

THE COMMISSION ON ADMINISTRATIVE JUSTICE
“Office of the Ombudsman”



Hata Mnyonge ana Haki

**AN INVESTIGATION REPORT ON ALLEGATIONS OF MALADMINISTRATION AT THE
KENYA INDUSTRIAL RESEARCH & DEVELOPMENT INSTITUTE (KIRDI)**

JUNE, 2022



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Foreword

The Commission undertook investigations into an anonymous complaint alleging administrative injustice on disciplinary cases, irregular appointment & reinstatement of staff, irregular promotion of staff, irregular payment of leave allowances, and impropriety involving an official vehicle at the Kenya Industrial Research and Development Institute (KIRDI).

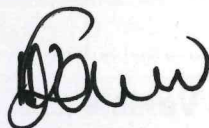
The Commission notified the KIRDI Board Chairperson, the Director/CEO KIRDI, the CEO Public Service Commission (PSC,) and the Cabinet Secretary (CS) Ministry of Industrialization, Trade & Enterprise of the Commission's decision to undertake the investigation. A team of investigators conducted interviews with various government officials including the staff and Director/CEO KIRDI and obtained relevant documents to facilitate the investigation.

This report was informed by the analysis of the information gathered and the examination of documents recovered in the process of the investigations.

The Commission made various recommendations and directions on actions to be undertaken by the KIRDI Board, Commission of University Education, the Public Service Commission, and the State Corporations Advisory Committee.

I reiterate our commitment as a Commission, to address maladministration in public institutions and endeavor to uphold administrative Justice.

Signed this ^{18th}..... day of ^{July}..... 2022



HON. FLORENCE KAJUJU, MBS

CHAIRPERSON, COMMISSION ON ADMINISTRATIVE JUSTICE

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Acronyms

ADHRA	Assistant Director Human Resource and Administration
CAJ	Commission on Administrative Justice
CEO	Chief Executive Officer
CPG	Career Progression Guidelines
CS	Cabinet Secretary
DDRTI	Deputy Director Research Technology and Innovation
HRAC	Human Resource and Administration Committee
HRPPM	Human Resource Policies and Procedures Manual
KIRDI	Kenya Industrial Research & Development Institute
KHRMC	KIRDI Human Resource Management Committee
OB	Occurrence Book
PSC	Public Service Commission
PS	Principal Secretary
SCAC	State Corporations Advisory Committee

Executive Summary

The Commission received an anonymous complaint against the Director KIRDI alleging administrative injustice on disciplinary cases, irregular appointment & reinstatement of staff, irregular promotion of staff, irregular payment of leave allowances, impropriety involving an official vehicle, unfair implementation of SRC recommendations, unfair transfers, insubordination of the Board of Directors, and contravention of transport policy as well as covid-19 regulations.

The same complaint had been addressed to several other institutions and as a result, a task force was appointed by the CS Ministry of Industrialization, Trade & Enterprise Development to investigate the allegations. A report was subsequently released by the task force and shared with the CAJ. The Commission was of the opinion that although some of the allegations were adequately addressed, there were still some outstanding issues. Consequently, CAJ commenced investigations to ascertain the veracity of the outstanding allegations.

A team of investigators therefore visited various public offices, interviewed persons of interest, and obtained documents relevant to the issues under investigation. The investigations found that some of the allegations were substantiated while some were not. Most importantly, it was noted that there are deep-seated systemic issues at KIRDI with respect to human resource management.

In light of the foregoing, the Commission made various recommendations and gave directions on actions to be undertaken by SCAC, PSC, and the Board of Directors KIRDI with a view to ensuring that remedial action is taken to address the irregularities and streamline the human resource management function at KIRDI.

1.0 Introduction to the Investigations

1.1 Background

The Commission received an anonymous complaint dated 2nd February 2021 addressed to the Commission, among other public oversight and investigative bodies. The complaint which was against Director and management of KIRDI alleges:

- unfair instituting and handling of disciplinary cases against members of staff;
- irregular appointment, deployment, transfer, and promotion of staff;
- impropriety involving the institution's vehicle;
- mismanagement of the KIRDI welfare fund;
- unfair implementation of SRC recommendations on salary increments;
- irregular commutation of leave;
- insubordination of the board;
- contravention of transport policy upon bereavement of staff and
- Contravention of covid-19 government directives.

The Public Service Commission (PSC) which was among the bodies to which the complaint was lodged, requested the PS for State Department for Industrialization to investigate the allegations. Consequently, the CS for Ministry of Industrialisation, Trade and Enterprise Development appointed a task force to look into the allegations. The task force conducted investigations and prepared a report, which was availed to CAJ. Upon review of the report, the Commission was of the opinion that though most of the issues were well covered, some needed further probing by CAJ.

Therefore, pursuant to section 8 of its constitutive Act, the Commission undertook an investigation into the following issues:

1.2 Issues under investigation

- i. Alleged administrative injustice on two disciplinary cases;
- ii. Alleged impropriety involving an official vehicle;

- iii. Alleged irregular employment of staff;
- iv. Alleged irregular reinstatement of an officer;
- v. Alleged improper promotions;
- vi. Alleged deployment of staff to new positions using fake certificates;
- vii. Alleged irregular payment of leave allowance and
- viii. Alleged contravention of transport policy upon bereavement of staff.

1.3 Investigation Process

1.3.1 Notification

The KIRDI Board Chairperson and the CEO as well as the CEO PSC and CS Ministry of Industrialization were notified of the Commission's decision to undertake the investigation vide a letter dated 13th July, 2021.

1.3.2 Offices Visited

- i. KIRDI headquarters;
- ii. Tigoni Police Station;
- iii. Avenue Hospital and
- iv. Kisii University.

1.3.3 List of interviewees

- i. CEO/ Director KIRDI;
- ii. Deputy Director- Finance, Human Resource & Administration, KIRDI;
- iii. Other KIRDI members of staff and
- iv. Traffic officers from Tigoni Police Station

1.3.4 Documents Recovered

- i. KIRDI Staff records;
- ii. KIRDI Human Resource Policies and Procedures Manual, 2018;
- iii. KIRDI Career Progression Guidelines, 2011;
- iv. Police records on accident involving a KIRDI vehicle;
- v. Copies of KIRDI Board meeting minutes;
- vi. Payment vouchers for commutation of leave;
- vii. Extract of Kisii University graduation booklet and
- viii. Paul Chirchir's and Ronald Ngososey's academic records

1.4 Legal Framework

The following legal documents provided a framework which guided the investigation.

