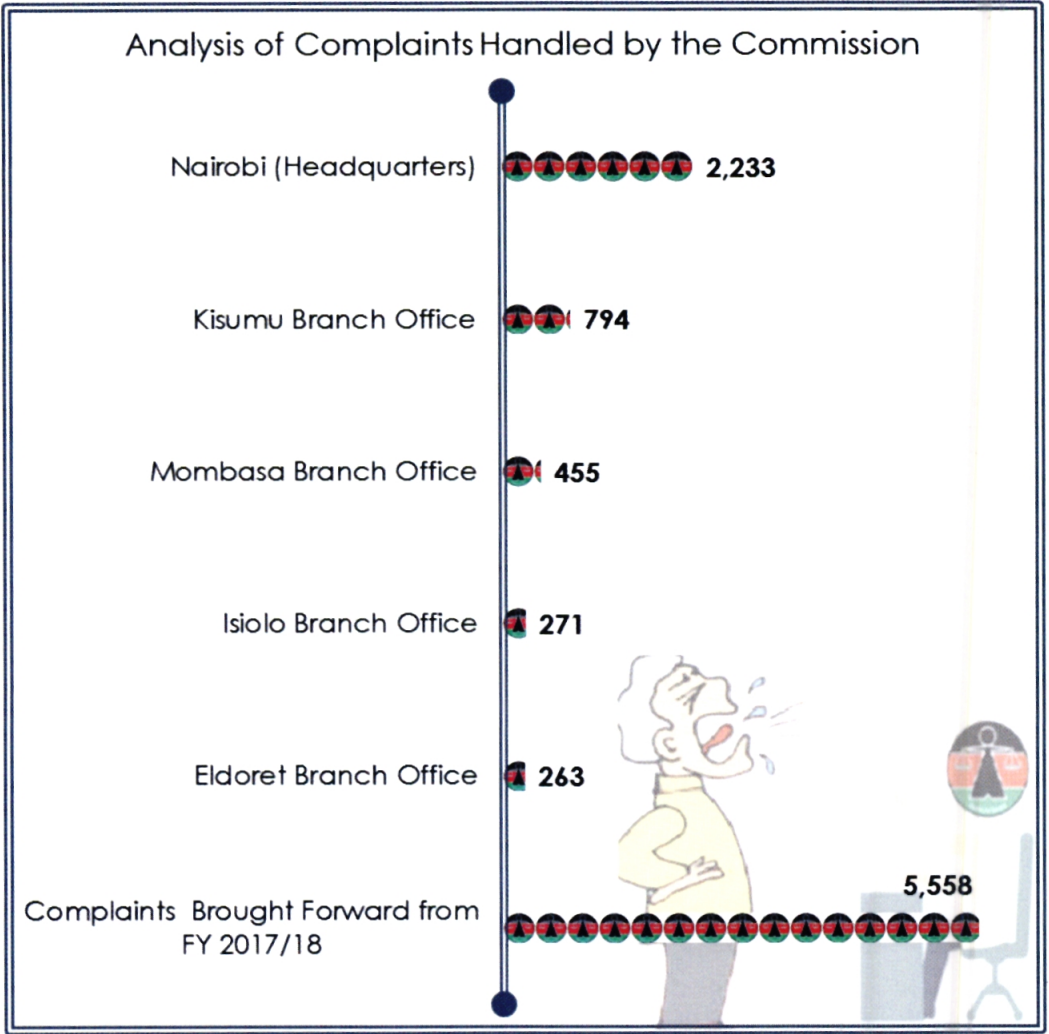
**Eldoret**  
 Kerio Valley Development Authority (KVDA)  
 Plaza, 7th Floor Oloo Street  
 P.O. Box 10326 - 30100, Eldoret  
 Tel: 020-8106515  
 Email: Eldoret@ombudsman.go.ke

## 2.2. Cases Handled

### 2.2.1. Complaints Handled Directly

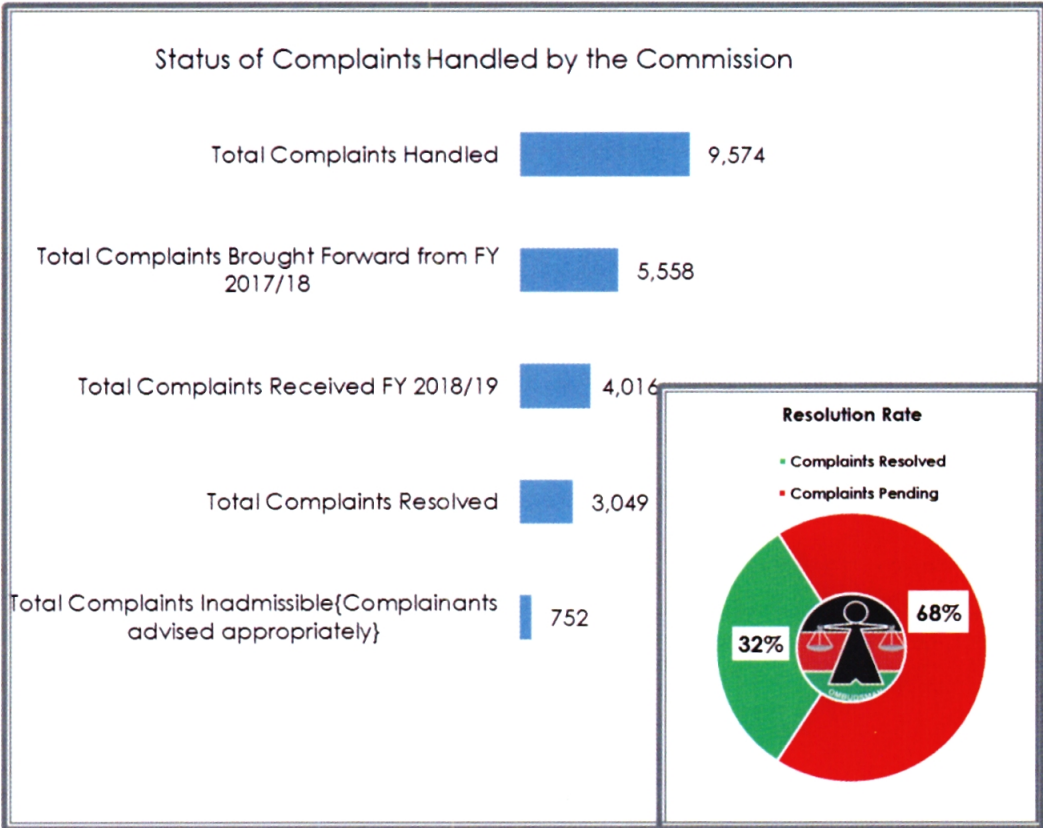
During the period under review, the Commission handled 9,574 complaints as captured in figure 2.

Figure 2: Analysis of Complaints Handled by the Commission



A total number of 5,558 complaints were brought forward from the previous Financial Year bringing the total number of complaints handled to 9,574. Out of the complaints handled, the Commission resolved 3,049 complaints. Of the 4,016 cases received during the reporting period, 752 were inadmissible and thus complainants advised appropriately.

Figure 3: Status of Complaints Handled by the Commission



**2.2.2. Classification of Complaints Handled**

Below is a representation of complaints handled based on service issues, and public institutions complained against. Figure 4 classifies complaints by service issues and Figure 5 provides a classification based on respondents.

Figure 4 Complaints Handled by Service

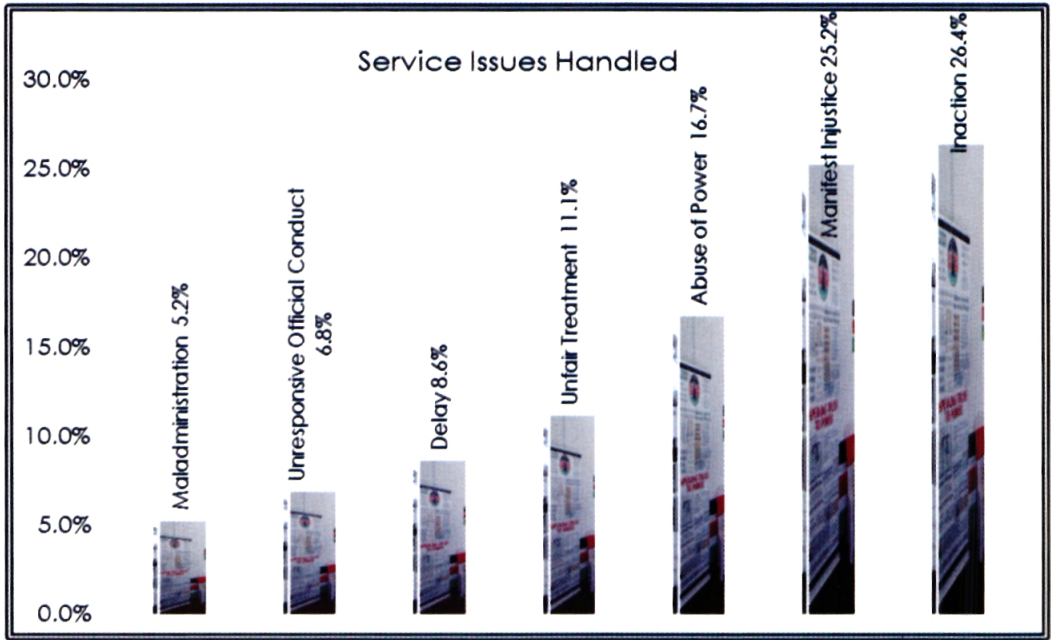
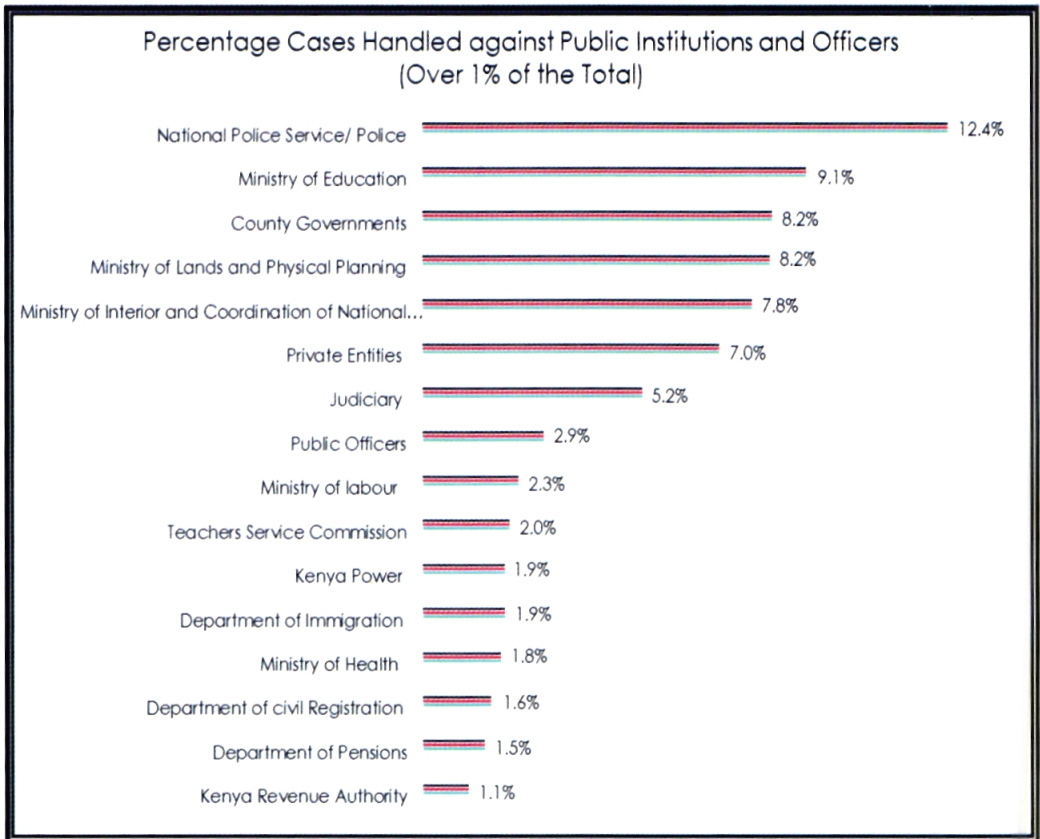


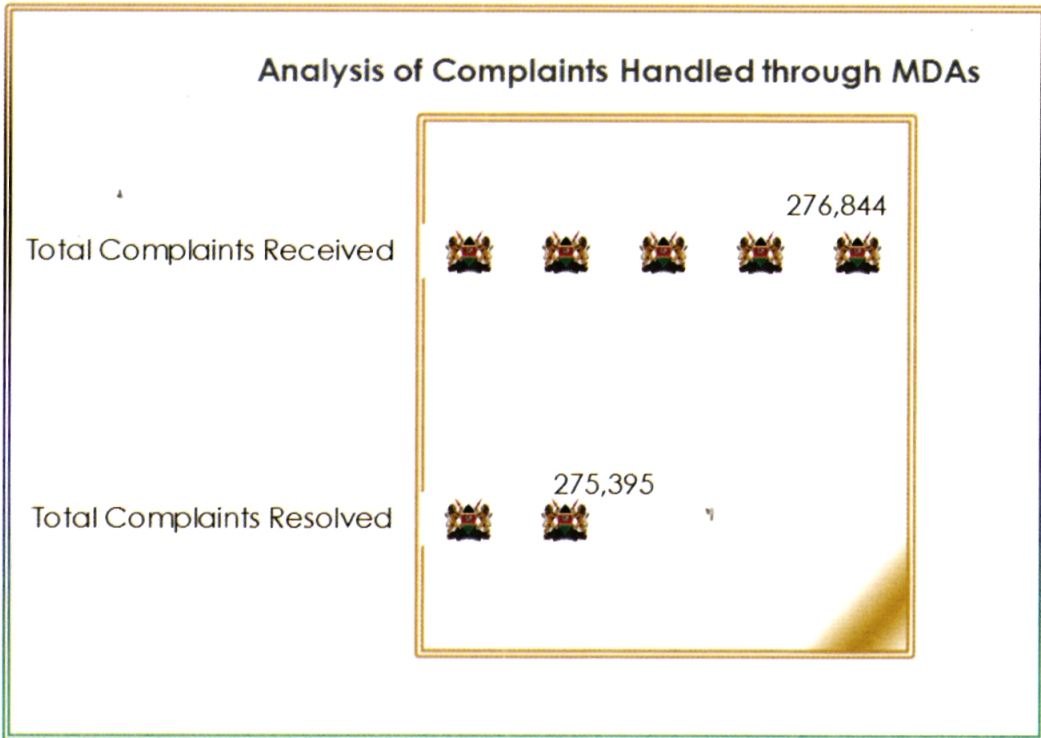
Figure 5: Classification of Complaints Based on Respondents.



## 2.3. Complaints Handled through MDAs

As per the reports filed with the Commission by the MDAs under the performance contracting framework, a total of 276,844 complaints were handled during the period under review. Of these complaints, 275,395 were reported to have been resolved. Of the reported cases, 2,799 were brought forward from the previous reporting period. Figure 6 presents an analysis of complaints handled through institutions.

Figure 6: Analysis of complaints handled through MDAs.



## 2.4. Success Stories and Sample Cases

### 2.4.1. Success Stories

#### THE LAW STUDENTS CASE

Complainants who were law students in Moi university School of Law Annex-Campus alleged maladministration and oppressive conduct by the University Administration. They alleged that the University was extorting money from students by imposing a penalty of Kshs. 1,500

per semester to any student who resided outside hostels leased by the University and failed to declare his/her Non-Residential Status at the beginning of the semester. The requirement of declaring non-residential status was introduced in 2014 when the University started leasing hostel accommodation for students due to shortage of University hostel space. The policy required students who resided outside the leased hostels to declare their Non-Residential Status by filling in an online Non-Resident Form at the beginning of every semester failure to which a penalty of Kshs.1500 would accrue. The contention by the complainants was that the online platform was purposively manipulated to ensure that students fail to fill the forms hence the accrual of the penalties. They also alleged that the policy lacked relevance as all students at the School of Law Annex campus were responsible for their own private accommodation. Following the Commission's intervention, the University Administration abolished the Non-Residential Status policy at the School of Law -Annex Campus as from the 2018/2019 Academic year and waived all the outstanding penalties.

### **THE GUN WIELDING ATTACKER**

The Complainant's wife, was on 28/10/2018 attacked by a person wielding a gun who was, a police reservist. The matter was reported at Serolipi Police Station but the police had not acted on the matter. The Commission followed up on the matter with the Police and IPOA and the suspect was arrested and charged in court. The Complainant called and informed the Commission that action had been taken and he was satisfied with the progress.