1.4.1 Constitution of Kenya, 2010

Article 252(1) provides *inter-alia* that “each commission and each holder of an independent office may conduct investigations on its own initiative or on a complaint made by a member of public.”

Article 47 of the constitution provides *inter-alia* that:

- 1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.
- 2) If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.

Article 232 (1) of the constitution provides *inter-alia* that “The values and principles of public service include-

- g) Fair competition and merit as the basis of appointments and promotions

Article 234 (2) provides *inter-alia* that:

“(b) The Public Service Commission shall exercise disciplinary control over and remove persons holding or acting in public offices...

(d) The Commission shall investigate, monitor and evaluate organisation, administration and personnel practices of the public service...”

1.4.2 Commission on Administrative Justice Act, 2011

Section 8 of the CAJ Act provides that CAJ has a mandate, *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power,

unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

Sections 26-29 of the CAJ Act gives the Commission powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue summons and require that statements be given under oath, adjudicate on matters relating to administrative justice, obtain relevant information from any person or government authorities and to compel production of such information.

Under Section 31 of the Act, the Commission has power not limited by other provisions to investigate an administrative action despite a provision in any written law to the effect that the action taken is final or cannot be appealed, challenged, reviewed, questioned or called in question. After undertaking its investigations, the Commission is required under Section 42 of its constitutive Act, to prepare a report to the state organ, public office or organization to which the investigation relates. The report shall include the findings of the investigation, action the Commission considers to be taken and reasons whereof and recommendations the Commission deems appropriate.

1.4.3 State Corporations Act, 2012

Section 27 of the Act prescribed the functions of the State Corporations Advisory Committee as inter-alia; "With the assistance of experts where necessary, review and investigate the affairs of state corporations and make such recommendations to the President as it may deem necessary".

1.4.4 Employment Act, 2007

Section 44 (4) of the Act provides inter-alia that "summary dismissal shall take place when an employer terminates the employment of an employee without notice or with less notice than that which the employee is entitled by any statutory provision or contractual term". Section 44 (4) of the Act provides that gross

misconduct may justify summary dismissal and provides for offences that amount to this, which include: absenteeism, intoxication during working hours, negligence of duty, use of abusive language towards authority, disobeying lawful command, among others. The same section also provides that the decision to summarily dismiss an employee shall not preclude the employee or employer from disputing whether the facts giving rise to the matter constitute justifiable grounds for summary dismissal

1.4.5 Public Service Commission Act, 2017

Section 36 (1) of the Act provides that:

"In selecting candidates for appointment or promotions, the Commission or other lawful appointing Authority shall have regard to-

- a) Merit, equity aptitude and suitability;
- b) The prescribed qualifications for holding the office;
- c) The efficiency of the public service;
- d) The provable experience and demonstrable milestones attained by the candidate and
- e) The personal integrity of the candidate"

Section 58(2) provides that "the Commission shall investigate, monitor and evaluate the organisation of the public service with respect to any public body and make recommendations to the public body, the President and Parliament."

Section 65(1) provides that "the power to exercise disciplinary control within the public service shall vest in the Commission."

Section 65 (2) provides *inter-alia* that: "The Commission may subject to this Act and to subject to such instructions as it may determine delegate the following disciplinary powers to its authorized officers:

- (a) In respect of all public officers the power-
 - i. To interdict any public officer;
 - ii. To suspend any public officer;
 - iii. To stop, withhold or defer a normal increment of any public officer;

- iv. To reprimand a public officer and
- v. To stop a public officer's pay or salary"

Section 69(3) provides that "the Commission or any other lawful Authority shall not prescribe any disciplinary process that offends the rules of natural justice."

69(10) provides that " where disciplinary proceedings have been taken against a public officer under this Act, the public officer shall be informed by the Commission, authorized officer or other lawful authority of

- a) Findings on each alleged misconduct that has been preferred against the public officer
- b) The penalty if any to be inflicted upon the public officer
- c) The right to appeal or application for review with the Commission or other lawful authority within the time prescribed in the applicable disciplinary procedures."

69 (11) provides that any disciplinary proceeding against any public officer shall uphold the right to a fair administrative action as provided for in Article 47 of the constitution and the Fair Administrative Action Act.

1.4.6 Fair Administrative Action Act, 2015

Section 4(3) provides *inter-alia* that: "where administrative action is likely to adversely affect the rights and fundamental freedoms of any person. The administrator shall give the person affected by the decision-

- a) Prior adequate notice of the nature and reasons for the proposed administrative action
- b) An opportunity to be heard and to make representations in that regard
- c) Notice of a right to review or internal appeal against an administrative decision..."

1.4.7 Human Resource Policies and Procedures Manual for the Public Service, 2016

Section A7(1) provides that the Principal Secretary shall be responsible to the Cabinet Secretary for the day-to-day operations of the Ministry/State Department as well as the administration and management of Human Resource functions.

Section K3 (1) of the manual provides *inter-alia* that "Disciplinary cases dealt with under delegated powers shall be processed through the respective Human Resource Management Advisory Committee." Section K3 (4) provides that "Disciplinary cases should be dealt with promptly and finalized within a period of six (6) months. Where it is impracticable to do so the authorized officer shall report individual cases to the Public Service Commission explaining the reason for the delay."

1.4.8 Discipline Manual for the Public Service, 2016

Section 4.0 of the manual provides that the following shall be observed while processing disciplinary cases:

- a) Disciplinary cases under delegated powers shall be processed through the respective Human Resource Management Advisory Committee...;
- d) There shall be proper framing of charges with full particulars of the charge including the applicable provision of the law;
- e) The officer should be notified in writing and preferred a reasonable opportunity to respond to the allegations... and
- h) Right of appeal and application for review of disciplinary related issues

1.4.9 KIRDI Human Resource Policies and Manual, 2018

Section B5 provides that recruitment will be undertaken on the basis of fair competition and merit.

Section B.8 (2) provides that staff serving on contract terms will be permitted to translate to permanent and pensionable terms upon approval by the board.

Section B.9 of the manual provides that for appointments in IR-9 and above, the Board of Directors sub-committee will be formed to shortlist and interview the candidates and make recommendations as appropriate. Recommendations for appointments by management for staff who are from IR8 and below, the senior management will interview the candidates and recommend their suitability to the Director for appointment in liaison with the Board.

B.21 provides that the Director shall have power to re-designate officers from Job Grade IR3 to IR8 upon recommendation of the Human Resource Management Committee, subject to suitability interview for those moving to non-related cadres. Re-designation of staff in job grade IR9 and above shall remain the responsibility of the Board. Re-designation of officers shall be subject to suitability interview for officers who are moving from one cadre to another and shall not apply for posts that fall within the same job family.