### **THE POLICE TRANSFER CASE**

The Complainant, a police officer had been unfairly transferred from Isiolo County to Tharaka-Nithi County through a letter dated 09/10/2018. The transfer was irregular as there was a directive by the Inspector General of Police halting any transfers until reforms that were ongoing were complete. We followed up the matter with his seniors and on 5/11/2018, the complainant informed the Commission that the complaint had been resolved.

## **THE WIDOW BENEFITS CASE**

Complainant alleged unresponsiveness by NSSF in regard to a claim for her late husband's benefits under NSSF membership number 284655627. She alleged that she was unable to lodge a substantive claim for the benefits as NSSF had failed to update statements to reflect contributions remitted between 1981 and 1997. Following the Commission's intervention, the statements were updated and benefits of Kshs.168, 160 paid to her.

## **THE FINGERPRINT CASE**

The Complainant, who is an elderly lady from Elgeyo Marakwet County alleged unfair treatment by the National Registration Bureau by rejecting her application for a National Identity Card. She alleged that she had applied and re-applied for the ID Card severally but each time her application was rejected on the grounds that she lacked identifiable finger prints. The Complainant was born with a disability which rendered her finger prints invisible and thus invalid for the purposes of applying for a National ID Card. The Commission wrote to the Director National Registration Bureau requesting them to consider the Complainant's disability and identify any other unique feature for the purposes of processing and issuance of the ID Card. Following the Commission's intervention, the Complainant was issued with a national ID Card.

## **THE MISSING FILE CASE**

The Commission received a complaint regarding a deportation order issued by the then (acting) Cabinet Secretary in the Ministry of Interior and Coordination of National Government on 18<sup>th</sup> July 2017. Upon application in court, the court quashed the order on 15<sup>th</sup> December 2017. However, he states that when his lawyer sought to file the Bill of Costs, he was informed that the court file could not be traced. The commission intervened and the court file was found enabling the complainant to take appropriate action.

## **THE GENERAL MANAGERS CASE**

The Commission received a complaint from aggrieved employees of Postal Corporation of Kenya (PCK), Mombasa office regarding the discrimination and unprofessional conduct by their Regional manager. The issues ranged from bias, claims of sexual harassment,

discrimination of staff of Muslim faith to unjustified and irregular transfers. Upon bringing these concerns to the attention of the Postmaster General, appropriate action was taken against the officer including a transfer to Machakos County. The aggrieved employees contacted the office to appreciate the quick intervention.

### **THE KILIFI CHILDRENS CASE**

The Complainants lodged a complaint with the Commission on 10<sup>th</sup> September 2018 alleging delay in processing of Birth Certificates for their children at the Department of Civil Registration in Kilifi. The Commission Lodged an inquiry on 11<sup>th</sup> September 2018 with the Sub-County Civil Registrar, Kilifi, who in turn vide a letter dated 14<sup>th</sup> September 2018 informed the Commission that the birth certificates were ready for collection. The Complainants proceeded to collect the birth certificates.

### **THE 1985 NSSF DUES CASE**

This was a complaint of inability to be paid social benefits of the complainant due to unremitted NSSF contributions by TSC dating back to 1985 when he was employed as an untrained teacher. Upon the Commission's intervention, the TSC vide a letter dated 29<sup>th</sup> August 2018 indicated that it had processed the complainant's outstanding dues and forwarded them to the NSSF for onward transmission to the Complainant. The complainant to NSSF and was paid his dues which information he communicated to the Commission in October 2018.

### **THE TREES COMPENSATION CASE**

A Complaint against the Rural Electrification Authority (REA) for lack of compensation for the trees cut and other losses occasioned through establishment of a way leave on the Complainant's land parcel in Kwale County. Pursuant to the commission's intervention, the Authority dealt with the matter by determining the amount of compensation due to the complaint which was agreed at KSH 60000. The authority forwarded a Cheque No. 009488 of Kshs. 60,000 to the office for onward transmission to the complainant in full and final settlement.

### **THE MINIMUM WAGES CASE.**

A Complaint regarding under-payment of salary by Verity Williams, the employer. The complainant had worked for a period of 17 months

where he was underpaid against the Minimum wages order. He filed a complaint through an advocate in the Labour department. His outstanding dues had been calculated at Kshs. 15,748/- and indicated that the employer had sent the amount to a labour officer at Kilifi for onward transmission to the complainant which had not been done. Upon the Commission's intervention, the monies were released to the complainant.

### **THE WASTE DISPOSAL CASE**

The complaint related to the illegal dumping and disposal of hazardous waste on a piece of land situated within a residential area. The complainant indicated that this complaint has been outstanding for the past 8 years despite reporting to different offices including NEMA- Mombasa, the then Mombasa Municipal Council & Ministry of Environment among others.

The Commission intervened and did inquiries including conducting a site visit in February 2019 accompanied by NEMA officers. Following this intervention and the findings made thereof, NEMA issued a 7-day notice within the same month for closure of the dumpsite & restoration of the area to a habitable condition. The complainant informed the office that the dumpsite was closed as directed and appreciated the Commission's intervention.

### **THE PRINCIPAL DEMOTION CASE**

The complaint was on allegations of unresponsive official conduct by the Director of Education of Suba county on failing to address a complaint raised by Kikubi Community against the Principal of Kikubi Girls Secondary School on the issue of abuse of her power following unlawful issuance of instructions to transport 24 iron sheets from the school premises to a hardware. Following the intervention of the Commission, the complainants confirmed that the Principal was found to have abused her power and has since been demoted from the position of 'Principal' and transferred to another school.

### **THE CHIEFS PROMOTION**

The complaint was on allegations of unfair treatment in promotion. The complainant was employed as a Senior Assistant Chief, Job Group "G" on 4/2/1997 and attached to Ebutanyi Location in Vihiga County. However, for the period he was in employment, he was

never accorded promotion despite qualifying for the same. Upon the Commission's intervention, the complainant was promoted to the position of Senior Assistant Chief III Job Group "J" w.e.f 26<sup>th</sup> April 2017 and his backdated dues thereto paid.

### **THE GRADUATION CASE**

The complaint was on allegations of administrative injustice against the Maseno University. The complainants were students of Maseno University pursuing a Post Graduate Diploma in Education. They had duly complied with all the conditions precedent to the conferment of a Post Graduate Diploma during the Institution's graduation on 21/12/2018 and their names duly entered in the list of graduands. Subsequently, their names were removed from the list of graduands pursuant to the University's Senate resolution that they should not graduate on grounds that their projects were submitted late. Following the Commission's intervention, the 49 students' names were approved and duly entered into the list of graduands and graduated with the Post Graduate Diploma in Education.

### **THE KEROKA ARREST CASE**

A complaint against the officer in charge of Rigoma AP Post on allegations of failure to effect an arrest order in a case of assault reported under OB. No. 19/9/5/2018. Following the intervention of the Commission, the Sub County AP Commander vide letter dated 2nd January 2019 confirmed that action has been taken and the matter has been taken to court, being Keroka SRMS Criminal Case No. 1007 of 2018.

### **THE DECREE SETTLEMENT CASE**

The complaint was on allegations that the State Law Office has failed to ensure that the Ministry of Interior settled the decretal award amounting to Kshs.4, 325,359.20 that had been awarded in the complainant's favor in Kisumu HCC 54 of 2008 on unlawful termination of his employment as a Chief by the Ministry of Provincial Administration (as it then was). Upon the Commission's intervention, the complainant's dues amounting to Kshs.3, 550,524.80 were duly paid to him in compliance with the Court Order.

## **THE PESA YA WAZEE CASE**

The complaint was on allegations that the Nyando Sub County Social Protection Department has failed to remit dues owed to them under the Older Persons Cash Transfer Program. Upon the Commission's intervention, the complainants duly received their dues and the anomaly that attributed the delay in their payment was duly rectified.

## **THE LEASE RENEWAL CASE**

The complainant lodged a complaint on 5<sup>th</sup> May 2017 alleging delay in renewal of his lease for plot No.538/74 Kamirithu Market since 3<sup>rd</sup> June 2002. The Complainant sought our intervention to have his lease extended and copies issued to him. Upon the intervention of the Commission, the lease was extended and the same issued to the complainant on 11<sup>th</sup> October 2018.

## **THE LEAKING SEWER CASE**

The complainant lodged a complaint on 24<sup>th</sup> September 2017 alleging the County Government of Kiambu failed to repair a leaking sewer line next to his property known as plot no.313 Membley Pavillion Court within Kiambu County. The said sewer was a health hazard. The Complainant sought the Commission's intervention to have the leakage repaired. The Commission intervened and the sewer repaired

## **THE TERMINAL DUES CASE**

The Complainant alleged that he worked with the Kenya Veterinary Vaccines Production Institute until 1<sup>st</sup> May 2000 when he retired. That his net terminal benefits at the time of retirement were Kshs 555,758.00. That he was paid a total of Kshs. 105,758.00 in two (2) installments leaving a balance of Kshs. 450,000. The institution had failed to settle his dues. Through the Commission's intervention the complainant was paid all his dues.

## **THE PART-TIME LECTURER'S CASE.**

The Dedan Kimathi university engaged the complainant's services as a part time lecturer in French where he taught a total of 24 units and submitted his claim to be paid as per the university's terms of service but no money from the university was forthcoming. This

prompted him to make numerous inquiries with the Finance Officer, the Director, Institute of Tourism and Hospitality Management, and the Deputy Vice Chancellor, Administration and Finance, which efforts elicited no positive response. The delay by the university to pay his dues made it hard for him to meet his financial Obligations, compelling him to lodge a complaint with the Commission in June 2018. The Commission took up the matter with the Vice Chancellor leading to payment by instalment of a total amount of Ksh1, 372,400 owed by the university.

## 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 the Complaint	Remedial Action
1.	CAJ/POL/015/3437/18 – AOL	National Police Service	Delay	An allegation that the complainant was raped at an apartment located in Westlands while she was looking for a casual job of washing clothes and/or house. She reported the matter at the Parklands Police Station vide OB No. 61/11/7/2018 and the alleged perpetrator was arrested. Since then, no action had been taken thereafter to take the matter to court.	The file was closed as the alleged perpetrator was arraigned in court and charged.
2.	HUD/KMTC PORT/004/30/18 – AOL	Kenya Medical Training College	Administrative Injustice	An allegation that the complainant was suspended from Port Reitz Medical Training College where he was a student based on a falsified psychiatric report, which indicated that he had a psychiatric problem.	Commenced an inquiry, which is ongoing.

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint	Remedial Action
3.	CAJ/M.IMM/003/339/18 – AOL	Department of Immigration	Manifest injustice	An allegation that the complainant, holder of Kenyan Passport Number A955588 was stranded at Addis Ababa Bole International Airport, Ethiopia for almost two (2) weeks. He had been travelling from South Africa in possession of a letter from the Kenyan Embassy in Pretoria having lost his Passport while there when the Immigration officers at the Jomo Kenyatta International Airport refused to admit him into the country on allegations that the letter he possessed was not genuine. The complainant had been travelling on board Ethiopian Airlines, which was compelled to take him back to South Africa. During the layover at Addis Ababa, South Africa refused to admit the complainant back into the country, forcing him to remain at Addis Ababa.	Commenced an inquiry, which is ongoing.

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint	Remedial Action
4.	CAJ/M.LAN/022/1825/18 – AOL	Ministry of Lands and Physical Planning	Delay	an allegation that the complainant's husband, the late Paulus Juma Oyugi, died intestate on 10th July 2004 and at the time of his death, was the proprietor of land parcel No. KISUMU/WANGAYA/2616. The said parcel of land was fraudulently and irregularly transferred to the late Gilbert Omenya Agwom and the matter was reported to the National Land Commission, which conducted investigations and found that the transfer was fraudulent and thus directed the Nyando/ Muhoroni/ Nyakach Land Registrar to revoke the Titles KISUMU/WANGAYA/5997, 5998 and 5999 and reinstate the original number KISUMU/WANGAYA/2616 in the name of Paulus Juma Oyugi. While the Registrar proceeded to give notice of intention to revoke the titles vide the letter dated 1st August 2013, no further concrete action had been taken to fully implement the directive by reinstating the original title. The complainant subsequently obtained the Letters of Administration for the estate of the deceased and furnished the Registrar's office with copies of the same and paid the requisite registration fee of Kshs. 500 on 9th July 2018, but nothing had happened to date and no communication had been made by the office on the matter.	Commenced an inquiry, which is ongoing.
5.	CAJ/KSM/ IMM/003/41/18-AO	Ministry of Interior and Co-ordination of National Government	Delay	A complaint on allegations of delay by the Immigration Department to refund him Kshs. 4500 that was an overpayment made for an application for the replacement of a lost passport	Initiated inquiry which is ongoing

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint	Remedial Action
6.	CAJ/KSM/ POL/015/524/18-AO	National Police Service	Administrative Injustice	A complaint on allegations that the Investigation Officer to Bondo Law Courts Inquest Number 3 of 2013 interfered with the postmortem results in the investigations of the murder of Jackline Abiero Akumo	We referred the Complaint to Siaya Office of Director of Public Prosecution for resolution.
7.	CAJ/ M.H.AFF/002/124/18- NK	Probation and Aftercare Services	Delay	A complaint alleging that a probation officer attached to Mombasa station failed to visit the complainant who had completed his sentence to recommend a non-custodial sentence.	The complaint was referred to the Director Probation and Aftercare Services for resolution.  The Matter was successful resolved.
8.	CAJ/M.YSP/031/73/2018	National Youth Service	Delay	A complaint regarding payment of per diem. The complainant alleges he went for official duties to Nakuru and Kisumu in July and August 2015 respectively. In this regard, he claimed per diem allocation vide voucher 26557 but it was not paid due to "insufficient fund" in the account they had allocated. In the 2016/2017 financial year he reapplied and once again the system advised there was insufficient funds. Once again the 2017/2018 financial year he applied, but not paid and the form was returned to NYS Headquarters and to date the amount remains unsettled.	Initiated inquiry which is ongoing
9.	HUD/KAK/M. HEA/012/8/18-AO	County Government of Kakamega	Inordinate Delay	A complaint on allegations of delay by the County Public Health Office, Kakamega County to address his concerns on a toilet that has been built next to his house which is a health hazard	Initiated inquiry which is ongoing

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint	Remedial Action
10.	CAJ/TRE/000/1108/19 – AOL	Pensions Department	Delay	An allegation that the complainant retired on age grounds with effect from 1 <sup>st</sup> May 2015 from Kenya Agricultural and Livestock Research Organisation. At the time of retirement, he qualified for GoK Pension and he cleared with his former employer for him to be paid the same. To date, he is yet to be paid as the Pensions Department alleges that his former employer has failed to forward his employment file for payment processing.	Commenced an inquiry, which is ongoing.
11.	CAJ/M.IGC/062/950/18 – AOL	Ministry of Interior and Coordination of National Government	Unfairness	An allegation that the complainant has been the owner of a stall located at City Park Market since 1992. The said stall is located near the area's Administration Police Camp and the Assistant Chief's Office. On 18 <sup>th</sup> December 2018, the complainant received a letter from the Chief of Highridge Location within Nairobi County requiring him to demolish the said stall as it was illegally constructed and was posing a security risk to the Administration Police Camp and Assistant Chief's Office within 7 days.	Commenced an inquiry, which is ongoing.
12.	CAJ/ATI/EACC/026/206/19 – AOL	Ethics and Anti-Corruption Commission	Unresponsive official conduct	An allegation that the Respondent placed a Caution on land parcel KISUMU MUNICIPALITY/BLOCK 8/123 belonging to Surendra Jamnadass Adatia & Pramila Surendra Adatia without their knowledge and failed to notify them of the same. The owners were seeking to know the nature of the Respondent's investigations that had informed the decision to place the Caution.	Commenced an inquiry which is ongoing.