Section B.25 provides that promotions will be in line with Career Progression Guidelines and Performance Management Committee recommendations.

Section C.15 provides that when an officer is eligible to a higher post and is called upon to act in that post pending advertisement of the post, he is eligible for payment of acting allowance at the rate of 20% of his substantive basic salary. An acting allowance will not be payable to an officer for more than six months.

Section C. 24 provides that the Institute will pay responsibility allowance to those officers who are called upon to shoulder extra supervisory duties besides their own normal duties. Those duties will cover the supervision and day-to-day management of a division or Centre.

Section D.14 (5) provides that an officer who will represent KIRDI at the burial of the deceased shall be granted official transport

Section E.4 provides that except in exceptional circumstances, annual leave may not be commuted for cash nor will unutilized leave days be claimed by

dependents to the estate of a deceased officer. The Director shall be responsible for authorizing commutation of leave for cash where leave is not taken due to exigencies of service. That notwithstanding, it is reiterated that officers should be allowed to utilize their leave each year.

Section K2 provides that the power to exercise disciplinary control and removal of KIRDI officers are vested in the board. The board has delegated the disciplinary powers to the Director. Section K.4 provides that disciplinary cases shall be dealt with by the disciplinary committee. Cases involving senior officers in job grade IR 9 and above shall be tabled before the board HR Committee on a case by case basis. Section K.5 provides for the procedure for disciplinary cases as follows

- Preliminary investigation will be carried out as to the circumstances surrounding the act of misconduct
- The officer is issued with a 'show cause' letter outlining the charges
- The officer shall respond to the charges within twenty-one days from the receipt of the show cause letter.
- The case shall be presented to the disciplinary committee for deliberation and recommendation
- If the officer fails to respond within the specified period or if in the opinion of the Committee, the explanation given is not satisfactory the committee shall forward the case with their comments to the Director for decision.

Section K11. Provides that an officer who is dissatisfied by a decision made by the disciplinary committee may appeal to the Director within a period of thirty days from the date of the receipt of the letter conveying such decision.

2.0 Analysis and Findings

2.1 Administrative Injustice in Disciplinary cases

Allegation

It was alleged that a disciplinary case was unfairly instituted against Dr. Patrick Kuloba, who is a senior officer at the institute. It was further alleged that the disciplinary matter ought to have been presided over by the KIRDI Board of Directors, but instead, a committee consisting of junior officers was appointed to hear his matter, which led to his suspension on malicious grounds by the Director. It was also alleged that disciplinary action was unfairly instituted against Ms. Christine Ombuna which ultimately led to her dismissal.

Investigation Findings

It was established that Dr. Kuloba who is a Principal Research Scientist at KIRDI, wrote a letter to the Director in April 2020 complaining that his supervisor, the Deputy Director Research Technology & Innovation had been frustrating his research projects. The letter was presented to a consultative management meeting which noted that Dr. Kuloba was unprofessional in his expression of the complaint and it was resolved that he consequently be issued with a 'show cause' letter for insubordination and unprofessional conduct. His response to the 'show cause' letter was found unsatisfactory and as a result, he was suspended from service pending further hearing by the board. Dr. Kuloba challenged the suspension in the Employment and Labour Relations Court and on the 22nd of January, 2020 judgment was delivered lifting the suspension and terminating any disciplinary action resulting from his complaint letter. The Director appealed the decision through Civil Appeal no. 172 of 2021 at the Court of Appeal in Nairobi. The matter is still pending.

It is worth noting that the substance of the issues that were raised by Dr. Kuloba in his complaint against his supervisor were never addressed. The Director indicated that the committee that he had been appointed to handle his disciplinary matter

found that Kuloba's allegations were unfounded. However, there were no official records indicating the same.

It was also established that disciplinary action against Christine Ombuna who held the position of Research Scientist I at KIRDI was initiated after she addressed a memo dated 29th July 2019 to the Director, opposing her re-assignment to a new division. According to a 'show cause' letter signed by the Assistant Director of Human Resource & Administration (ADHRA) on 5th August 2019, Ombuna's letter to the Director was rude and disrespectful and this amounted to gross misconduct. She was requested to respond to the accusations within three days. There were no further records from her employment file with respect to that matter.

From the records, on 13th January 2020, the Head of Mechanical and Technical Engineering Division addressed a memo to the Director reporting a case of absenteeism by Christine Ombuna. Another memo dated 28th January 2020 addressed to the Director by the Ag. Deputy Director Research, Technology, and Innovation complained of insubordination and the use of abusive language by Ms. Christine. An ad-hoc committee was formed to look into these allegations against her and as per the minutes of the committee dated 29th January 2020 she did not honor an invitation to appear before the committee and neither did she respond to previous 'show cause' letters. The committee concluded by observing that she demonstrated disrespect, arrogance, and insubordination. Again, there was no further record on this matter from her employment file.

On 12th May 2020, the Head of Mechanical and Electrical Engineering Research Division wrote to the Director again accusing Ms. Christine of insubordination. She was issued with a 'show cause' letter dated 14th May 2020 and given 21 days to respond. She was subsequently terminated from service as per a letter dated 6th July 2020 for failing to respond to the show cause letter. On 25th August 2020, an advocate wrote to the Director on Christine's behalf indicating that she had responded to all the show cause letters and demanding that she be reinstated

back to work. Investigations could not confirm the same as Ms. Ombuna's employment file did not contain any copies of the alleged responses.

The Director thereafter wrote to the Solicitor General requesting the office to respond on behalf of KIRDI. It is unclear whether the Solicitor general did respond, but the Director wrote to Christine's advocates on 1st September 2020 inviting her to present her case and reinstating her back to work pending the hearing and determination of the matter. Ms. Christine was subsequently reinstated back to work.

She was again invited to submit evidence to the Director within 7 days vide a letter dated 2nd September 2020 and appear before the disciplinary committee on 15th September 2020. The disciplinary hearing was held on 22nd September 2020 whereby Christine was accorded an opportunity to make her representations. As per the minutes of the disciplinary committee, it was recommended that Christine be dismissed for insubordination. She was subsequently terminated from service according to a letter dated 2nd October 2020 signed by the Director. The letter stated that she did not submit written evidence in advance as required when she appeared before the disciplinary committee and that the evidence she adduced when presenting her case was contemptuous and untruthful. She was therefore dismissed for contravening section 44 (4) (d) and (e) of the Employment Act, 2007, Section 4.6 C and D of the PSC Disciplinary Manual and Section J.8 and J.23 of KIRDI Human Resources Policies and Procedures Manual, 2018. Through the dismissal letter, she was informed of her right to appeal to the Director within thirty days.

It is worth noting that from Christine's personal employment file, there are records of previous disciplinary action being instituted against her but no evidence of conclusion on the same. The Director attributed this to the fact that he kept on pardoning her and so the prior disciplinary cases against her were dismissed on that account. Efforts to contact Ms. Christine to avail her an opportunity to shed more light on the matter proved futile as she did not answer the Commission's phone calls.

Inference from the evidence obtained is that Ms. Christine Ombuna's disciplinary process that ultimately led to her dismissal was undertaken procedurally. Dr. Kuloba's disciplinary matter is still the subject of court proceedings. Section 30(c) CAJ Act, 2011 prohibits the Commission from further investigating the matter. However, the substance of his complaint against his supervisor was not addressed.

2.2 Allegation of Impropriety involving an Official Vehicle

Allegation

It was alleged that a vehicle belonging to KIRDI was on 14th January 2021 involved in an accident and towed to Tigoni Police station. It was further alleged that the vehicle was being driven on an unauthorized route by an unauthorized driver and that the occupants of the vehicle during the said accident succumbed to injuries. It was further alleged that one Mr. Stephen Kamau who is a driver at KIRDI was used to cover up the facts of the accident as it was falsely reported that he was the one driving the vehicle at the time of the accident.

Investigation Findings

It was established that on the morning of 15th January 2021 a Toyota Prado registration no. KBT 255N belonging to KIRDI was involved in an accident at Nyathuna within the Limuru area. According to the Occurrence Book (OB) report at Tigoni Police station, the accident occurred at about 0400hrs on the said date and the driver was Mr. Stephen Kamau Ngotho. Corporal Eunice Sila and Boniface Kirimi who at the time of the accident were both on duty and attached to the Tigoni Police Station traffic department, confirmed that they attended to the scene after receiving a report of the same from the station's report office. They stated that they found the vehicle at the said scene and that it had been extensively damaged. They further stated that they did not find any occupants in the vehicle nor any injured persons upon arrival at the scene of the accident. Corporal Sila stated that she recovered a work ticket from the vehicle which indicated that it belonged to KIRDI and that the driver was Stephen Kamau.

Mr. Stephen Kamau stated that on the material morning he had picked up the vehicle from KIRDI headquarters and headed to his residence in Limuru to pick up a few personal effects then thereafter to pick the Director from his residence in Kileleshwa so that they would embark on a journey, to a destination that had not been specified by the Director. He stated that the trip had been authorized by the Director. He further stated that the accident occurred when he left his residence as he was heading to pick up the Director from his residence. He confirmed that he was the only occupant in the vehicle at the time of the accident. He stated that immediately after the accident occurred, he called the Director and some members of his family who arrived at the scene shortly thereafter and accompanied him to Avenue hospital where he was treated and discharged on the same day. The Director's account of events corroborated that of Kamau's and he confirmed that he had authorized the trip.

A copy of the vehicle work ticket obtained indicated that the vehicle was indeed being driven by Stephen Kamau on the material day and that the trip had been authorized by the Director. A report was also obtained from Avenue Hospital Parklands confirming that Stephen Kamau was treated at the facility on 15th January 2021 at 7 am for minor injuries sustained on his right hand and he was thereafter discharged on the same day.

Documents obtained show that Stephen Kamau had applied for leave from 11th January 2021 to 30th January 2021 and the same had been approved. The Director claimed that despite the leave having been approved, he had recalled Kamau back to work on the material day.

The allegation of impropriety involving the institute's vehicle was therefore unsubstantiated.

2.3 Allegation of irregular recruitment of staff

Allegations

It was alleged that in the year 2019 senior staff were irregularly recruited without meeting the minimum requirements for their respective positions and specifically without holding certificates in a senior management course. The staff was allegedly recruited and then thereafter taken for senior management training.

It was also alleged that one Vitalis Kiplagat was irregularly employed to the position of a research scientist/technician.

Investigation Findings

It was established that in June 2019 advertisements were placed publicly for six positions and among them were the following five senior positions:

- Deputy Director, Technology Transfer & extension services
- Deputy Director, Research Technology & Innovation
- Deputy Director Finance, Human Resource, and Administration
- Principal Internal Auditor
- Assistant Director, Finance

As per the job indents obtained from KIRDI, one of the requirements for the positions of Deputy Directors was that a candidate ought to have undergone a strategic management course for a minimum period of six weeks. For the positions of Assistant Director Finance and Principal Auditor, the requirement was a strategic management course lasting not less than four weeks.

Minutes of the Human Resource and Administration Committee of the Board meeting held on 18th June 2019 reveal that the Committee resolved to reduce the requirement of a minimum of six weeks of training for the position of Deputy Directors to four weeks of training. It was also resolved that the same be amended in the ongoing review of the Career Progression Guideline (CPG)

Shortlisting of the candidates was done on 23rd and 24th October 2019 by a Special HRAC of the Board. Interviews were subsequently conducted on 30th and 31st October 2019 and recommendations for appointments were done as per the

minutes of the Special HRAC dated 31st October 2019. The following persons were therefore appointed in the respective positions:

- Dr. Arthur Steven Onyuka- Deputy Director, Technology Transfer & Extension Services
- Dr. Martha Khasiala Induli- Deputy Director, Research Technology & Innovation
- Stanley Abonyo- Assistant Director, Finance
- Thomas Sitienei - Principal Internal Auditor

However, recruitment for the position of Deputy Director Finance, Human Resource and Administration was suspended pending consultation between the KIRDI Board, SCAC and Inspectorate of State Corporations.

As evidenced in the same minutes, the committee recommended that all those appointed to the four senior positions be taken for the Senior Management Course at Kenya School of Government prior to taking up the positions. The Director confirmed that the appointees undertook the training. The appointees were therefore equipped with a requirement for appointment retrospectively which was in contravention of section 36 (1) of the Public Service Commission Act and Section B5 of the KIRDI HRPPM which both stipulate that recruitment will be undertaken on the basis of fair competition, merit and prescribed qualification for holding the office.

It was noted that the Taskforce report by the State Department of Industrialization also identified this irregularity but only went as far as recommending that the same should not be repeated in the future.