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint	Remedial Action
13.	CAJ/MSA/M. IGC/062/224/2019-KC	Ministry of Interior and Coordination of National Government	Unofficial Conduct	A Complainant alleging that its officers were obstructed in the course of duty to conduct a fact-finding mission in Vanga, Kwale county by the Chief & Assistant Chief Vanga location in December 2018.	Matter addressed upon our intervention.
14.	CAJ/MSA/M. WAT/009/25/2019-KC	Ministry of Water	Unfair conduct	A Complainant alleging that WASREB put a water transmission line on her land parcel No. KILIFI/MTWAPA/149 without seeking prior consent nor informing her in 2018.	Initiated an inquiry which is still ongoing.
15.	CAJ/ KMC/014/319/2019- V.O.K	Kenya Meat Commission	Unresponsive official conduct	Complainant alleges that he supplied computers to KMC at a cost of Kshs. 1,096,500 but was paid Kshs. 300,000 only yet the balance remains unpaid despite several requests for the same by the Complainant.	Inquiry ongoing

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint	Remedial Action
16.	CAJ/POL/015/3468/18 – AOL	National Police Service	Delay	<p>An allegation that on 11th November 2015 as the complainant was driving towards Karen, a stranger forcefully entered her car (Nissan Patrol, KBD205G) at a U-turn on Mbagathi Way whereafter she drove to Lang'ata Police Station to report the incident. She met Inspector Evelyn Lwangasi who allowed her to first attend to an emergency at her children's school (The Nairobi Academy in Karen). She therefore left the vehicle together with the car keys on the advice of Inspector Lwangasi who informed her that she could not leave the vehicle within the police station without leaving the keys behind. The Inspector called her after 15 minutes informing her to rush to the police station since she had been sent on another official duty by the OCPD. The Inspector called later after 10 minutes to inform her that she had released the vehicle to the stranger in her absence. The complainant reported the matter to the station and subsequently recorded a statement with the DCIO on 13th December 2015 (OB No. 31/13/12/15). Despite reporting and making follow-ups, the matter has remained outstanding with the stranger together with the person who had directed him, a Mr. Robert Macharia Muiruri, being arrested in July 2018 but released thereafter. The vehicle's whereabouts are still unknown and no action has been taken against Inspector Lwangasi who colluded with the suspects and aided them to take possession of the said vehicle from the police station illegally. Further, the complainant also fears for her safety and security as well as her family's due to her unrelenting search for justice by following up the matter.</p>	Commenced an inquiry which is ongoing.

## 2.4.2. SAMPLE LETTERS of APPRECIATION



ELIUD LUNAKI TIYA

Dear Jalome,

Following on the commitment towards my application of the National Identification card (ID) to emerge successful. Am profoundly humbled and appreciative to the office of the OMBUDSMAN. All is now well and I can now access to any service and enjoy my Citizenship as a Kenyan. Thank you in advance.



COMMISSION ON  
ADMINISTRATIVE  
JUSTICE  
OFFICE OF THE OMBUDSMAN

### Your complaint against the Civil Registration Services

david ngari <dvd2ngari@yahoo.com>  
To: "ONAM, Akinyi" <a.onam@ombudsman.go.ke>

Wed, Apr 10, 2019 at 6:59 PM

Dear Madam,

I hereby express my sincere appreciation to you and to your office at large for a job well done. I received birth certificate for my daughter around a month after launching the complain. I wish to commend you for your commitment to save Kenyans from exploitation, denial and at times harassments in public offices. I lacked a way to communicate to you guys to inform you about this since i did not have your email address, but all i can say is God bless you.

Thank you.

Yours Faithfully

DAVID

Dear Kule

How have you been? It's been long since we talked in April this year on the update of my mom's matter at the pensions. I'm writing this email to thank you and the Ombudsman for the help you have continued to give me and other helpless Kenyans. I'm glad to inform you that the the pensions has released my mom's benefits. This is nothing short of a miracle. I was discouraged many times, almost giving up with people telling me how it's impossible to get her benefits without bribing, but I kept on for years.

I can confidently say, this has been achieved WITHOUT GIVING ANYONE A COIN OR USING ANY SHORTCUTS! I put my trust in God and believed there are good people and organisations like the Ombudsman, out there in Kenya who can deliver services freely without being corrupted. My mother's case has been handled by strangers like you and others in the pensions department, who I do not know personally.

Thank you, Kule Wario, I have never met you personally but you handled this case with zeal as if it was your mother's. God bless you. God bless Kenya, God bless the Ombudsman.

Next, is to get the money that was deposited in my dad's account after passing on and when the case had hit a snag. I pray the PostBank will make it easy for mom.

Otherwise, I'm dancing with joy.

AnneKiunga

MR STANISLAS N ONDIMU  
FORMER TOWN CLERK, ELDORET MUNICIPALITY  
Mobile 0721 953 333  
PO BOX 13212, 20100  
NAKURU.

Email: [stanondimu@yahoo.com](mailto:stanondimu@yahoo.com)

8<sup>th</sup> July, 2019

To;

THE COMMISSION ON ADMINISTRATIVE JUSTICE  
Eldoret Branch Office  
Kerio Valley Development Authority (KVDA) Plaza,  
P.O Box 10326-30100,  
ELDORET.  
Email: [eldoret@ombudsman.go.ke](mailto:eldoret@ombudsman.go.ke)

Dear Sir/Madam,

RE: COMPLAINT AGAINST COUNTY GOVERNMENT OF UASIN GISHU ON  
UNPAID DUES ON TRANSFER OF SERVICES

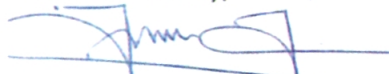
I refer to your letter ref CAJ/CG/G.GISHU/123/7/16-JMM dated 20<sup>th</sup> May, 2019.

I appealed to the Commission on Administrative Justice to intervene for Uasin Gishu County Government to pay my unpaid salary for eight (8) months from 1st October 2014 to 31st May 2015 totaling to Ksh 1,618,840 and remit all the statutory deductions as applicable.

This is to confirm that through your intervention the County Government of Uasin Gishu has paid my dues save for the Certificate of Service which has not been issued as per the Employment Act

I wish to thank your commission for the assistance offered and your excellent services by persistently communicating on my complaint until it was resolved.

Yours Faithfully,

  
STANISLAS ONDIMU

Maulidi Ali Karisa  
 Mombasa  
 Tel: 0718 299567  
 24/04/2019

The Commission on Administrative Justice  
 Office of the Ombudsman,  
 Mombasa Trade Centre,  
 P.O. Box 80977-80100  
 Mombasa

Dear Sir / Madam,

Social

RE: Complaint against the (NSSF) National Security Fund

I the above named person brought a complaint to your office against the NSSF concerning the my benefits.

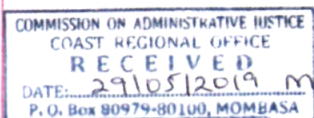
I am glad to inform you that I have since been paid kshs. 45,375 which was what was owed to me.

I want to sincerely thank you for the effort and support you have given me until I have been able to get my retirement benefits.

Thank you very much.

Yours faithfully

~~MAULIDI~~  
 Maulidi Ali Karisa.



000/289

EMMANUEL G. JILLO,  
KIPEVU PR. SCHOOL,  
P.O. Box 90381,  
MOMBASA.

28/5/2019.

THE COMMISSION ON ADMINISTRATIVE JUSTICE,  
"OFFICE OF THE OMBUDSMAN"  
P.O. Box  
MOMBASA.

Dear Sir,

CONCERNING THE DELAY IN PROCESSING  
MY RETIREMENT BENEFITS.

I hereby give my thanks for  
making these process successful.

I suffered for about four years  
suffering with my family after retirement. Staying  
without a job and payments of ~~my~~ house rents  
in town is never easy. but when ~~the~~ Ombudsman  
took this problem I found the process quite  
easy.

I found my luggage of thinking  
has become quite easy. Today I can find  
everything easy.

May God bless this office  
to help us the Kenyans who under oppression  
of corruption and thievery. This is quite  
a heavy burden to the poor Kenyans.

Thanks,

Yours faithfully,  
(E. Jillo)

EMMANUEL GUSIYO JILLO

COMMISSION ON ADMINISTRATIVE JUSTICE  
COAST REGIONAL OFFICE  
RECEIVED  
DATE: 27/05/2019 M N  
P.O. Box 80979-80100, MOAMBASA


HAFIQHI.M. MUWAFIYAH  
27/05/2019  
MOMBASA

TO  
THE COMMISSION ON ADMINISTRATIVE  
JUSTICE

DEAR SIR / MADAM

RE

Nimepsis message kwa mobile yangu kwamba  
Pess zangu za Pension kutoka KWS  
Zimetoliki, SSS asinukuwa kwa willi  
Siniwa is kutetes wongorwe kwa  
kumissaidia ili nipate Pension yangu  
SSS nimezungu kee.

ni mimi wasiko  
mwasimiri  


RICHARD SIMON KUNGU.

P.O BOX 16-40106,

MIWAMI.

10<sup>TH</sup> JULY 2019

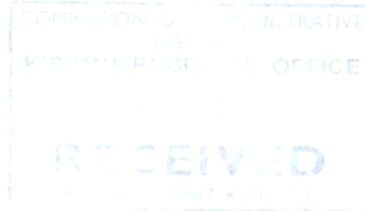
TO:

THE OFFICE OF OMBUDSMAN

P.O BOX 1967-40100

KISUMU, KENYA

Dear Sir/Madam



**RE: LETTER OF APPRECIATION- RICHARD SIMON KUNGU VS AG CASE NO 58/2008**

Receive my Christian greetings in the name of our Lord and saviour Jesus Christ.

I refer to the above matter and take this opportunity to thank you and your entire staff. I am particularly impressed with the concern I received from the officer who handled my file from the time I lodged my complaint upto the time I received the amount which was paid in May 2019.

However, I am optimistic my other pending matters will be addressed to its final settlement as stated in the AGS letter Ref: **AG/GC/CP/53P/08 Dated 31<sup>st</sup> October 2018.**

Wishing you the best of luck in all your endeavours as you continue to serve the "Wanyonge wapate haki."

Much thanks and appreciation.

Yours in the love of Christ.

R.S. KUNGU (Rev)

07140339596

## 2.5. Investigations

The Commission undertook investigations on complaints of maladministration against public institutions and officers. The investigations sought to remedy the administrative injustices, and identify gaps in processes and procedures that impede efficient service delivery. Three investigations were carried out as highlighted below.

### **Investigation on grabbing of a widow's land by Kiambu County Officials**

The investigation was conducted following a complaint by a widow filed in March 2019. The complainant alleged frustration to get approval from the County Government of Kiambu to develop her plots. She further alleged that some officials from the County Government unlawfully transferred ownership of her two plots - Thika Municipality/Block XI/877 and Thika Municipality/Block XI/878 - to a different person.

Following the investigation, it was confirmed that indeed the said two plots had been unlawfully transferred under the instructions of the Governor of Kiambu County. As a result of the investigation, the unlawful transfer has since been revoked, ownership reverted and title deeds issued to the widow.

### **Alleged maladministration at the Nairobi Remand and Allocation Maximum Prison**

The Commission undertook an investigation into allegations of unfair treatment of inmates at the Nairobi Remand and Allocation Maximum Prison on its own motion pursuant to media reports about protests by inmates at the facility.

The investigation revealed that the allegations were unfounded. However, the Commission established that the management of the facility had adopted stringent measures to tackle the menace of contraband items smuggled into the facility which did not go well with some inmates thus the protest.

During the investigation, the Commission observed congestion at the facility occasioned by delay in concluding criminal matters, lack of adequate complaints handling mechanisms, and poor record keeping. The investigation also revealed prison officers lived

in deplorable housing conditions. It was also noted that some civilian staff who were paid housing allowance as well as some retirees were living in the staff the staff quarters. Further, it was noted that the facility needed modern equipment and technology such as CCTV cameras and metal detectors.

The Commission made recommendations and shared the report with the relevant agencies.

### **Investigations into delay in salary harmonisation, irregular recruitment of interns and promotion of staff at KALRO**

The Commission carried out an investigation into alleged delay by Kenya Agricultural and Livestock Research Organisation (KALRO) to implement harmonised staff salary. It was also alleged that the Director General had irregularly recruited interns and promoted staff on tribal basis. It was established that the merging of the Kenya Agricultural Research Institute (KARI), Tea Research Foundation of Kenya (TRFK), Kenya Sugar Research Foundation (KASREF) and Coffee Research Foundation (CRF) to form KALRO affected staff's terms of service as the four institutions had different salary scales and grading structures. As a result, staff were placed at similar levels but with different terms which brought some disquiet.

It was found out that the harmonisation process took long to be effected attributable to input from the Ministry, appraisal by SRC and budgetary requirements. In the course of the investigations, the harmonisation was effected in May 2018. On the issue of irregular recruitment of interns and promotion of staff, the Commission established that the allegation lacked merit and were unfounded.

## CHAPTER THREE

### 3.0. 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 endeavours to build complaint handling capacity of the national and county governments. This is achieved through training, provision of technical support and monitoring of service delivery as per the set standards.

#### 3.1. Training of Public Officers

Training is a key strategy of strengthening capacity in the public sector. To this end, the Commission trained 2,136 officers drawn from 218 institutions. Those trained were senior managers, complaints officers, and front office staff. The objectives of the trainings were to:

- i. educate on the legal and regulatory framework governing handling of complaints and access to information;
- ii. educate on the principles of good governance; and
- iii. enhance the skills of public officers on complaints management and access to information.



*A Training Session Facilitated by the Commission.*

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

Table 2: Number of Institutions and Officers Trained

Number	Public Institutions	Number of Officers Trained	Number	Public Institutions	Number of Officers Trained
1.	Kenya Ports Authority	135	2.	Kenya Rural Roads Authority	90
3.	Kenya Medical Research Institute	73	4.	Laikipia University	66
5.	Kenya Marine & Fisheries Research Institute	63	6.	Kenya Industrial Property Institute	56
7.	NGO's Co-ordination Board	47	8.	Insurance Regulatory Authority	46
9.	Ministry of Petroleum and Mining	46	10.	Multimedia University of Kenya	43
11.	Tanathi Water Services Board	40	12.	National Oil Corporation of Kenya Ltd	38
13.	Kenya Electricity Generating Company	35	14.	National Hospital Insurance Fund	35
15.	Kenya Veterinary Vaccines Production Institute	35	16.	Meru University of Science & Technology	35
17.	Ministry of Water and Sanitation	35	18.	Kenya Medical Supplies Authority	34
19.	Moi University	34	20.	National Authority for the Campaign Against Alcohol And Drug Abuse	33
21.	Kenya Maritime Authority	32	22.	Moi Teaching and Referral Hospital	32
23.	Kenya Deposit Insurance Corporation	32	24.	Chuka University	31
25.	Machakos University	31	26.	Kenya Education Management Institute	30
27.	Taita Taveta University	30	28.	Nairobi Technical Training Institute	30
29.	Ministry of Agriculture, Livestock Fisheries and Irrigation	30	30.	Communications Authority of Kenya	29
31.	Kenya Trade Network Agency	28	32.	Kibabii University	28
33.	Agriculture and Food Authority	26	34.	Kenyatta National Hospital	25
35.	Commodities Fund	25	36.	Kenya Bureau of Standards	24

Number	Public Institutions	Number of Officers Trained	Number	Public Institutions	Number of Officers Trained
37.	Energy Regulatory Commission	24	38.	Industrial & Commercial Development Corporation	24
39.	Kenya Plant Health Inspectorate Services	23	40.	Kenya Airports Authority	23
41.	Kenya Institute for the Blind	22	42.	Local Authorities Provident Fund	21
43.	Tana and Athi Rivers Development Authority	20	44.	State House	20
45.	National Treasury	19	46.	National Irrigation Board	18
47.	University of Eldoret	17	48.	National Transport and Safety Authority	16
49.	Kenya National Library Services	14	50.	Kenya Copyright Board	14
51.	National Commission for Science, Technology and Innovation	14	52.	Kenya Pipeline Company Limited	14
53.	Kenya Forestry Research Institute	13	54.	National Council for Population and Development	13
55.	Bondo Technical Training Institute	13	56.	Kenya Law Reform Commission	12
57.	Ministry of Lands and Physical Planning	12	58.	Ministry of East African Affairs and Regional Development	11
59.	Ministry of Energy	11	60.	Nairobi Centre for International Arbitration	10
61.	Kenya Water Institute	10	62.	Kenya Film Commission	10
63.	Public Procurement Regulatory Authority	10	64.	Kenya School of Government	8
65.	Kenya Civil Aviation Authority	8	66.	Kenya Film Classification Board	8
67.	Retirement Benefits Authority	8	68.	Anti-Doping Agency of Kenya	7
69.	Kenya Roads Board	5	70.	National Council for Persons With Disabilities	5
71.	Kenya Reinsurance Corporation	5	72.	University of Nairobi	4
73.	Lake Victoria North Water Services Board	4	74.	Sports Kenya	4
75.	Media Council of Kenya	3	76.	Nzoia Sugar Company	2

Number	Public Institutions	Number of Officers Trained	Number	Public Institutions	Number of Officers Trained
77.	Privatization Commission	2	78.	National Industrial Training Authority	2
79.	University of Nairobi Enterprises And Services Ltd	2	80.	Jomo Kenyatta University of Agriculture and Technology	2
81.	Kenya Electricity Transmission Co. Ltd	2	82.	Athi Water Services Board	2
83.	University of Kabianga	2	84.	Agro-Chemical and Food Company Ltd	2
85.	Kenya National Examinations Council	2	86.	National Environment Trust Fund	2
87.	Kaiboi Technical Training Institute	2	88.	Mawego Technical Training Institute	2
89.	Ministry of Sports, Culture and Arts	2	90.	Water Resources Authority	1
91.	Mukurwe-Ini Technical Training Institute	1	92.	Tourism Fund	1
93.	Kenya Institute for Public Policy Research and Analysis	1	94.	Competition Authority of Kenya	1
95.	Kenya Revenue Authority	1	96.	Lake Victoria South Water Services Board	1
97.	National Drought Management Authority	1	98.	Water Services Regulatory Board	1
99.	National Housing Corporation	1	100.	Kenyatta International Convention Centre	1
101.	Huduma Kenya	1	102.	Kenya Institute of Special Education	1
103.	Capital Markets Authority	1	104.	Kenya Tourism Board	1
105.	Nuclear Power and Energy Agency	1	106.	National Social Security Fund	1
107.	Kenya National Highways Authority	1	108.	Kenya Forest Service	1
109.	Kenya Urban Roads Authority	1	110.	Kenya Agricultural and Livestock Research Organization	1
111.	South Eastern Kenya University	1	112.	Kenya Literature Bureau	1
113.	Kenya Ordnance Factories Corporation	1	114.	Kenya Railways Corporation	1

Number	Public Institutions	Number of Officers Trained	Number	Public Institutions	Number of Officers Trained
115.	Kenya Water Towers Agency	1	116.	KASNEB	1
117.	Kenya Institute of Curriculum Development	1	118.	Ewaso Ng'iro North Development Authority	1
119.	Water Sector Trust Fund	1	120.	Export Processing Zones Authority	1
121.	Rift Valley Water Services Board	1	122.	Kenya Utalii College	1
123.	National Water Harvesting & Storage Authority	1	124.	National Aids Control Council	1
125.	Higher Education Loans Board	1	126.	Northern Waters Services Board	1
127.	Kenya Ferry Services Ltd	1	128.	Kenya Dairy Board	1
129.	Kenya Investment Authority		130.	Kenya Broadcasting Corporation	1
131.	Kenya Industrial Estates Limited	1	132.	Kerio Valley Development Authority	1
133.	Ramogi Institute of Advanced Technology	1	134.	Universities Fund Board	1
135.	Kenya School of Law	1	136.	Kenya Post Office Savings Bank	1
137.	Shamberere Technical Training Institute	1	138.	Maseno University	1
139.	Export Promotion Council	1	140.	Ewaso Ng'iro South Development Authority	1
141.	Pest Control Products Board	1	142.	Bomas of Kenya	1
143.	Maasai Mara University	1	144.	Kenya National Trading Corporation Limited	1
145.	Kenya Vision 2030	1	146.	Kenya Medical Training College	1
147.	Women Enterprise Fund	1	148.	Jaramogi Oginga Odinga University of Science and Technology	1
149.	Agricultural Finance Corporation	1	150.	Sacco Societies Regulatory Authority	1
151.	TVET CDACC	1	152.	National Environment Management Authority	1

Number	Public Institutions	Number of Officers Trained	Number	Public Institutions	Number of Officers Trained
153.	New Kenya Co-operative Creameries Ltd	1	154.	National Biosafety Authority	1
155.	Coast Water Services Board	1	156.	Lake Basin Development Authority	1
157.	Kenya Animal Genetic Resources Centre	1	158.	Consolidated Bank of Kenya	1
159.	South Nyanza Sugar Company Ltd	1	160.	Kenya Leather Development Council	1
161.	Machakos Technical Institute for the Blind	1	162.	National Construction Authority	1
163.	Kenya Power	1	164.	Nyayo Tea Zones Development Corporation	1
165.	School Equipment Production Unit	1	166.	Council of Legal Education	1
167.	Anti-FGM Board	1	168.	Child Welfare Society of Kenya	1
169.	TVET Authority	1	170.	Kenya Universities and Colleges Central Placement Services	1
171.	Migori Teachers College	1	172.	Kenya National Shipping Line Ltd	1
173.	Kenya National Commission for UNESCO	1	174.	Egoji Teachers College	1
175.	Kenyatta University	1	176.	Nkabune Technical Training Institute	1
177.	Eldoret National Polytechnic	1	178.	Jeremiah Nyagah Technical Institute	1
179.	Kisii National Polytechnic	1	180.	Technical University of Mombasa	1
181.	Bondo Teachers' Training College	1	182.	Kisumu National Polytechnic	1
183.	Sang'alo Institute of Science and Technology	1	184.	Friends College Kaimosi	1
185.	Meru National Polytechnic	1	186.	Mosoriot Teachers' College	1
187.	Bukura Agricultural College	1	188.	Murang'a University of Technology	1
189.	Bumbe Technical Training Institute	1	190.	Bushiangala Technical Training Institute	1

Number	Public Institutions	Number of Officers Trained	Number	Public Institutions	Number of Officers Trained
191.	Ol' Lessos Technical Training Institute	1	192.	Keroka Technical Training Institute	1
193.	Co-operative University of Kenya	1	194.	University of Embu	1
195.	Rift Valley Institute of Science and Technology	1	196.	Pwani University	1
197.	Kibabii Diploma Teachers' Training College	1	198.	Technical University of Kenya	1
199.	Wote Technical Training Institute	1	200.	Kitui Teachers Training College	1
201.	Sot Technical Institute	1	202.	Coast Institute of Technology	1
203.	Murang'a Teachers Training College	1	204.	Kisiwa Technical Institute	1
205.	Siaya Institute of Technology	1	206.	Karen Technical Training Institute for the Deaf	1
207.	Emining Technical Training Institute	1	208.	Musakasa Technical Training Institute	1
209.	Moi Teachers College-Baringo	1	210.	Siala Technical Training Institute	1
211.	Katine Technical Training Institute	1	212.	Ministry of Health	1
213.	Ministry of Defence	1	214.	Ministry of Interior and Co-ordination of National Government	1
215.	Ministry of Labour and Social Protection	1	216.	Aberdare Teachers Training College	1
217.	Nursing Council of Kenya	1	218.	Shanzu TTC	1
<b>TOTAL</b>				<b>2136</b>	

### 3.2. Monitoring of Service Delivery Standards

#### 3.2.1. Indicator on Resolution of Public Complaints and Access to Information

The Commission mainstreamed complaints handling and access to information within the performance contracting framework of the national government. This was achieved through the development and monitoring of implementation guidelines on the Indicator

'Resolution of Public Complaints and Access to Information'. It is worthwhile to note a number of county governments have embraced the implementation of the Indicator.

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 certification on compliance with the set criteria.

During the period under review, the Commission developed the Eighth Edition reporting guidelines for implementing the Indicator in line with the Performance Contracting Framework. The assessment is based on the following parameters:

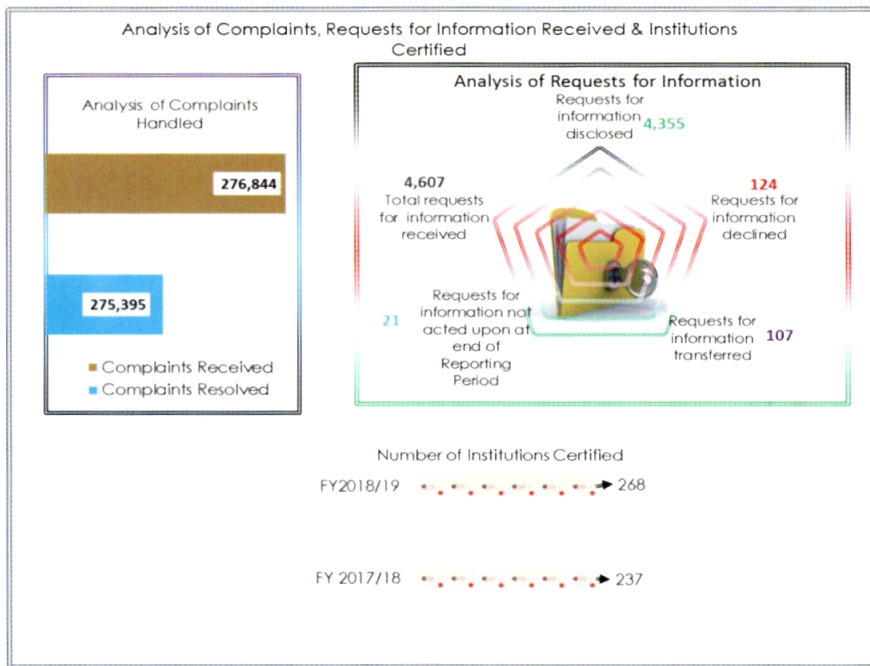
- i. Establishment of a complaints management and access to information system;
- ii. Development of a complaints handling and ATI policies and procedures;
- iii. Development and maintenance of complaints and ATI registers;
- iv. Building capacity for complaints handling and ATI officers and staff;
- v. Creation of awareness on complaints handling systems;
- vi. resolution and reporting on complaints handled to the Commission as per the guidelines;
- vii. reporting on access to information requests; and
- viii. Implementation of decisions of the Commission.

According to the reports submitted to the Commission, public institutions reported handling 276,844 complaints out of which 275,395 (99.48% of the total complaints were resolved). Equally institutions received 4,607 requests for access to information out of which 4,355 was granted.

Notably, the number of institutions certified rose from 237 in the

previous year to 268 – which may be attributable to the Commission's interventions in mainstreaming complaints management and access to information within the public sector. Figure 7 presents an analysis of complaints handled, requests for information received and institutions certified.

Figure 7: Analysis of Complaints Handled, Requests for Information Received and Institutions Certified.



### 3.2.2. Service Delivery Audit

In order to verify the reports submitted and assess the standards of service delivery, the Commission sampled 21 public institutions for spot checks. Specifically, the exercise focused on the following:

- i. Correctness of the reports;
- ii. institutional set-up, accessibility and signage;
- iii. adherence to set timelines and chargeable fees;
- iv. establishment of complaints management infrastructure;
- v. customer perception of services offered;
- vi. complaints management process; and
- vii. Existence and effectiveness of feedback mechanisms.

## CHAPTER FOUR

### 4.0. ACCESS TO INFORMATION

#### 4.1. Access to Information

The ATI Act mandates the Commission to oversee and enforce the right of access to information. It requires the Commission to report to Parliament on implementation of the right of access to information. In this regard, the Commission undertook a number of initiatives to operationalise the law. Some of the specific areas of focus under the reporting period were establishment of a regulatory framework, handling of appeals on access to information, building capacity of public institutions, and sensitisation on the access to information law.

#### 4.2. Operationalisation of ATI Act

##### 4.2.1. Development of ATI Regulations

The Commission initiated the process of developing Regulations under sections 12 and 25 of the Act by engaging with the Ministry of ICT to discuss the modalities of developing the Regulations. Through the engagement, a Taskforce was established comprised of 11 members to assist the Commission in coming up with drafting instructions on the regulations. The membership was drawn from the Commission, Ministry of ICT represented by the National Communication Secretariat, Kenya Law Reforms Commission and National Council for Persons with Disabilities. Hon. Priscilla Nyokabi who is a Commission member for National Gender and Equality Commission (NGEC) and who was the Member of Parliament who drove the initiative of legislating the Access to Information Act in 2016 was co-opted into the Taskforce as an expert member. Her participation into the Taskforce brings expertise knowledge on how the law could be implemented to achieve results as was envisioned at the time of legislation.

The Taskforce was inaugurated on 18th September 2018 and its first meeting was held on the same date. The Taskforce held a retreat to come up with drafting instructions on 28th and 29th November 2018 at Maanzoni Lodge. The drafting instructions developed thereof were handed over to the legislative drafter in December 2018. On 28th February 2019, the first ATI draft regulations were handed over to the Commission. Thereafter, the Taskforce held another retreat

on 7th and 8th May in Naivasha were further discussions were held on the developed draft regulations. The second draft ATI regulations were handed over to the Commission on 18th June 2019. These draft regulations have been transmitted to the Cabinet Secretary, Ministry of ICT for further discussions. There after the regulations will be subjected to stakeholders' consultation and public participation before being transmitted to parliament.

#### **4.2.2. Guidelines**

The Commission is a lead agency in the Performance Contracting framework for the national government where it oversees implementation of two indicators: "resolution of public complaints" and "implementation of citizen service delivery charters." The Commission incorporated ATI obligations for public institutions under the indicator "resolution of public complaints". The indicator was thereby renamed to "resolution of public complaints and access to information." Consequently, the Commission reviewed the Guidelines on the indicator to include access to information aspects. These include:

- establishment of ATI infrastructure including appointment of IAOs, development of ATI procedures, communication channels and ATI registers;
- reports on reactive disclosure;
- reports on awareness creation; and
- implementation of the recommendations of the Commission.

#### **4.2.3. Development of ATI Documents**

The Commission developed access to information documents to facilitate implementation of the ATI Act. These were the Simplified Version of the Access to Information Act, a Guide on Proactive Disclosure for Public Entities and a Handbook on Best Practices on Implementation of Access to Information. The simplified version of the Act enhances understanding of the access to information law and seeks to catalyse public participation in governance. On the other hand, the handbook on best practices serves as a source book for public officers and the general public in implementation of the ATI Act while the guide on proactive disclosure provides procedures and parameters that guide public agencies to comply

with the requirements of proactive disclosure. The publications were developed with the support of USAID (through AHADI).

### **4.3. Public Sector Capacity Building**

#### **4.3.1. Training of National Government Officers**

The Commission leveraged on the Performance Contracting platform to mainstream and monitor compliance with the ATI Act by public institutions. It is worth noting that the indicator on public complaints monitored by the Commission has now incorporated access to information and is titled "**Indicator on resolution of public complaints and access to information.**" During the period under review, the Commission trained and sensitised 2,136 officers drawn from 218 national government institutions on implementation of the ATI Act.

#### **4.3.2. County Government Officers**

The Commission in partnership with the International Development Law Organisation (IDLO) conducted a three-day training on access to information for county officers. This complemented the efforts of the Commission on entrenching access to information at the county level. The Commission also partnered with USAID (through AHADI) to conduct a three-day training for officers drawn from county assemblies and county executives. As a result of these initiatives, 43 county governments have appointed information access officers.

### **4.4. Implementation of the Act by Public Entities**

#### **4.4.1. Proactive Disclosure**

One of the central issues in the ATI Act is the obligation on public entities and relevant private bodies to disclose information they hold before it is requested. This includes information on contracts, decision making procedures, categories of information held by an institution, relevant facts on policy formulation, and powers, duties and salary scales of officers. In line with its oversight role, the Commission carried out a rapid assessment to determine compliance levels. The assessment covered all the counties, all Ministries of the National Government and 30 sampled State Corporations. Data was gathered from the websites of the sampled entities and the Public Procurement Information Portal.

The parameters of the assessment were:

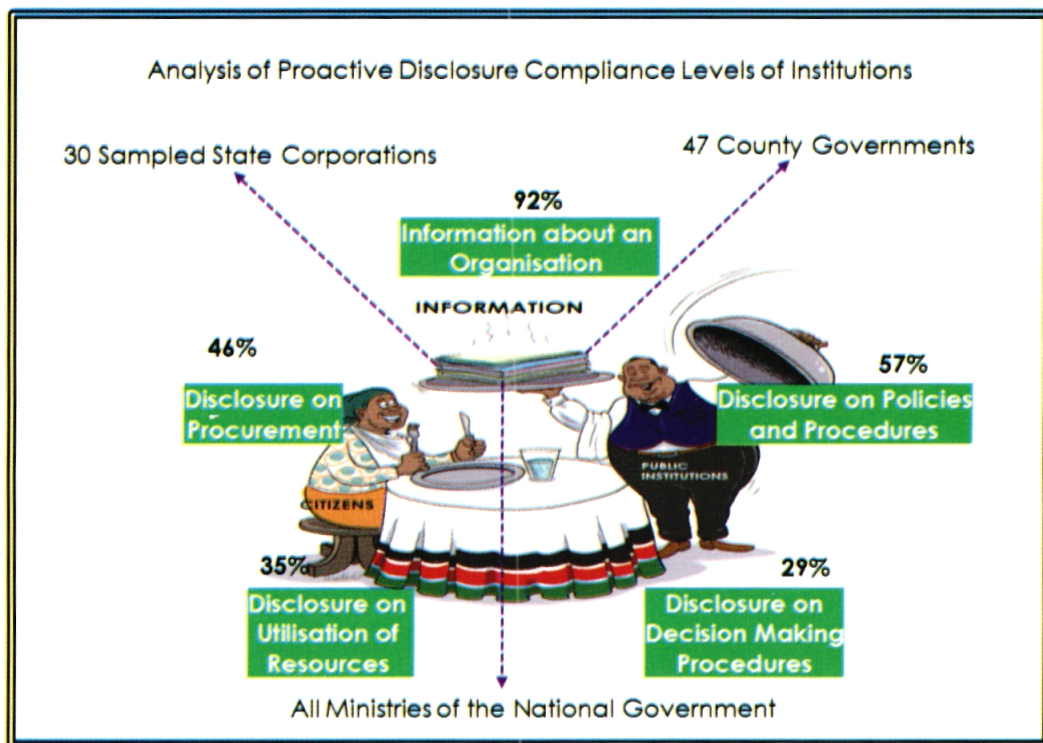
- information about an organisation and mandate;
- decision making procedures;
- utilisation of resources;
- policies and procedures; and
- public procurement information.