It was also established that one of the requirements for appointment to the position of Principal Internal Auditor was that a candidate must have served as an auditor or an accountant for ten years, three of which must have been in a senior position. Thomas Sitienei who was appointed to the position of Principal Internal Auditor vide a letter dated 25th November 2019 had previously been promoted to the position of Senior Accountant at KIRDI on 16th November 2018.

Prior to that, he held the position of Accountant I. He, therefore, had served in a senior position for a period of one year only as opposed to the three that were required. His appointment to the position of Principal Auditor was therefore irregular.

Investigations further established that Mr. Vitalis Kiplagat was appointed to the position of Artisan I under the Chemical Engineering Division at KIRDI. The position was not advertised and neither was it filled competitively. Records show that he applied for the position on 25th March 2019 and was employed on 1st April 2019 on a one-year contract. On 3rd March 2020, he requested for change of employment terms and the same was granted vide a letter dated 8th July 2020 and signed by the former Assistant Director of Human Resource and Administration (ADHRA) Mr. Jairus Ombui which changed his terms from contract to permanent and pensionable. As per the KIRDI Career Progression Guidelines 2011, one ought to attain the following requirements to qualify for the position of Artisan I:

- Served as an Artisan II for at least three years
- Hold a relevant National Trade test I certificate
- Relevant Crafts certificate
- Hold computer application skills
- Prove evidence of participation in relevant short courses

Records show that at the time of his appointment to the position, Mr. Vitalis Kiplagat held a Kenya Certificate of Secondary Education and none of the aforementioned requirements. It was noted also that the State Department for Industrialization Taskforce had found that the appointment was irregular and recommended to the KIRDI Board that the same be nullified.

The Director in his statement indicated that Mr. Vitalis Kiplagat was employed and placed at the former grade 4 which was the entry grade at KIRDI and that the practice at the institution has been that such positions are not filled competitively. He further stated that he was employed on account of his invention in mosquito repellent technology and the same was brought to the Director's attention by the

then PS Industrialization Betty Maina. He indicated that he was not aware of the task force findings and recommendations on Mr. Vitalis Kiplagat's employment.

Investigations therefore established that the decision to have the four senior staff undertake a Senior Management Course after their appointment was irregular. Also, the appointment of Mr. Thomas Sitienei and Mr. Vitalis Kiplagat to the position of Principal Auditor and Artisan I respectively was done irregularly.

2.4 Alleged irregular reinstatement of an employee

Allegation

It was alleged that one Jonathan Kandu resigned from KIRDI and was reinstated to his previous position after two years in unclear circumstances.

Investigation Findings

Investigations confirmed that Mr. Jonathan Kandu had been an employee of KIRDI from the year 2006 when he was appointed as a Senior Artisan at the leather department based in Nairobi. In October 2019 he was issued with a letter transferring him from KIRDI Headquarters in Nairobi to the Western region Centre. He was unhappy with the transfer and as a result, tendered his resignation as evidenced in a letter dated 8th October 2019 signed by him. The resignation was accepted as evidenced by a letter dated 13th November 2019 signed by the then ADHRA on behalf of the Director. Consequently, the position fell vacant.

Mr. Jonathan Kandu in his statement stated that in mid-2020 he approached the then ADHRA requesting to be reinstated back to his previous position at KIRDI. He later engaged the Director about the same who then told him that he would submit the request for consideration by the KIRDI Board. He stated that in September 2020 the ADHRA informed him that his request had been granted and that he should put his request formally in writing which he proceeded to do. He was thereafter officially reinstated to his previous position. Jonathan's assertions are supported by a letter from himself addressed to the Director KIRDI dated 21st September 2020 requesting to be reinstated to work and a contract of

employment dated 29th September 2020 appointing him as a Laboratory Technician in the Leather Development Centre based at the KIRDI Western Region. However, the position ought to have been filled competitively as it fell vacant the moment his resignation was accepted.

The Director confirmed that the decision to reinstate Jonathan was based on his rare skills in the leather industry which were required at KIRDI. He stated that his decision was influenced by advice from the then ADHRA. It is worth noting that the Taskforce from the State Department found this reinstatement irregular and recommended nullification of Jonathan's employment but the Director claimed he was unaware of this recommendation.

Investigations therefore established that the reinstatement was done irregularly.

2.5 Alleged Irregular Promotions

Allegation

It was alleged that the following staff were promoted to various positions as specified below based on tribalism and nepotism:

No.	Name	Previous Position	Current Position
1.	Thomas Sitienei	Accountant	Principal Internal Auditor
2.	Jackson Mutai	Engineer	Head of Engineering
3.	Ronald Ngososey	Auxiliary staff	Head of payroll
4.	Paul Chirchir	Auxiliary staff	Head of honey processing centre
5.	Bob Kigen	Librarian	Head of Library
6.	Nicholas Ngetich	Technician	Fabrication Manager
7.	Vincent Ngetich	Quality assurance section	Principle Head Quality Assurance
8.	Novastas Kiprop	Driver	CEO's Driver
9.	Alfred Kipsang	Driver	Head of transport

10.	Anne Kae	Secretary	Senior office administrator
11.	Betsy Bowen	Researcher	Head of environment department
12.	Charles Maiyo	Technician	Head of Malindi Centre
13.	Kenneth Chelule	Researcher (Contractual terms)	Principle Researcher (Permanent and pensionable terms)
14.	Vitalis Kiplagat	Clerk	Senior researcher
15.	Jared Rotich	Accountant	Deputy Assistant Director Finance
16.	Odhilia Chirchir	Accountant	Head of Eldoret Centre
17.	Lagat Kibet	Technician	Senior Research Scientist
18.	Ronald Kemboi	Marketing officer	Head of Marketing
19.	Joan Bett	Clerk	Senior Human Resource officer

Investigation Findings

The Commission found that with regard to the allegations, the following promotions and appointments were irregular:

- a) Mr. Thomas Sitienei's appointment to the position of Principal Internal Auditor was found to be irregular as indicated in section 2.3 of the report above.
- b) Mr. Vincent Ngetich Cheruiyot whose substantive designation is a Quality Assurance Officer was on 29th May 2020 appointed as Head of Quality Assurance Division for a period of two years. The letter appointing him to that position indicated that by virtue of holding the position he was entitled to responsibility, airtime, and entertainment allowance. The KIRDI organogram indicates the position but the Career Progression Guidelines (CPG) do not provide for the position or criteria of appointment.