Information about an organisation and its mandate had the highest compliance at 92 percent. This was followed by disclosure on policies and procedures at 57 percent. The least disclosed information was on decision making procedure at 29 percent followed by information on utilisation of resources at 35 percent. Further, only 46 percent of the entities assessed disclosed information on procurement. However, the focus of most disclosures on procurement was on advertised tenders and not on tenders awarded.

Makueni County, Kenya Ports Authority (KPA) and the Kenya Revenue were found to be most proactive in disclosing information. On the parameter of disclosure of salaries, however, no institution complied except KPA which partially disclosed.

Stemming from the findings of the assessment, the Commission issued a Circular - CAJ Circular No. 1/2019/ATI – to guide public entities to proactively disclose information.

Figure 8: Analysis of Institutions' Compliance Levels with Proactive Disclosure.



#### 4.4.2. Reporting by Public Entities

The Commission developed the Eighth Edition reporting guidelines for implementing the Indicator in line with the Performance Contracting Framework. The assessment under ATI was based on the following parameters:

- I. Establishment of an access to information system
- II. Development of ATI policies and procedures;
- III. Development and maintenance ATI registers;
- IV. Building capacity for ATI officers and staff; and
- V. Reporting on access to information requests.

During the period under review institutions received 4,607 requests for access to information out of which 4,355 was disclosed. Figure 9 and 10 presents an analysis of ATI implementation by MDAs

Figure 9: Analysis of Requests for Information Received by Institutions.

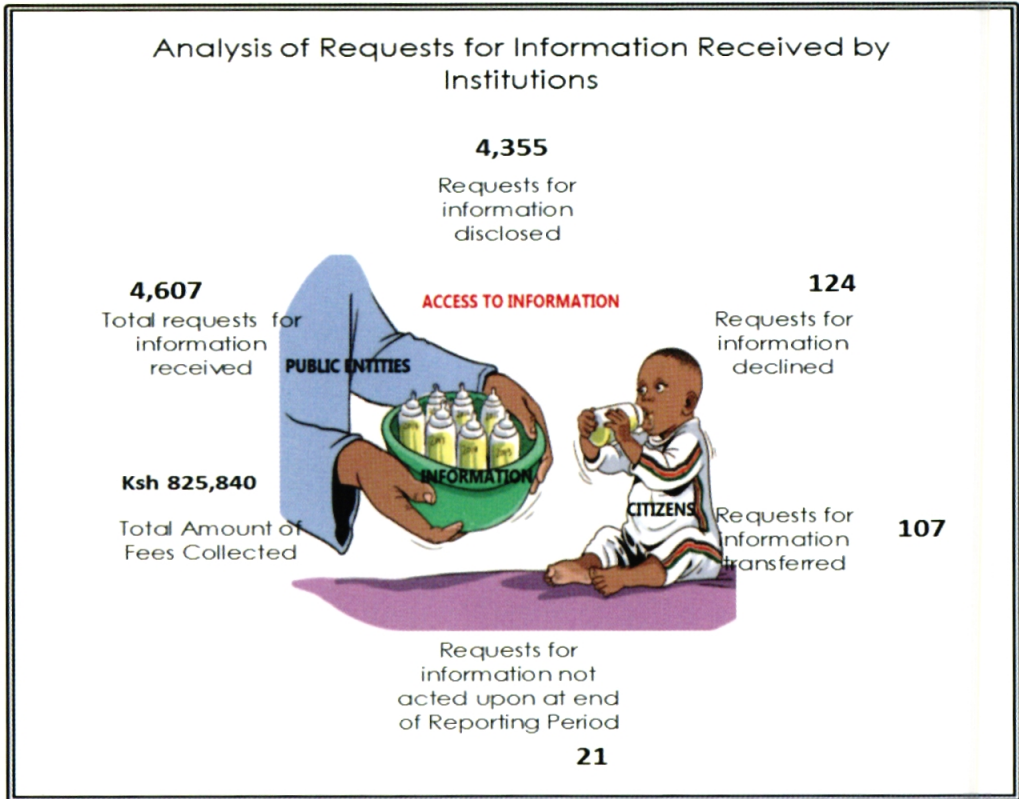
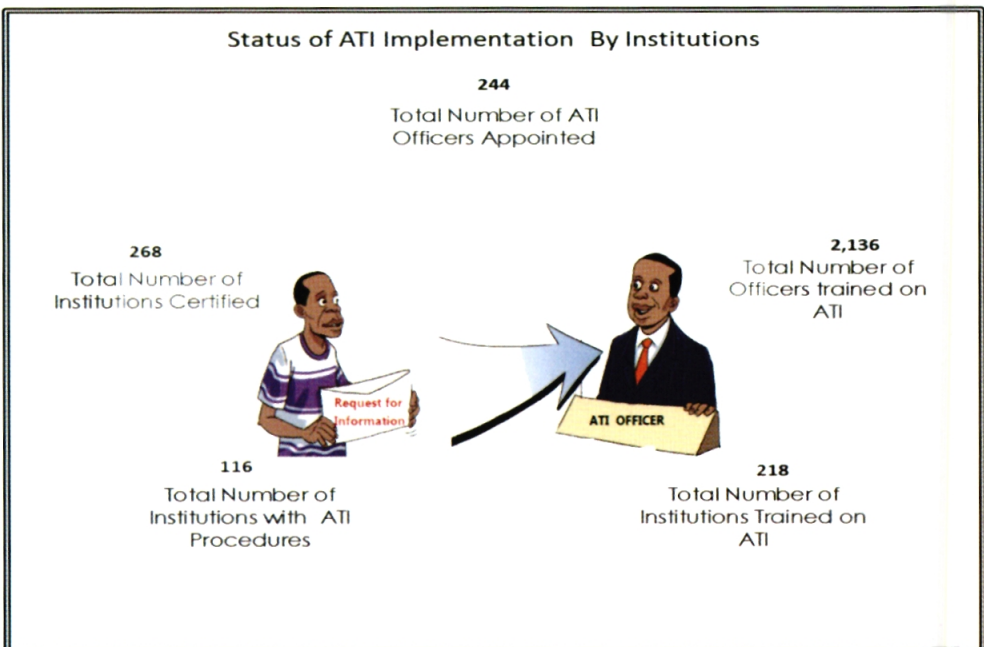


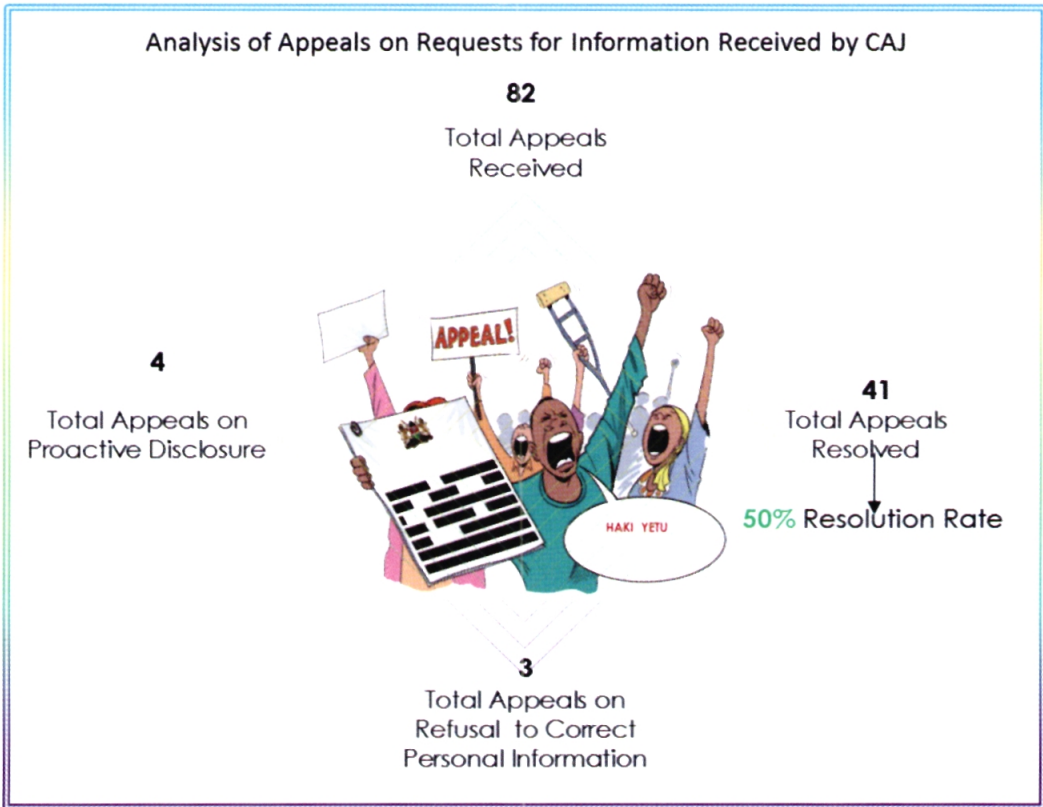
Figure 10: Analysis of ATI Implementation by Institutions.



## 4.5. Handling of Appeals on Access to Information

The Commission received a total of 82 appeals from members of the public on access to information. A total of 41 appeals representing 50% were successfully resolved. It is worth to note that majority of the appeals were on decisions refusing to grant information. Only three appeals were on refusal to correct personal information. There were four appeals on proactive disclosure by public entities.

Figure 11: Analysis of Appeals on Requests for Information Received by CAJ



## 4.6. Sample Appeals Handled

### The National Debt Case

A complaint alleging that National Treasury had not proactively disclosed to the public the Nation's public debt burden as required by ATI Act. The said failure by National Treasury was not only violating the express provisions of the Access to Information Act on proactive disclosure of information to the public but was also inhibiting public scrutiny of the Ministry's administration and management of public

funds and resources contrary to Constitutional Principles and National Values. An inquiry was sent to the National Treasury whereof the Ministry responded by indicating the measures that had been put in place to proactively inform the public on the public debt-burden.

### **Banking Insurance Union Case**

An application for review of decision by Banking Insurance and Finance Union failing to supply the requester with Copies of audited accounts of BIFU for the last five (5) years, register of Members for both National and Branches, list of Branch Officials, minutes of the Annual Delegates Conference for the last five (5) years and notices convening those conferences and details of the physical branch offices. An inquiry was initiated and the matter resolved after the Respondent agreed to facilitate access to the requested documents.

### **Eldas Constituency NG-CDF Case**

An application alleging failure by National Government Constituency Development Fund Board to supply copies of reports for Eldas Constituency on implemented Projects and Programmes for financial years 2016/17, 2017/18 and 2018/19. The application was resolved successfully after National Government Constituency Development Fund Board supplied the requested reports to the requester.

### **The Turkana Oil Exploration Agreement Case**

An application by Chairman of Kenya Civil Society Platform on Oil & Gas alleging failure by State Department of Petroleum in the Ministry of Petroleum & Mining failing to supply information/documents on production sharing contracts signed between the Government of Kenya and Oil exploration Companies including Tullow Oil, Total S.A. and Africa Oil for blocks 10BB and 13T in Turkana County, agreements relating to early oil pilot scheme launched by the President of Kenya in June 2018, Joint agreement for Lamu-Lokichar crude oil pipeline signed between Government of Kenya and Joint Venture partners and all other production sharing agreements between the Government and Oil & Gas companies. An inquiry was done and the matter resolved after the State Department agreed to have a joint meeting for purposes of facilitating the requester with access to the requested information and documents.

## Nairobi County Government Case

An application alleging that the Nairobi City County Government was not proactively disclosing information on essential services as its website was not active for several months in the year 2019. An inquiry was initiated and the matter resolved when the County Government activated its website and promised to initiate measures aimed at compliance with proactive disclosure obligations.

## Naiberi Tendwo Road Case

The Applicant alleged failure by the Uasin Gishu County Government to furnish his Community Group with Bill of Quantities(BQs) for a road project being Naiberi Tendwo Road (Uhuru Junction) constructed by the County in Kaptagat Ward to enable the residents assess the quality of work done vis-a-vis the cost. An inquiry was initiated and the documents requested supplied to the requester.

### 4.7. Public Education and Awareness

The Commission leveraged on its outreach programmes to create awareness and educate the public on access to information. This section, highlights specific activities that focused on access to information.

#### #Julisha Campaign

The Commission in collaboration with The Institute for Social Accountability (TISA) and other civil society organisations conducted a one-month public awareness campaign on access to information between 8<sup>th</sup> February and 8<sup>th</sup> March 2019. The tagline of the campaign was *Elewa, Eleza, Eneza* under #julisha. The campaign sought to have a more empowered citizenry, which is more informed and vigilant against corruption by pushing for accountability. The campaign underscored the link between access to information and good governance. The campaign was mainly run through social media platforms with a Tweet chat, mainly a question and answer session, run by the Commission every Friday during the campaign period.

Other aspects of #Julisha Campaign included a public forum that incorporated an expert panel discussion, opinion editorials, and talk shows on TV and radio.

## 4.8. Stakeholder Collaborations

The right of access to information can only be realised if all stakeholders play their roles. In this regard, the Commission collaborated with key stakeholders in realising certain objectives.

### 4.8.1. Open Government Partnerships

The Commission was co-opted as a co-convener of the Open Government Partnership (OGP) Kenya at both policy and technical levels. OGP is an initiative that brings together government and civil society leaders to create action plans that make governments more inclusive, responsive and accountable. During the reporting period, the Commission participated in a number of activities including meetings in February and March 2019 on modalities to implement the National Action Plan III on open government. The Commission also participated in the OGP Global Summit in June in Canada that was aimed at sharing knowledge and creating solutions for more open and transparent governments around the globe.

#### Other Partnerships

- i. The Kenya National Archives and Documentation Service (KNADS) on disposal of public records in accordance with the ATI Act.
- ii. The Local Development Research Institute, which is part of the Africa Open Data Network working towards the development of an open data policy for Africa. The policy will facilitate proactive disclosure of information in the public sector.
- iii. The Council of Governors and other non-state actors on a media campaign aimed at creating awareness on the ATI Act. This involved the use of print and audio-visual media, social media and public discussion events.

## CHAPTER FIVE

### 5.0. PUBLIC EDUCATION AND OUTREACH

#### 5.1. Introduction

This section details public education and awareness initiatives the Commission undertook during the reporting period. The activities were aimed at creating public awareness and education on the mandate of the Commission.

#### 5.2. County Visits

The Commission undertook outreach activities in two counties – Kisumu and Uasin Gishu. These visits provide a platform for the Commission to proximate services with respect to complaints handling and access to information, create awareness as well as create linkages with the county governments and representatives of the national government at the county level. County visit activities included spot checks, public forum, complaints handling, dissemination of information, education and communication (IEC) materials, awareness through media and courtesy calls. The Commission reached over 600 people through the public forums and received 35 complaints. Key issues that emerged during the public engagements were:

- delay in service delivery;
- maladministration at the Lands Offices;
- abuse of power by public officers;
- delay in disbursement of funds by the National Treasury to the counties;
- Inaccessibility of offices (especially upper floors) by PWDs;
- outdated service charters; and
- inadequate infrastructure for handling complaints and facilitating access to information.

The Commission provided feedback and recommendations to the concerned government agencies.

### 5.3. Media Engagement

The Commission continued to engage the public on its own media, that is, the website ([www.ombudsman.go.ke](http://www.ombudsman.go.ke)) and its social media platforms. During the reporting period, the public made inquiries, report cases and even make follow ups through Facebook (Ombudsman Kenya) and Twitter handle (@KenyasOmbudsman). As such, social media has enhanced accessibility of the Commission with the audience size on Twitter growing from 11,900 to 17,200, and from 6,500 to 10,000 on Facebook. Within the same period the interaction rate increased by about 60 percent on both Twitter and Facebook. The Commission also employed conventional media – both radio and TV – to amplify its voice.

### 5.4. Awareness through Agricultural Society of Kenya (ASK) Platforms and other Exhibitions

The Commission leveraged on various platforms to engage the public and create awareness on its mandate as highlighted below.

#### 5.4.1 Embu Youth in Agri-Business Summit and Expo

The Commission participated in the inaugural Embu Youth in Agri-Business Summit and Expo organised by the County Government of Embu at the Kenya School of Government, Embu in February 2019. The event brought together over 3,000 youths drawn from the 47 counties.



*Some of the participants sampling the various IEC materials and publications at the Commission's stand.*

### 5.4.2 Devolution Sensitisation Week

The Commission took part in the second Devolution Sensitisation Week held at the Makadara Grounds, Mombasa County in September 2018. The event was organised by the Council of Governors. During the three-day event, 431 members of the public had a one-on-one engagement with officers of the Commission. Further, 13 complaints were lodged with the Commission.

### 5.4.3 Annual Devolution Conference

The Sixth Annual Devolution Conference was organised by the Council of Governors in Kirinyaga County in March 2019. It brought together over 5,000 delegates and 200 exhibitors drawn from the 47 counties. During the conference, the Commission reached 2,000 people who visited the Commission's booth.



*CAJ Manager, Advocacy & Communications Mr. Sammy Cheboi showing the Senate Speaker, Hon Ken Lusaka and the Leader of Majority in the Senate Hon. Kipchumba Murkomen some of the publications of the Commission.*

### 5.4.4 Annual Congress of Constitutional Commissions and Independent Offices

The Commission participated in the seventh Annual Congress of Constitutional Commissions and Independent Offices (CC&IOs) held in Meru in October 2018. The Congress brought together commissioners and staff of CC&IOs, government institutions, development partners and members of the public. The theme of the Congress was "Public participation: Pathway to Sustainable

Development." The Commission exhibited and engaged members of the public on its mandate.



*CCs&IOs Members tour exhibition booth of the Commission.*

#### **5.4.5 South Eastern Regional ASK Machakos Show**

The Commission participated in the South Eastern Regional ASK Show held in Machakos in June 2019. During the show, the Commission distributed education materials to about 1,500 people and had personal engagement with about 500 people.



*Officers of the Commission attend to members of the public during Machakos ASK Show.*

#### **5.4.6 Production and Dissemination of IEC Materials**

The Commission produced a number of IEC and promotional materials to enhance its visibility and aid public education and awareness. The materials produced included brochures, posters, and banners.

#### **5.4.7 Legal Aid Clinics**

The Commission conducted legal aid clinics in Rarieda Sub-county,

Kisii town, Mombasa, Kwale (Tiwi, Taru and Samburu Wards), Kisumu City, Kakamega Women Prison, Kibos Maximum Prison, Kodiaga Women Prison, Kakamega Main Prison, Vihiga GK Prison and Kwale Women Prison.

#### **5.4.8 Other Outreach Initiatives**

The Commission leveraged on a number of activities by stakeholders to publicise its mandate. These included public *barazas* in Isiolo and Kwale Counties, Kisumu County ICT Consumer forum and Kikao Kikuu hosted by the Communications Authority of Kenya, Ecumenical Centre for Justice and Peace caucus in Muhoroni Sub-County, Amnesty International training for community-based human rights defenders and Court Users training in Vihiga County, and sensitisation of the Kisumu Water Action Group Community-Based Organisation. Other engagements included forums organised by Transparency International (Kenya) in various parts of Uasin Gishu and Kwale Counties, public forum in Kisauni Sub-county (Mombasa), and Huduma Mashinani outreach in Kwale County.

## CHAPTER SIX

### 6.0. PARTNERSHIPS AND LINKAGES

Partnerships and linkages provide an important platform for exchange of ideas and best practices in promoting good governance. In appreciation of the above the Commission fostered strategic partnerships with local and international stakeholders during the reporting period. In this regard, the Commission participated in various joint activities, and national and international forums.

#### 6.1. National Engagements

##### a) Forum of Constitutional Commissions and Independent Offices

The Commission continued to play a significant role in the forum of Constitutional Commissions and Independent Offices during the reporting period. The forum brings together all constitutional commissions and independent oversight bodies and provides a platform for the attainment of the collective responsibility under Articles 249 of the Constitution – protection of sovereignty of the Kenyan people, securing the observance of democratic values and principles, and promotion of constitutionalism. In the reporting period, the Commission actively participated in the activities of the Forum, including the Seventh Annual Conference held in October 2018. The main objective of the Conference was to engage the public in assessing the progress made in the implementation of the Constitution, share the successes and challenges in carrying out respective mandates and promote public participation in governance.

##### b) Devolution and Legislative Conferences

The Commission participated in the Sixth Annual Devolution Conference and the Fourth Annual Legislative Summit held in Kirinyaga and Kisumu respectively. Notably, the Commission made a presentation at the Devolution Conference where it asserted its oversight role in governance at the county level. In addition, the forums provided opportunities for deepening collaboration among stakeholders in devolution.

##### c) Stakeholders Engagements

The Commission undertook various stakeholder engagements geared towards deepening its oversight role and fostering a better

working relationship. Key engagements were:

- i) Consultative meetings with the Ministry of Information, Communication and Technology; Ministry of Interior and Co-ordination of National Government; Ministry of Public Service, Youth and Gender Affairs; Ministry of Defence; and the Office of the Attorney-General and Department of Justice. It is instructive to note that the Ministry of ICT has a key role to play in the implementation of the ATI Act.
- ii) Contribution to inaugural conference for arid and semi-arid counties under the aegis of the Frontier Counties Development Council. The Commission emphasized the need for sustainable peace through administrative justice and access to information.
- iii) Contribution to the inaugural conference on constitutionalism at Kabarak University where the Commission shared on the threats, challenges and opportunities for prosecuting corruption in Kenya.
- iv) Consultative meeting with the Governor of Laikipia where the Commission recommended the establishment of Ombudsman office in Laikipia County.

## **6.2. International Engagements**

In order to entrench its position as a leading Ombudsman Institution, the Commission engaged in regional and internationally forums during the period under review.

### **International Delegations**

The Commission hosted delegations from Rwanda and Botswana for sharing of ideas and experiences on ombudsmanship. The delegation from Botswana was headed by the Ombudsman who is also the Southern Africa Regional Co-ordinator of the African Ombudsman and Mediators Association (AOMA).

#### **a) Study Tour to the Parliamentary Ombudsman of Sweden**

The Commission made a study tour to the Parliamentary Ombudsman of Sweden in December 2018. The study tour was necessitated by the need to enable the new Commissioners to have an in-depth understanding of the concept of Ombudsmanship. The choice of Sweden was informed by the fact that it is the origin of the concept Ombudsmanship.

## b) African Ombudsman and Mediators Association

The Commission enhanced its participation in the activities of the AOMA in the period under review. This included co-ordination of the activities of AOMA Secretariat, organising meetings of the Executive Committee which were held in Burundi, Rwanda and Kenya. In addition the Commission co-ordinated the development of the Second AOMA Strategic Plan and the review of the Constitution both of which were adopted by the Sixth General Assembly in Rwanda in November 2018.

## c) International Conferences

The Commission participated and made contributions to the following international forums on good governance:

- i) Presentation on 'Strengthening equality and equal protection of the law: the case of Kenya' made at the Commonwealth Africa High Level Regional Dialogue on the theme **"Strengthening equality and equal protection of the law – reforming laws that discriminate"** held in Johannesburg, South Africa in November 2018.
- ii) Presentation on the 'Role of the Ombudsman in fighting corruption in Africa' made at the International Conference at the Sixth AOMA General Assembly on the theme **"The role of the Ombudsman in promoting transparent and accountable governance in Africa"** held in Kigali, Rwanda from in November 2018.
- iii) Presentation on **'Linking security and development through good governance on SDG 16' made at the Sixth Annual Stockholm Forum on Peace and Development on the theme "From crisis response to peace-building – Achieving synergies"** held in Stockholm, Sweden from in May 2019

## d) Engagements with Development Partners

During the reporting period, the Commission strengthened collaboration with development partners. In particular, the Commission engaged the Commonwealth Human Rights Initiative, the World Bank, USAID (under its Agile, Harmonized and Devolved Institutions programme), GIZ and Article 19.

## CHAPTER SEVEN

### 7.0. GOVERNANCE, HUMAN RESOURCE MANAGEMENT, FINANCE AND GENERAL ADMINISTRATION

#### 7.1. Introduction

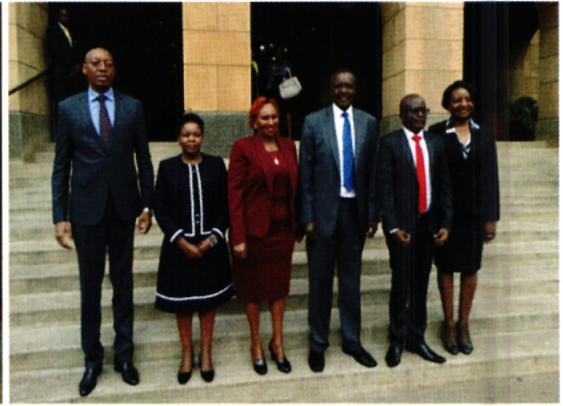
This Chapter presents the undertakings of the Commission to strengthen its capacity to deliver on its mandate during the reporting period. The focus was to strengthen corporate governance, human resource capacity, and financial resource mobilisation and utilisation.

#### 7.2. Governance

The appointment and assumption to office of the current Commissioners on 8<sup>th</sup> August 2018 marked the beginning of a new era following the lapse of the pioneer Commissioners' six-year tenure. The appointment was timely, given that it was at the beginning of a new financial year. The Commissioners provided leadership in policy formulation and strategic direction while the Secretariat implemented the policy directives.

This annual report is, therefore, significant since it coincides with the Commissioners' first year in office and the end of first strategic plan. Upon assumption to office, the Commissioners prioritised the strengthening of the Commission's corporate governance, development of the second strategic plan and spearheaded the development of ATI regulations. The development of the Strategic Plan will be finalised within the first quarter of the 2019/20 financial year.

In line with the provisions of the ATI Act, the Commission designated one of its members as the Access to Information Commissioner who spearheaded the development of ATI regulations. To this end, a multi-stakeholder task force was formed which developed draft ATI regulations which will soon be subjected to public participation before enactment.



*Swearing in of Commissioners at Supreme Court Building on 8th August, 2018*

### **7.3. Corporate Affairs**

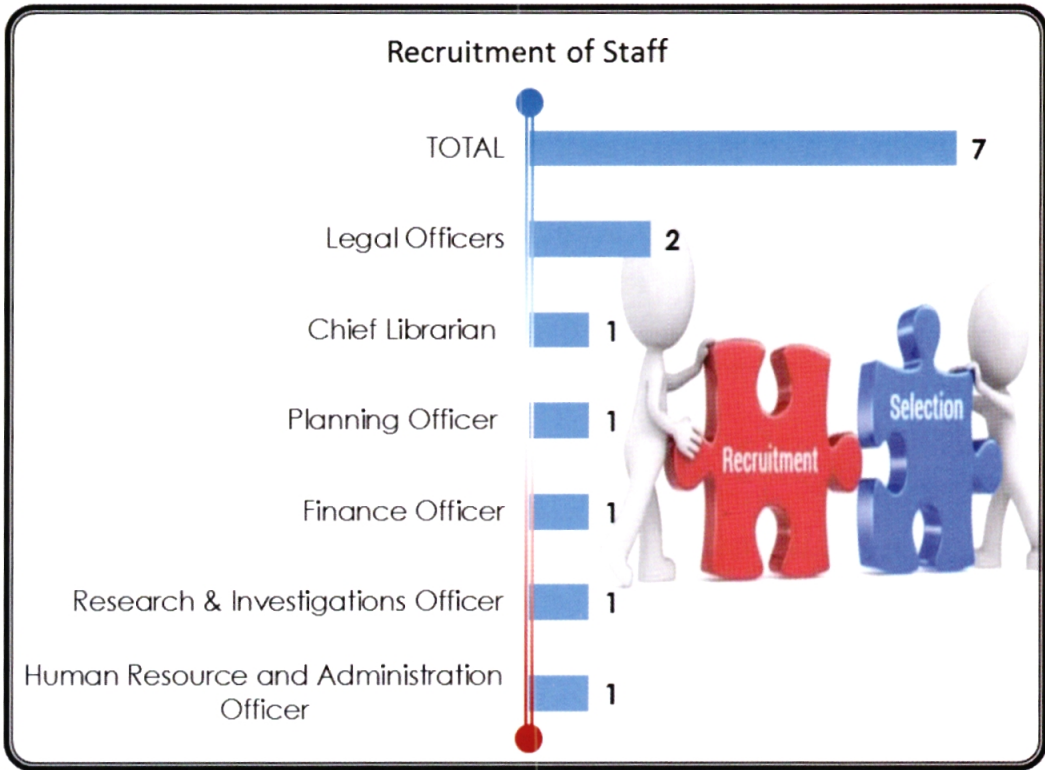
Institutional capacity is a fundamental factor in determining the success of the Commission, and indeed any organisation. In this regard, CAJ has endeavoured to strengthen its capacity to enable it cope with the expanded mandate and the increasing demand for its services. Deliberate efforts have been made to enhance its human resource capacity through recruitment of additional staff and skills development, expansion of the physical infrastructure and use of technology (ICT). Despite the resource constraints that the Commission encountered, notable progress towards strengthening its capacity was made in the following areas: -

#### **7.4. Strengthening Human Resource Capacity:**

In the year under review, the Commission enhanced its staff establishment through recruitment of seven additional officers which constituted 10% of the total members of staff, in the various directorates and levels as illustrated in the figure 12

The Commission also filled six vacant positions, following the exit and/or promotion of the previous office-bearers, in the various departments which included ICT, Legal and Advisory, Finance, and Records Management.

Figure 12: Analysis of Staff Recruited



### 7.5. Skills Development

The Commission is committed to providing quality services that meet the citizens' expectations. To realise this objective, CAJ continues to invest in sharpening skills and equipping its human resource with the necessary competencies. This is addressed through training and mentoring. In the period under review, the Commission expended **KES 6,692,369** to sponsor staff members for professional training courses, seminars and workshops. The amount was utilised to meet tuition fees and related costs. A summary of the training programmes is presented in figure 13.

Figure 13: Summary of Training Programmes



## 7.6. Staff Welfare:

Staff welfare is an integral part of employee wellness and motivation and as an employer; the Commission appreciates the need to provide the necessary support to its staff to pursue their personal goals and aspirations. Key among them is housing which is one of the basic needs. In this regard, a staff mortgage and car loan scheme was operationalised through the development of relevant guidelines and a scheme manager appointed. To kick-start the scheme, **KES 50,000,000** was set aside in the Fund Manager's account for utilisation. Loan processing and disbursement will commence in the 2019/20 Financial Year. The scheme will go a long way in attracting, motivating and retaining staff thereby enhancing productivity. In addition, the scheme will contribute towards the achievement of the Government's *Big Four* Plan of which housing is one of the key pillars.

## 7.7. Strengthening Administrative Support

The Commission developed and reviewed various policy manuals, in its endeavor to strengthen its administrative functions. These included development of Gender Mainstreaming policy and the Human Resource Management a Policy & Procedures Manual, which was reviewed. The Commission intends to develop more policy and procedures manuals, in the current financial year, to strengthen general administration.

## 7.8. Compliance Access to Information

In order to comply with the ATI Act, the Commission established the necessary internal infrastructure. In this regard, appointment of an Access to Information Officer was done, to handle applications for information. Further, information on information on human resource, awarded tenders and contracts was provided on the website as per the requirement on pro-active disclosure under the Act.

In the period under review, the Commission received and processed six applications for information. Four of the requests were granted while two were declined, as they fell within the exemptions as provided for under 6 of the Access to information Act.

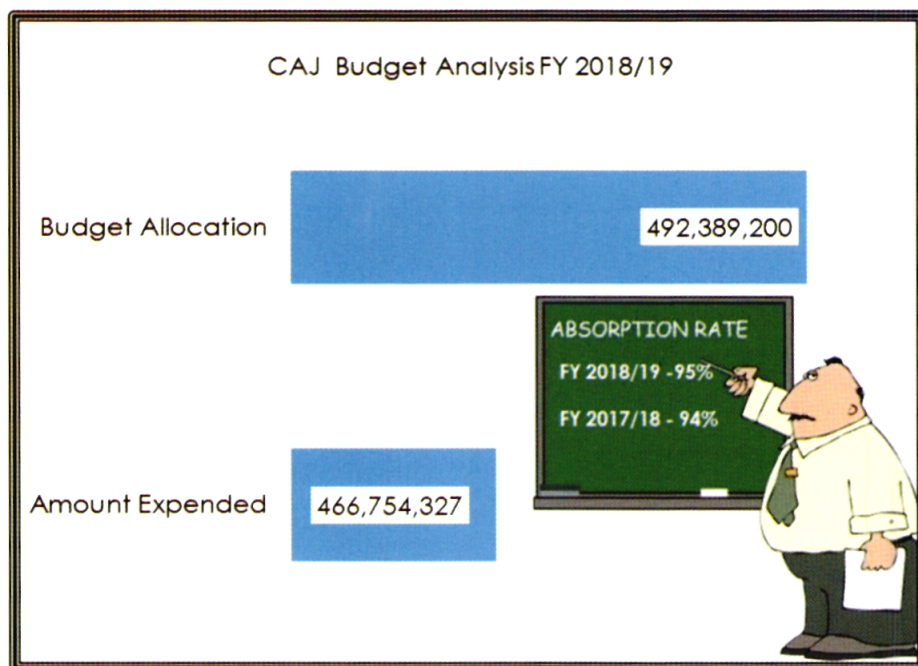
## 7.9. Financial Management:

### Resource allocation and Utilization:

The Commission is largely financed from the Exchequer and does not generate revenue given that its services are free of charge. In the 2018/19 fiscal year which is the period under review, the Commission was allocated **KES 492,389,200**, under the recurrent vote. The Commission expended **KES 466,754,327**, out of the allocated funds, to realize several milestones, among them public awareness creation on access to information and matters administrative justice as well as strengthening of its capacity to discharge its mandate.