- c) Ms. Odilia Chepkoech Chirchir whose substantive designation is Accountant 1 was appointed as Acting Centre Head, KIRDI Eldoret on 29th April 2020 for an unspecified period. The letter of appointment indicated that she was entitled to acting, responsibility, air time, and entertainment allowances. This position does not exist in the KIRDI CPG and organization structure and therefore no clear criteria for an appointment are provided.
- d) Mr. Jackson Mutai is a Research Scientist at KIRDI. According to records, on 9th May 2016, he was appointed as Acting Head of Engineering Development and Service Centre for an unspecified period with entitlement to acting, responsibility, airtime, and entertainment allowances. On 19th March 2019, he was appointed Head of Engineering Development Service Centre in the department of Technology Transfer and Extension Services, for a period of two years. On 11th July 2019, he was assigned to the Mechanical and Electrical Research Division but his responsibilities as Head of Engineering Development Services Centre remained unchanged. On 30th April 2021, he was again appointed Head of Engineering Development Services Centre for a period of two years. There are no clear criteria as to how the appointments were done and the same is not provided for in the CPG.
- e) Ms. Joan Bett whose substantive position is a Human Resource Management officer II was appointed by the Director as Acting Senior Human Resource Management Officer with effect from 6th October 2020 for an unspecified period. Again she was appointed to act in the same capacity vide a letter dated 21st September 2021 for a period of six months. The KIRDI HPPPM section C.15 provides that one will be called upon to act in a higher post when he/she is eligible for an appointment to that post. The CPG provides that one of the requirements for appointment as Senior Human Resource Management one must have served at the position of Human Resource officer I for three years or have seven years of

uninterrupted relevant experience of which three must be in a senior position. Joan did not meet this requirement.

- f) Mr. Alfred Kipsang Kitiyo's substantive designation is Driver II. Records show that on 2nd September 2019 he was appointed Acting Assistant Head, Transport Section for a period of six months with an entitlement to acting and airtime allowances. The position is not provided for in the KIRDI CPG and organization structure.
- g) Ms. Betsy Bowen's designation is Research Scientist I. She was appointed to the position of Head of Environment Research Division through a letter dated 30th April 2020. The position is indicated in the organogram but does not exist in the CPG.
- h) Mr. Ronald Kipchumba Kemboi's substantive designation is Senior Marketing Officer. Through a letter dated 29th May 2020 he was appointed Head of Marketing Division for a period of two years. Similarly, the position is in the organogram but non-existent in the CPG.
- i) Mr. Johnstone Kibet Lagat's substantive designation is Research Scientist I. He was appointed Head of Laboratory Services Centre through a letter dated 30th April 2021. The position is not provided for in the CPG.
- j) Mr. Charles Maiyo Kimurgor's substantive position is Senior Laboratory Technician. He was appointed Head of KIRDI Malindi Centre with effect from 1st December 2020 for a period of one year. The position is not provided for in the CPG.
- k) Mr. Ronald Ngososey's designation is a Clerical Officer. Records show on 7th December 2021 he was appointed by the Director to the position of Acting Head of Payroll. This position is not in the CPG and neither is the criteria for appointment.

- l) Mr. Vitalis Kiplagat's designation is Artisan I and records obtained did not indicate any promotion to the position of a senior researcher. However, his appointment to the position of Artisan I was irregular as elaborated in section 2.3 of the report.

The allegations of irregular appointments and promotions were found to be unsubstantiated with respect to the following officers:

- a) Mr. Novastas Kiproop is a driver attached at the CEO's office. Records revealed that he is entitled to an extraneous allowance of Ksh.3000. No irregularity was noted as the KIRDI HRPPM provides that officers who are called upon to undertake extra responsibilities and therefore work beyond official working hours are eligible for payment of this allowance.
- b) Mr. Bob Paul Kigen is an employee at KIRDI with the designation of Librarian I. Upon perusal of his personal employee file, no records indicated his appointment as the Head of Library.
- c) Ms. Ann Kae joined KIRDI in 2018 as per a letter dated 6th April 2018 appointing her to the position of Personal Secretary I at job grade IR 7. As per a letter dated 29th June 2018, her title changed to Senior Office Administrator in compliance with Public Service revised scheme of service for secretarial staff. She remained at job grade IR 7. She was re-designated to the position of Communication officer I vide a letter dated 29th May 2020, still at job grade IR 7. She did not benefit from promotion as alleged.
- d) Mr. Jared Rotich is a Senior Accountant at job grade 8. He has served at the position since the year 2013. A letter dated 26th February 2020 appointed him Acting Chief Accountant for a period of six months. The KIRDI HRPPM prescribes that for promotion to the position of chief accountant, one ought to have served as a Senior Accountant for three years. Jared had at the time of appointment served in the position of Senior

Accountant for six years and therefore was eligible for appointment in an acting capacity as per the KIRDI HRPPM.

- e) Mr. Nicholas Ngetich's substantive position is Principal Engineering Technician. There is no record of him holding the position of fabrication manager.
- f) Mr. Paul Kipruto Chirchir's designation is Artisan I, deployed in the honey processing section of the food division. Records obtained did not show any evidence of him being appointed to the position of Head of Honey Processing.
- g) Dr. Kenneth Chelule joined KIRDI in the year 2012 as a Deputy Director of Research Technology and Innovation (DDRTI), on contractual terms. During the institution's mass promotions that were undertaken at the Institute in 2018, he applied for the position of Chief Research Scientist. He was shortlisted for the position as per a memo dated 19th October 2018 and as per the minutes of the Special Meeting of the Board of Directors held on 7th November, he was interviewed for the position. The Board resolved that Dr. Chelule transits to the position of Chief Research Scientist at IR 12 on permanent and pensionable terms and that the position of DDRTI is advertised for competitive filling. Therefore, his contract for the position of DDRTI was terminated and he was appointed Chief Research Scientist. Section B.8 (2) of the KIRDI HRPPM provides that staff serving on contractual terms will be permitted to translate to permanent and pensionable terms upon approval by the board. Dr. Chelule's appointment to the position of Chief Research Scientist was therefore found to be procedural.

The Director in his statement indicated that the appointments to positions of head of divisions and centers were done by his office through consultation with the Deputy Directors and Assistant Directors within the respective Departments. However, the Deputy Director of Finance, Human Resource & Administration (DDFHRA) indicated that for the duration that she had held the position at KIRDI,

she had never been consulted on such appointments and neither was she aware of the criteria that guided the appointments. Investigations revealed that appointments to the positions of heads of divisions and centers were conducted irregularly. This was based on the fact that the appointments disregarded fair competition and furthermore, the positions are not provided for in the KIRDI CPG.