It is worthwhile to note that in the period under review, the Commission's absorption rate stood at **95 per cent** as compared to the previous year which stood at **94 per cent**. Delay in releasing the Supplementary Estimates had a negative impact on utilization of allocated funds, as some of the planned activities could not be realized.

Figure 14: Analysis of CAJ Budget FY 2018/19



Detailed financial statements hereunder analyze resource utilization and the Commission's net-worth as a going concern.

Receipt/ Expense Item	Original Budget (Kshs)	Adjustments (Kshs)	Final Budget (Kshs)	Actual on Comparable Basis (Kshs)	Budget Utilization Difference (Kshs)	Absorption Rate in %
<b>RECEIPTS</b>						
Exchequer releases	499,389,200	7,342,863	492,046,337	481,922,280	10,124,057	98
<b>TOTAL</b>	<b>499,389,200</b>	<b>7,342,863</b>	<b>492,046,337</b>	<b>481,922,280</b>	<b>10,124,057</b>	<b>98</b>
<b>PAYMENTS</b>						
Compensation of Employees	258,600,000	(17,852,477)	240,747,523	234,243,592	6,503,931	97
Use of goods and services	144,168,526	9,209,614	153,378,140	136,410,042	16,968,098	89
Social Security Benefits	42,220,674	-	42,220,674	42,087,252	133,422	100
Acquisition of Assets	54,400,000	1,300,000	55,700,000	54,013,442	1,686,558	97
<b>TOTAL</b>	<b>499,389,200</b>	<b>7,342,863</b>	<b>492,046,337</b>	<b>466,754,327</b>	<b>15,167,953</b>	<b>95</b>
<b>Surplus/ Deficit</b>				<b>15,167,953</b>	<b>(15,167,953)</b>	

## 7.10. Procurement of Goods and services

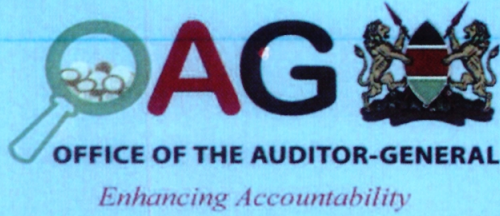
During the review period, the Commission planned to procure procured goods, works and services from various suppliers, at an estimated cost of KES **80,635,700**, out of which **KES 15,817,064 (19.6%)** was awarded to the special group category, of women, youth and people with disabilities under the government initiative of Access to Government Procurement (AGPO) initiate. which requires that 30 percent of the total procurement budget be earmarked for the special groups. it is worthwhile to note that the highest proportion of the of the procurement budget for the Commission, amounting to **KES 62,868,1419 (78. %)** was spent on rent and insurance, which fall outside the procurement items earmarked for this category. This being the case, the Commission did not meet the 30 percent.

However, if the amount on rent and insurance were to be excluded, the actual budget utilized to procurement other goods and services was **KES 17,767,559**, out of which **KES 15,817,064** was on tenders awarded to the special groups. This represents **89 per cent** which surpasses the 30 per cent threshold. The Commission upheld value for money principle and ensured compliance with the laid down procurement procedures.

## 7.11. Pending Bills

The Commission carried forward partial pending bills amounting to **KES 552,269** in the period under review. The bills will be settled in the 2019/20 Financial Year.

REPUBLIC OF KENYA



**REPORT**

**OF**

**THE AUDITOR-GENERAL**

**ON**

**COMMISSION ON  
ADMINISTRATIVE JUSTICE**

**FOR THE YEAR ENDED  
30 JUNE, 2019**

THE COMMISSION ON ADMINISTRATIVE JUSTICE

(OFFICE OF THE OMBUDSMAN)



*Hata Mnyonge ana Haki*

*Received  
on  
05/10/19.*



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REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED  
JUNE 30, 2019

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

*THE COMMISSION ON ADMINISTRATIVE JUSTICE*  
Reports and Financial Statements  
For the year ended JUNE 30, 2019

**I. KEY COMMISSION INFORMATION AND MANAGEMENT**

**(a) 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 were as follows: -

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

**(b) 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/CEO
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	Office of the Chairperson
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.	Mr. Benard Nyariki	Finance Manager
13.	Ms. Damaris Mburu	Supply Chain Manager
14.	Mr. Raphael Njeru	Chief Information Communication and Technology (ICT) Officer

**(c) Background information**

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

THE COMMISSION ON ADMINISTRATIVE JUSTICE  
Reports and Financial Statements  
For the year ended JUNE 30, 2019

III. STATEMENT OF COMMISSION MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 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.

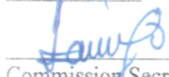
The Accounting Officer in charge of the Commission on Administrative Justice is responsible for the preparation and presentation of the Commission's financial statements, which give a true and fair view of the state of affairs of the Commission for and as at the end of the financial year (period) ended on June 30<sup>th</sup> 2019. 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 Commission; (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.

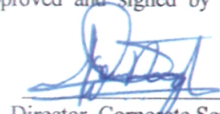
The Accounting Officer in charge of the Commission on Administrative Justice accepts responsibility for the Commission's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector 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 the Commission's transactions during the financial year ended June 30<sup>th</sup> 2019, and of the Commission's financial position as at that date. The Accounting Officer in 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 Commission'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 Commission has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the Commission'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 Commission'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 26/09/2019.

  
Commission Secretary/CEO  
Leonard Ngaluma, MBS

  
Director, Corporate Services  
Daniel Karomo

## REPUBLIC OF KENYA

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NAIROBI

### **REPORT OF THE AUDITOR-GENERAL ON COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE, 2019**

#### **REPORT ON THE FINANCIAL STATEMENTS**

##### **Opinion**

I have audited the accompanying financial statements of Commission on Administrative Justice set out on pages 11 to 28, which comprise the statement of assets and liabilities as at 30 June, 2019, and the statement of receipts and payments, statement of cash flows and summary statements of appropriation – recurrent and development 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, 2019, 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 the 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 130 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. I have determined that there are no Key Audit Matters to communicate in my report.

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*Report of the Auditor-General on Commission on Administrative Justice for the year ended 30 June, 2019*

Management is aware of the intention to dissolve the Commission to cease operations.

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 resources are applied in an effective manner.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the Commission 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 audit is planned and performed to express a conclusion about 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 and that public resources are applied in an effective manner, 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.

Further, in planning and performing the audit of the financial statements and audit 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

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.

  
Nancy Gathungu  
AUDITOR-GENERAL

Nairobi

30 September, 2020

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended JUNE 30, 2019**


**V. STATEMENT OF RECEIPTS AND PAYMENTS**


	Note	2018-2019 Kshs	2017-2018 Kshs
<b>RECEIPTS</b>			
Exchequer releases	1	481,922,280	389,297,468
Other Receipts		-	-
<b>TOTAL RECEIPTS</b>		<b>481,922,280</b>	<b>389,297,468</b>
<b>PAYMENTS</b>			
Compensation of Employees	2	234,243,592	226,637,859
Use of goods and services	3	136,410,042	112,816,196
Other grants and transfers	4	-	101,297
Social Security Benefits	5	42,087,252	48,478,390
Acquisition of Assets	6	54,013,442	1,835,847
<b>TOTAL PAYMENTS</b>		<b>466,754,327</b>	<b>389,869,589</b>
<b>SURPLUS/DEFICIT</b>		<b>15,167,953</b>	<b>(572,121)</b>

Note:

During the prior year, the Commission had a deficit of Ksh. 572,121 which was funded by the exchequer balance brought forward of Ksh. 18,072,349.75. This deficit affects the fund balances in the statement of Assets and Liabilities for the reporting period.

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on 28/09/2019 and signed by:

  
 Commission Secretary/CEO  
 Leonard Ngaluma, MBS

  
 Director, Corporate Services  
 Daniel Karomo

THE COMMISSION ON ADMINISTRATIVE JUSTICE  
Reports and Financial Statements  
For the year ended JUNE 30, 2019

VI. STATEMENT OF ASSETS AND LIABILITIES

	Note	2018-2019 Kshs	2017-2018 Kshs
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	7A	40,454,261	37,714,684
Cash Balances	7B	196,445	411,418
<b>Total Cash and cash equivalent</b>		<b>40,650,706</b>	<b>38,126,102</b>
Accounts receivable - Salary advances	8	47,500	-
<b>TOTAL FINANCIAL ASSETS</b>		<b>40,698,206</b>	<b>38,126,102</b>
<b>FINANCIAL LIABILITIES</b>			
Accounts Payables – Deposits and retentions	9	25,118,836	20,625,873
<b>NET FINANCIAL ASSETS</b>		<b>15,579,370</b>	<b>17,500,229</b>
<b>REPRESENTED BY</b>			
<b>Fund balance b/fwd</b>	10	17,500,228	18,140,660
Prior year adjustment	11	(17,088,810)	(68,310)
<b>Surplus/Deficit for the year</b>		15,167,953	(572,121)
<b>NET FINANCIAL POSITION</b>		<b>15,579,370</b>	<b>17,500,229</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on 26/09/2019 and signed by:



Commission Secretary/CEO  
Leonard Ngaluma, MBS



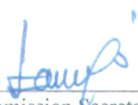
Director, Corporate Services  
Daniel Karomo


THE COMMISSION ON ADMINISTRATIVE JUSTICE  
 Reports and Financial Statements  
 For the year ended JUNE 30, 2019

VII. STATEMENT OF CASH FLOWS

		2018-2019	2017-2018
		Kshs	Kshs
<b>Receipts for operating income</b>			
Exchequer Releases	1	481,922,280	389,297,468
Other Revenues		-	-
		<b>481,922,280</b>	<b>389,297,468</b>
<b>Payments for operating expenses</b>			
Compensation of Employees	2	234,243,592	226,637,859
Use of goods and services	3	136,410,042	112,816,196
Other grants and transfers	4	-	101,297
Social Security Benefits	5	42,087,252	48,478,390
		<b>412,740,885</b>	<b>388,033,742</b>
<b>Adjusted for:</b>			
Changes in receivables		(47,500)	68,310
Changes in payables		4,492,962	(26,328,762)
Adjustments during the year		(17,088,810)	(68,310)
<b>Net cash flow from operating activities</b>		<b>56,538,047</b>	<b>(25,065,036)</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	6	54,013,442	(1,835,847)
<b>Net cash flows from Investing Activities</b>		<b>54,013,442</b>	<b>1,835,847</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 INCREASE IN CASH AND CASH EQUIVALENT</b>		<b>2,524,605</b>	<b>(26,900,883)</b>
Cash and cash equivalent at BEGINNING of the year		38,126,101	65,026,985
Cash and cash equivalent at END of the year		40,650,706	38,126,102

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on 26/09 2019 and signed by:

  
 Commission Secretary/CEO  
 Leonard Ng'Aluma, MBS

  
 Director, Corporate Services  
 Daniel Karomo

THE COMMISSION ON ADMINISTRATIVE JUSTICE

THE COMMISSION ON ADMINISTRATIVE JUSTICE

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For the year ended JUNE, 30, 2019


VIII. SUMMARY STATEMENT OF APPROPRIATION; RECURRENT AND DEVELOPMENT COMBINED

Receipt/Expense Item	Original Budget (Kshs)	Adjustments (Kshs)	Final Budget (Kshs)	Actual on Comparable Basis (Kshs)	Budget Utilization Difference (Kshs)	% of Utilization
<b>RECEIPTS</b>						
Exchequer releases	499,389,200	7,342,863	492,046,337	481,922,280	10,124,057	98%
<b>TOTAL</b>	<b>499,389,200</b>	<b>7,342,863</b>	<b>492,046,337</b>	<b>481,922,280</b>	<b>10,124,057</b>	<b>98%</b>
<b>PAYMENTS</b>						
Compensation of Employees	258,600,000	(17,852,477)	240,747,523	234,243,592	6,503,931	97%
Use of goods and services	144,168,526	9,209,614	153,378,140	136,410,042	16,968,098	89%
Social Security Benefits	42,220,674	-	42,220,674	42,087,252	133,422	100%
Acquisition of Assets	54,400,000	1,300,000	55,700,000	54,013,442	1,686,558	97%
<b>TOTAL</b>	<b>499,389,200</b>	<b>7,342,863</b>	<b>492,046,337</b>	<b>466,754,327</b>	<b>25,292,009</b>	<b>95%</b>
<b>Surplus/ Deficit</b>				<b>15,167,953</b>	<b>(15,167,953)</b>	

Notes:

- (a) Under-utilization in Use of goods and services at 89% was as a result of late release of the second supplementary budget. This negatively hindered implementation of planned activities for the fourth quarter of the financial year.
- (b) The changes between the original and final budget are as a result of reduction in funding by the exchequer to the tune of Ksh. 7,342,863 thus adjustment of the budget was necessary.

The Commission's financial statements were approved on 26/09 2019 and signed by:

  
Commission Secretary/CEO  
Leonard Ngaluma, MBS

  
Director, Corporate Services  
Daniel Karomo

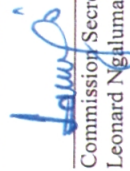
**IX. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT**

Receipt/Expense Item	Original Budget (Kshs) a	Adjustments (Kshs) b	Final Budget (Kshs) c=a+b	Actual on Comparable Basis (Kshs) d	Budget Utilization Difference (Kshs) e=c-d	% of Utilization f=d/c %
<b>RECEIPTS</b>						
Exchequer releases	499,389,200	(7,342,863)	492,046,337	481,922,280	10,124,057	98%
<b>TOTAL</b>	<b>499,389,200</b>	<b>(7,342,863)</b>	<b>492,046,337</b>	<b>481,922,280</b>	<b>10,124,057</b>	<b>98%</b>
<b>PAYMENTS</b>						
Compensation of Employees	258,600,000	(17,852,477)	240,747,523	234,243,592	6,503,931	97%
Use of goods and services	144,168,526	9,209,614	153,378,140	136,410,042	16,968,098	89%
Social Security Benefits	42,220,674	-	42,220,674	42,087,252	133,422	100%
Acquisition of Assets	54,400,000	1,300,000	55,700,000	54,013,442	1,686,558	97%
<b>TOTAL</b>	<b>499,389,200</b>	<b>(7,342,863)</b>	<b>492,046,337</b>	<b>466,754,327</b>	<b>25,292,009</b>	<b>95%</b>
<b>Surplus/ Deficit</b>				<b>15,167,953</b>	<b>15,167,953</b>	

**Notes:**

- (a) Under-utilization in Use of goods and services at 89% was as a result of late release of the second supplementary budget. This negatively hindered implementation of planned activities for the fourth quarter of the financial year.
- (b) The changes between the original and final budget are as a result of reduction in funding by the exchequer to the tune of KSh. 7,342,863 thus adjustment of the budget was necessary.

The Commission's financial statements were approved on 26/09/2019 and signed by:

  
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X. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT

Receipt/Expense Item	a	b	c=a+b	d	e=c-d	f=d/e %
Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization	
RECEIPTS	-	-	-	-	-	-
Exchequer releases	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-
PAYMENTS	-	-	-	-	-	-
Compensation of Employees	-	-	-	-	-	-
Use of goods and services	-	-	-	-	-	-
Social Security Benefits	-	-	-	-	-	-
Acquisition of Assets	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-
Surplus/Deficit	-	-	-	-	-	-

Note:

(a) The Commission did not have any voted provision for development budget during the reporting period. The Commission was only funded for the recurrent budget.

The Commission's financial statements were approved on 26/09/2019 and signed by:

Commission Secretary/CEO  
Leonard Ng'aluma, MBS

Director, Corporate Services  
Daniel Karomo

XI. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget 2018/2019FY Kshs	Adjustments 2018/2019FY Kshs	Final Budget 2018/2019FY Kshs	Actual on comparable basis 2018/2019FY Kshs	Budget utilization difference 2018/2019FY Kshs
Programme 1					
Sub-programme 1	323,185,589	3,650,597	326,836,186	311,295,443	15,540,743
Sub-programme 2	145,395,337	(6,064,326)	139,341,011	132,303,012	7,037,999
Sub-programme 3	30,808,274	(4,939,134)	25,869,140	23,155,873	2,713,267
Programme 2					
Sub-programme 1	-	-	-	-	-
Sub-programme 2	-	-	-	-	-
Sub-programme 3	-	-	-	-	-
<b>Total</b>	<b>499,389,200</b>	<b>(7,342,863)</b>	<b>492,046,337</b>	<b>466,754,328</b>	<b>25,292,009</b>

**Note:**

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

## **XII. SIGNIFICANT ACCOUNTING POLICIES**

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

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

The financial statements have been prepared in accordance with 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.

### **2. 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.

### **3. Reporting Currency**

The financial statements are presented in Kenya Shillings (Kshs), which is the functional and reporting currency of the Government.

### **4. Significant Accounting Policies**

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

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

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

- **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 Commission.

- **External Assistance**

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

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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 Commission 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 30th June 2019, 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 Commission recognises all payments when the event occurs and the related cash has actually been paid out by the Commission.

- **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.

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

**5. In-kind contributions**

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

**6. 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.

**7. Cash and Cash Equivalents**

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year.

**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 2019, this amounted to Ksh. 25,118,836 compared to Ksh. 20,625,873 in the prior period as indicated in note 10.

There were no other restrictions on cash during the year.

**8. 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.

**9. 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

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### Reports and Financial Statements

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Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

#### 10. Pending Bills

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

#### 11. 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 2019 for the period 1<sup>st</sup> July 2018 to 30th June 2019 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.

#### 12. Comparative Figures

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

#### 13. 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 30th June 2019.

#### 14. 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.

During the year, errors that have been corrected are disclosed under note 12 explaining the nature and amounts.

#### 15. 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.

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XIII. NOTES TO THE FINANCIAL STATEMENTS

1 EXCHEQUER RELEASES

Description	2018-2019	2017-2018
	Kshs	Kshs
Total Exchequer Releases for quarter 1	87,558,330	87,430,641
Total Exchequer Releases for quarter 2	113,505,100	80,505,427
Total Exchequer Releases for quarter 3	128,087,500	130,229,300
Total Exchequer Releases for quarter 4	152,771,350	91,132,100
<b>Total</b>	<b>481,922,280</b>	<b>389,297,468</b>

During the reporting period, the Commission was to receive exchequer of Ksh. 492,046,337; however, we received Ksh. 481,922,280 only falling short by Ksh. 10,124,057 during the financial year.

2 COMPENSATION OF EMPLOYEES

	2018-2019	2017-2018
	Kshs	Kshs
Basic salaries of permanent employees	177,637,451	171,881,251
Basic wages of temporary employees	7,116,863	5,617,879
Personal allowances paid as part of salary	48,566,958	48,152,689
Employer Contributions Compulsory national social security schemes	922,320	986,040
<b>Total</b>	<b>234,243,592</b>	<b>226,637,859</b>

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NOTES TO THE FINANCIAL STATEMENTS (Continued)

3 USE OF GOODS AND SERVICES

	2018-2019	2017-2018
	Kshs	Kshs
Utilities, supplies and services	2,237,841	1,349,825
Communication, supplies and services	10,405,676	6,790,457
Domestic travel and subsistence	13,603,861	11,365,092
Foreign travel and subsistence	6,116,911	1,394,348
Printing, advertising and information supplies & services	3,595,521	1,838,439
Rentals of produced assets	45,163,689	51,771,690
Training expenses	6,787,989	2,935,181
Hospitality supplies and services	6,530,120	2,442,392
Insurance costs	20,779,991	18,177,760
Specialized materials and services	482,223	883,673
Office and general supplies and services	4,535,204	2,485,730
Other operating expenses	5,438,926	5,266,438
Routine maintenance – vehicles and other transport equipment	4,571,698	3,387,721
Fuel Oil and Lubricants	3,953,000	1,757,176
Routine maintenance – other assets	2,207,392	970,274
<b>Total</b>	<b>136,410,042</b>	<b>112,816,196</b>

4 OTHER GRANTS AND TRANSFERS

Explanation	2018-2019	2017-2018
	Kshs	Kshs
Membership dues and subscriptions to international organizations	-	101,297
<b>Total</b>	<b>-</b>	<b>101,297</b>

Other Grants and transfers relate to membership subscriptions to be 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. The Commission did not incur this expenditure during the reporting period since the budget provision for the same was to be managed by The National Treasury but we have included the note for comparative purposes.

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5 SOCIAL SECURITY BENEFITS

Explanation	2018-2019	2017-2018
	Kshs	Kshs
Government pension and retirement benefits	42,087,252	48,478,390
<b>Total</b>	<b>42,087,252</b>	<b>48,478,390</b>

Social Security benefits relate to gratuity provision for staff who are working on contractual terms for the Commission.

6 ACQUISITION OF ASSETS

Non Financial Assets	2018-2019	2017-2018
	Kshs	Kshs
Refurbishment of Buildings	1,727,962	183,900
Purchase of Office Furniture and General Equipment	2,285,480	629,650
Purchase of ICT Equipment, Software and Other ICT Assets	-	1,022,297
<b>Sub-total</b>	<b>4,013,442</b>	<b>1,835,847</b>
<b>Financial Assets</b>		
Domestic loans to Individuals and Households	50,000,000	-
<b>Sub-total</b>	<b>50,000,000</b>	<b>-</b>
<b>Total</b>	<b>54,013,442</b>	<b>1,835,847</b>

Financial assets relate to the budget provision for staff mortgage and car loans. The funds for this purpose were deposited with Cooperative Bank of Kenya, Westland branch who are the fund managers for the Commission's staff Mortgage and Car loan scheme.

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7A: BANK ACCOUNTS

Name of Bank, Account No. & currency	Amount in bank account currency	Indicate whether recurrent, Development, deposit e.t.c	Exchange rate (if in foreign currency)	2018-2019	2017-2018
				Kshs	Kshs
Central Bank of Kenya, Account No. 1000181524	KES	Recurrent	N/A	15,335,425	17,088,810
Central Bank of Kenya, Account No. 1000182377	KES	Deposit	N/A	25,118,836	20,625,873
Central Bank of Kenya, Account No. 1000182644	KES	CBK165	N/A	-	-
<b>Total</b>				<b>40,454,261</b>	<b>37,714,684</b>

7B: CASH IN HAND

	2018-2019	2017-2018
	Kshs	Kshs
Cash in Hand – Held in domestic currency	196,445	411,418
Cash in Hand – Held in foreign currency	-	-
<b>Total</b>	<b>196,445</b>	<b>411,418</b>

Cash in hand is also analyzed as follows:

	2018-2019	2017-2018
	Kshs	Kshs
Location 1 – Head office, West End Towers	196,445	411,418
Location 2 – Kisumu office	-	-
Location 3 – Mombasa office	-	-
Location 4 – Isiolo office	-	-
Location 5 – Eldoret office	-	-
<b>Total</b>	<b>196,445</b>	<b>411,418</b>

The cash count certificates for the above amount has been provided as an attachment to the financial statements

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8: ACCOUNTS RECEIVABLE - OUTSTANDING SALARY ADVANCES

<i>Description</i>	2018-2019	2017-2018
	Kshs	Kshs
Government Imprests	-	-
Salary advances	47,500	-
Clearance accounts	-	-
<b>Total</b>	<b>47,500</b>	<b>-</b>

The Commission had accounts receivable of KSh. 47,500 as at 30<sup>th</sup> June 2019. This relates to unrecovered salary advance for a staff member which was outstanding as at the close of the financial year.

9. ACCOUNTS PAYABLE

<b>Description</b>	2018-2019	2017-2018
	Kshs	Kshs
Retention	4,774,725	-
Deposits	20,344,111	20,625,873
<b>Total</b>	<b>25,118,836</b>	<b>20,625,873</b>

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

10. FUND BALANCE BROUGHT FORWARD

<b>Description</b>	2018-2019	2017-2018
	Kshs	Kshs
Bank accounts	37,714,683	64,779,005
Cash in hand	411,418	247,980
Accounts Receivables	-	68,310
Accounts Payables	(20,625,873)	(46,954,635)
<b>Total</b>	<b>17,500,228</b>	<b>18,140,660</b>

These are the fund balances that were brought forward from the 2017/18 financial year. The recurrent account bank balances were however taken back by exchequer as shown in note 11 below.

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11. PRIOR YEAR ADJUSTMENTS

Description of the error	2018-2019 Kshs	2017-2018 Kshs
Adjustments on bank account balances	(17,088,810)	-
Adjustments on receivables	-	(68,310)
	(17,088,810)	(68,310)

The prior year adjustment relates to recurrent bank account balances that were swept back to exchequer at the beginning of the financial year amounting to Ksh. 17,088,810. This adjustment affects the statement of Assets and Liabilities as it results to reduction of fund balances brought forward.

12. OTHER IMPORTANT DISCLOSURES

12.1: PENDING ACCOUNTS PAYABLE (See Annex 1)


Description	Balance b/f FY 2017/2018 Kshs	Additions for the period Kshs	Paid during the year Kshs	Balance c/f FY 2018/2019 Kshs
Construction of buildings	-	-	-	-
Construction of civil works	-	-	-	-
Supply of goods	41,760		41,670	-
Supply of services	5,341,857	529,269	5,341,857	529,269
<b>Total</b>	<b>5,383,617</b>	<b>529,269</b>	<b>5,383,617</b>	<b>529,269</b>

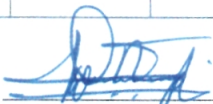
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**13. PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS**

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)
	<p><u>Other Matter</u>            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 no segregation of duties in the payroll management</p>	<p>The Commission has noted the observation on other matter. However the Commission wishes to state that we have 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 the checks and balances.</p>	<p>Mr. Dan Karomo,            Director,            Corporate Services</p>	<p>Resolved</p>	<p>Resolved</p>

  
 Commission Secretary/CEO  
 Leonard Ngaluma, MBS

  
 Director, Corporate Services  
 Daniel Karomo



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**ANNEX 2 – SUMMARY OF FIXED ASSET REGISTER**

<b>Asset class</b>	<b>Historical Cost b/f (Kshs) 2017/2018</b>	<b>Additions during the year (Kshs)</b>	<b>Disposals during the year (Kshs)</b>	<b>Transfers in/(out) during the year</b>	<b>Historical Cost c/f (Kshs) 2018/2019</b>
Land	-	-	-	-	-
Buildings and structures	3,047,591	40,000,000	-	-	43,047,591
Transport equipment	45,186,296	10,000,000	-	-	55,186,296
Office equipment, furniture and fittings	13,416,195	4,013,442	-	-	17,429,637
ICT Equipment	16,961,931	-	-	-	16,961,931
Machinery and Equipment	6,518,633	-	-	-	6,518,633
Biological assets	-	-	-	-	-
Infrastructure Assets- Roads, Rails	-	-	-	-	-
Heritage and cultural assets	-	-	-	-	-
Intangible assets	-	-	-	-	-
Work in Progress	-	-	-	-	-
<b>Total</b>	<b>85,130,646</b>	<b>54,013,442</b>	<b>-</b>	<b>-</b>	<b>139,144,088</b>

Note:

The balance as at the end of the year is the cumulative cost of all assets bought and inherited by the Commission. Additions during the year tie to note 6 on acquisition of assets during the year. The KSh.50M relating to staff Mortgage and Car loans was deposited with Cooperative bank of Kenya who are the fund managers for the scheme. By the close of the financial year, the fund manager had not disbursed any loans towards acquisition of the intended assets.

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended JUNE 30, 2019**

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**ANNEX 3- REPORTS GENERATED FROM IFMIS**

The following financial Reports Generated from IFMIS have been attached as appendices to these financial statements.

- i. FO30 (Bank reconciliations) for all bank accounts
- ii. GOK IFMIS Receipts and Payments Statement



### STATEMENT OF RECEIPTS AND PAYMENTS

Entity: 2131-The Commission on Administrative Justice

Current Period: JUL-18 To JUN-19

Compare With: JUL-17 To JUN-18

	Note	Current Period	Previous Period
<b>RECEIPTS</b>			
Tax Receipts	1	0.00	0.00
Social Security Contribution	2	0.00	0.00
Proceeds from Domestic and Foreign Grants	3	0.00	0.00
Exchequer releases	4	481,922,280.00	389,297,468.00
Transfers from Other Government Entities	5	0.00	0.00
Proceeds from Domestic Borrowings	6	0.00	0.00
Proceeds from Foreign Borrowings	7	0.00	0.00
Proceeds from Sales of Assets	8	0.00	0.00
Reimbursements and Refunds	9	0.00	0.00
Returns of Equity Holdings	10	0.00	0.00
Other Receipts	11	0.00	0.00
<b>TOTAL RECEIPTS</b>		<b>481,922,280.00</b>	<b>389,297,468.00</b>
<b>PAYMENTS</b>			
Compensation of Employees	12	234,243,591.85	226,637,859.80
Use of goods and Services	13	136,410,042.00	112,816,194.85
Subsidies	14	0.00	0.00
Transfers to Other Government Units	15	0.00	0.00
Other Grants and Transfers	16	0.00	101,297.00
Social Security Benefits	17	42,087,251.75	48,478,390.10
Acquisition of Assets	18	54,013,442.00	1,835,847.00
Finance Costs, including Loan Interest	19	0.00	0.00
Repayment of Principal on Domestic and Foreign Borrowing	20	0.00	0.00
Other payments	21	0.00	0.00
<b>TOTAL PAYMENTS</b>		<b>466,754,327.60</b>	<b>389,869,588.75</b>
<b>SURPLUS/DEFICIT</b>		<b>15,167,952.40</b>	<b>(572,120.75)</b>

The Statement has been prepared, reviewed and approved by the following:

Prepared By: <u>S. W. Kibuku</u>	Date: <u>26/9/2019</u>
Reviewed By: <u>M. O. Opiyo</u>	Date: <u>26/9/19</u>
Approved By: <u>Edward Nyanjiri</u>	Date: <u>26/9/19</u>

REPUBLIC OF KENYA  
BANK RECONCILIATION

From Date : 01-JUL-18 To : 30-JUN-19 REC-COMM ON ADMINISTRATIVE JUSTICE  
Bank : Central Bank of Kenya , Branch : Haile Selassie , Account Number : 1000181524

	Balance as per bank certificate	15,335,425.10
Less --		
	1. Payment in Cash Book not yet recorded in Bank Statement (Unpresented Cheques)	
	2. Receipts in Bank Statement not yet recorded in Cash Book	
Add --		
	3. Payment in Bank Statement not yet recorded in Cash Book	
	4. Receipts in Cash Book not yet Recorded in Bank Statement	
	Bank Balance as per Cash Book	15,335,425.10

Reconciled by: *P. W. Kibaku* Signature: *[Signature]* Date: *26/9/2019*  
Reviewed by: *M. O. Opiyo* Signature: *[Signature]* Date: *26/9/2019*  
Approved by: *benard nyaviki* Signature: *[Signature]* Date: *26/9/19*

## CHAPTER EIGHT

### 8.0. CHALLENGES AND RECOMMENDATIONS

#### 8.1. 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. Delay in the disbursement of fourth quarter budgetary and supplementary allocations which hampered implementation of fourth quarter activities
- II. Identification of suitable offices for the Garissa branch office. The Commission had to tender three times for office space
- III. Inadequate resources which hampered the implementation of the programmes and activities
- IV. Inadequate human resource capacity which hindered effective implementation of the Commission's mandate especially on access to information
- V. Unresponsiveness by public institutions which affected resolution of complaints
- VI. Insufficient legal framework in terms of enforcement of the decisions and recommendation of the Commission, and regulatory framework for access to information
- VII. Inadequate and aging fleet of vehicles which negatively impacted on our activities especially outreach programmes
- VIII. Non-disclosure of the communication and advertising budget held by the Government Advertising Agency which undermined effective planning and implementation.

#### 8.2. Recommendations

- I. The National Treasury needs to involve the National Assembly and concerned institutions when instituting budgetary cuts to mitigate on the impact of such measures including the risk of not meeting contractual obligations.

- II. The National Treasury to ensure timely release of funds to facilitate timely implementation of planned activities.
- III. There is need to enhance the budgetary allocation of the Commission in line with its expanded mandate and insulate its allocation from cuts even in the face of austerity measures owing to the critical oversight role
- IV. Parliament needs to strengthen the legal and regulatory framework to enhance Commission's effectiveness.
- V. National Treasury to disclose the amount allocated to each MDA under GAA. In the same vein, GAA to provide periodic statements of expenditure

### **8.3. Priorities Moving Forward**

Below are some of the key issues the Commission will focus on moving forward.

- I. Implementation of the second strategic plan.
- II. Review of the organisational structure.
- III. Strengthening policy, legal and regulatory framework.
- IV. Digitisation and automation of systems and processes.
- V. Enhancement of resource mobilisation and partnerships.
- VI. Promotion of open governance through proactive disclosure of information.
- VII. Scale up outreach and awareness creation.
- VIII. Decentralisation of Ombudsman services to enhance accessibility.

## COMMISSIONERS



**Hon. Florence Kajuju, MBS**  
Chairperson



**Mr. Washington O. Sati**  
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, Finance & Administration*



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



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



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



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



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









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