The Director also indicated that his office appoints staff in acting capacity based on qualification, abilities, and regional & gender balance. Such appointments are usually for a period of six months pending appointments of persons in substantive capacity. It was established however that some of the appointments in acting capacity were made irregularly and in contravention with the KIRDI HRPPM.

2.6 Allegation of Deployment Based on Fake Certificates

Allegation

It was alleged that Mr. Paul Chirchir was moved from the position of auxiliary staff to the position of head of honey processing without the required qualification. It was further alleged that he forged his certificate from Kisii University.

It was also alleged that Mr. Ronald Ng'osey was moved from the position of auxiliary staff to that of the head of the payroll under unclear circumstances. It was further alleged that he forged a certificate from Kisii University which helped him secure the promotion.

Investigation findings

Investigations established that Mr. Paul Chirchir currently held the position of Artisan I at KIRDI grade 4. He previously held the position of senior support staff in grade 3 and during the mass promotions conducted in 2018, he was promoted to job grade 4. According to a letter dated 4th September 2020 he was translated to Artisan I still at job grade 4 and deployed in Food Division, Honey Processing Section. Records did not indicate his appointment to the position of Head of honey processing, as alleged.

It was further established that his Diploma certificate in Business and Management dated 18th December 2013 from Kisii University was authentic. This was confirmed through his registration documents for the course, letter of offer from Kisii University, letter of acceptance of the offer, fees invoices and receipts, clearance letter, and transcripts. Further, the Acting Registrar of Academic Affairs, Kisii University, confirmed the authenticity of the certificate. It was however noted from Paul's transcripts that the date of graduation was initially indicated as 19th December 2014 yet he graduated on 18th December 2013. In his statement, Mr. Chirchir indicated that he sought rectification from the University and the same was corrected. However, an error was again committed when his date of admission was indicated as 31st December 2012 instead of 31st March 2012, which is the correct date on record. This pointed to negligence on the side of Kisii University while printing the transcripts.

Ronald Ng'osey was employed as senior support staff at Job grade 3. In November 2018 during the mass promotions, he was promoted to job grade 4. On 19th December 2019, he was re-designated to clerical officer job grade 4 and deployed to the payroll section. On 7th December 2021, he was irregularly appointed Acting Head of Payroll.

It was further established that his Diploma Certificate in Business and Management from Kisii University is authentic. This was verified through fees receipts from the institution, a letter of offer to undertake the course, and clearance documents. The Ag. Registrar Academic Affairs also confirmed the authenticity of his certificate.

Investigations revealed that the re-designations of Mr. Chirchir and Mr. Ng'osey were in breach of section B.21 of the KIRDI HRPPM which provides that "the Director shall have power to re-designate officers from job grade IR3 to IR8 upon recommendation of KHRMC, subject to suitability interview to those moving to non-related cadres." The re-designations were neither recommended by the KHRMC nor were they subjected to a suitability interview.

Investigations also noted discrepancies in the appearance of the two officers' diploma certificates despite having undertaken similar courses in the same institution and having graduated at the same time thus explaining the suspicion on the authenticity of the certificates. One of the certificates had the Universities Logo watermark visible on its copies while the other one did not have the logo watermark visible on its copy. On one certificate, the "AND" in the course title is in word while on the other certificate it's a symbol. Also notable, were the differences in the font sizes and spacing on the two certificates. Attached below are copies of Ronald Ngososey's and Paul Chirchir's Diploma certificates





KISII UNIVERSITY

This is to certify that
Kisii University Council on
recommendation of the Senate hereby awards

Ng'osohey Ronald Kiprotich

the

DIPLOMA IN BUSINESS AND MANAGEMENT

Credit

with all rights, obligations and privileges
associated with this diploma, presented at a congregation held at this University
on the

Eighteenth day of December in the year Two Thousand and Thirteen

CONFIDENTIAL



REGISTRAR (ACADEMIC AFFAIRS)

VICE CHANCELLOR

**DEPUTY VICE CHANCELLOR
(ACADEMIC AFFAIRS)**

2.7 Allegation of Irregular Payment of Leave Allowance

It was alleged that Mr. Jairus Ombui who is the former ADHRA was unlawfully paid leave allowance.

Investigation Findings

Records show that on 8th December 2020 Mr. Ombui made an application for an annual leave of 93 days which were the total leave days that he was entitled to at the time. Only 13 days were approved and it was indicated on the form that he carries forward the remainder totaling 80 days. On 22nd December 2020, Mr. Ombui requested through a memo to the Director to have the eighty leave days commuted for cash. He indicated that this was occasioned by exigencies of service. The Commutation was subsequently approved by the Director and he was paid Ksh. 323,010. On 10th August 2021, the DDFRHA requested for commutation of Mr. Ombui's twelve leave days, and the same was approved by the Director and he was subsequently paid ksh. 52,035 as per a copy of the payment voucher obtained.

The Director indicated that he had authorized Mr. Ombui to carry forward his leave days from the previous years as there was a gap at the Human Resource Department and his skills were constantly required. Section E.4 of the KIRDI HRPPM provides that the Director shall be responsible for authorizing commutation of leave for cash where leave is not taken due to exigencies of service. The commutation was therefore procedural.

2.8 Allegation of Contravention of Transport Policy Allegation

It was alleged that staff was denied official transport to the burial of two of their colleagues contrary to policy and previous practice.

Findings

Section D.14 (5) of the KIRDI HRPPM provides that an officer who will represent KIRDI at the burial of the deceased shall be granted official transport. The Director in his statement indicated that the office only provides transport to representatives of his office during an officer's burial. Selection of staff as

representatives and subsequent approval of transport is done by the office of the Director.

This allegation was therefore unsubstantiated.



3.0 Conclusions

From the investigations, the following conclusions were arrived at:

i. Administrative Injustice in Disciplinary Cases

Dr. Kuloba protested in court about the disciplinary action instituted against him and the court ruled in his favor. The Director KIRDI appealed against the decision at the Court of Appeal in Nairobi and the matter is pending. Section 30(c) prohibits the Commission from further pursuing the matter. The substance of Dr. Kuloba's complaint against his supervisor that instigated the disciplinary action was not addressed.

As per the records availed, the disciplinary process leading to Christine Ombuna's dismissal was procedural and in accordance with the Discipline Manual for Public Service, 2016 as well as section K2 of the KIRDI Human Resource Policies and Procedures Manual, 2018.

ii. Impropriety involving an Official Vehicle

The allegations that the vehicle KBT 255N was on an unauthorized journey and that some occupants succumbed to injuries in an accident involving the vehicle were unsubstantiated.

iii. Irregular Recruitment of Staff

Recruitments done in 2019 for the positions of Deputy Director Research Technology & Innovation, Deputy Director Technology Transfer and Extension Services, Assistant Director Finance, and Principal Internal Auditor were undertaken irregularly and in contravention with section 36 (1) of the PSC Act, 2017 as well as Section B.5 of the KIRDI HRPPM, 2018.

Further, the appointment of Mr. Vitalis Kiplagat in 2019 to the position of Artisan I was found to be irregular. The irregularity was also noted by the State Department for Industrialization Taskforce which recommended that the recruitment be nullified but the same was not implemented by the KIRDI board.

iv. Irregular reinstatement of staff

The reinstatement of Mr. Jonathan Kandu as a Leather Technician in the year 2020 was found to be irregular. The task force report also observed the irregularity and recommended nullification of his reinstatement.

v. Irregular Promotions

Promotions and appointments to the positions of head of divisions, sections, and centers were irregular, given the positions do not exist in the KIRDI CPG, and appointments were done at the discretion of the Director.

Further, it was established that appointments on acting capacity were conducted unfairly and at the discretion of the Director.

vi. Deployment of officers based on fake certificates

Paul Chirchir's and Ronald Ngososey's diploma certificates from Kisii University are authentic. However, their re-designations to the positions of Artisan and Clerical Officer respectively were done irregularly. The appointment of Ronald Ng'osey to the position of Acting Head of Payroll was also irregular.

vii. Irregular Payment of Leave Allowance

Commutation of leave for cash in the case of Jairus Ombui was authorized by the Director. He had pending leave days due to exigencies of service hence the commutation was procedural.

viii. Contravention of Transport Policy

The allegation that staff was denied official transport to the burial of two of their colleagues contrary to policy and previous practice was unsubstantiated. The KIRDI HRPPM only provides transport to representatives of the Director's office during an officer's burial.

4.0 Consequential Observations

- I. It was observed that there were deep-seated systemic issues with respect to Human Resource Management in KIRDI given the numerous concerns that were raised in the allegations and the irregularities ascertained.
- II. It was noted that reviewed KIRDI human resource instruments including the draft Human Resource Policies and Procedures Manual, the Career Progression Guidelines, and Organization Structure are currently under review by the State Corporation Advisory Committee (SCAC).
- III. It was established that the KIRDI Human Resource Management Committee (KHRMC) was dysfunctional. The only human resource committee that exists is at the board level, yet the KIRDI HRPPM prescribes some human resource functions to the KHRMC.
- IV. There existed an internal complaint office that was aimed at addressing both internal and external complaints against the institution. However, the effectiveness of the office was questionable given the magnitude of internal complaints emanating from KIRDI.
- V. The Director/CEO is due to retire from office in June 2022 and therefore commencing his terminal leave from March 2022.
- VI. The grading structure at KIRDI has since changed following a job evaluation by the Salaries and Remuneration Commission. However, this report made reference to the previous grading structure as the reported allegations occurred while the previous structure was in place.
- VII. In the course of investigations, it came to light that the Inspectorate of State Corporations was investigating some of the allegations against KIRDI. However, the Inspectorate did not respond to the Commission's request dated 4th October 2021 to disclose the nature and progress of its investigations.
- VIII. Errors were noted in the copies of transcripts from Kisii University belonging to Paul Chirchir. Discrepancies were also noted in Paul Chirchir's and Ronald Ngososey's diploma certificates from Kisii University despite them having undertaken the same course, graduated at the same time, and from the same institution. This was in spite of confirmation by the University that the certificates were genuine.

5.0 Recommendations and Actions to be undertaken

5.1 Actions to be undertaken

Pursuant to section 42 (2) (b) of the CAJ Act, the Commission considers that the following actions should be taken and pursuant to section 42 (3) of the CAJ Act a report on the same be submitted to the Commission within the specified period:

- i.) The KIRDI Board of Directors to ensure that Dr. Patrick Kuloba's complaint against his supervisor is adequately addressed. The Board to further take steps in ensuring internal complaints handling mechanisms are strengthened and report back to the Commission on steps taken within six (6) months upon the release of this report.
- ii.) KIRDI Board to nullify all appointments in the capacity of Heads of Centers, Divisions, and Units as these positions are not provided for in the Career Progression Guidelines and thus no clear cut criteria are provided for appointment to these positions. The board is to report back to the Commission on steps taken within six (6) months upon the release of this report.
- iii.) The PS, State Department for Industrialization to ensure that the cost of Senior Management training undertaken by the following senior staff be surcharged from members of the Board who irregularly approved the training:
 - Dr. Arthur Steven Onyuka- Deputy Director, Technology Transfer & Extension Services
 - Dr. Martha Khasiala Induli- Deputy Director, Research Technology & Innovation
 - Stanley Abonyo- Assistant Director, Finance
 - Thomas Sitienei Kazungu- Principal Internal Auditor

The PS is to report back to the Commission on steps taken within six (6) months upon the release of this report.

- iv.) KIRDI Board to nullify the appointments of Vitalis Kiplagat, Thomas Sitienei, and the reinstatement of Jonathan Kandu as they were undertaken

irregularly. The board is to report back to the Commission on steps taken within six (6) months upon the release of this report.

- v.) KIRDI Board to nullify the appointment of Joan Bett as Acting Senior Human Resource officer as it was done irregularly. The board is to report back to the Commission on steps taken within six (6) months upon the release of this report.

5.2 Recommendations

Pursuant to section 42 (2) (c) of the CAJ Act, the Commission makes the following recommendations:

- i.) KIRDI Board and management to consider partnering with CAJ in enhancing the capacity of the institution's internal complaints Office.
- ii.) The State Corporations Advisory Committee in collaboration with the Public Service Commission reviews Human Resource practices at KIRDI with a view to addressing systemic malpractice at the institute with a focus on recruitment procedures, promotions, and preservation of HR records.
- iii.) SCAC to fast-track review of KIRDI Human Resource instruments with the aim to streamline human resource practices at the institute. SCAC to also ensure alignment of the KIRDI organogram with the Career Progression Guidelines.
- iv.) SCAC to monitor compliance by the KIRDI Board and management with the current Human Resource Policies and Procedures and Career Progression guidelines pending review and approval of the revised human resource instruments.
- v.) The Commission of University Education to conduct an audit on Kisii University with a view to establish the cause of discrepancies in academic certificates and ensure standardization of the same.