

# **THE COMMISSION ON ADMINISTRATIVE JUSTICE**

## **ANNUAL REPORT FY 2016/17**



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

## **Vision**

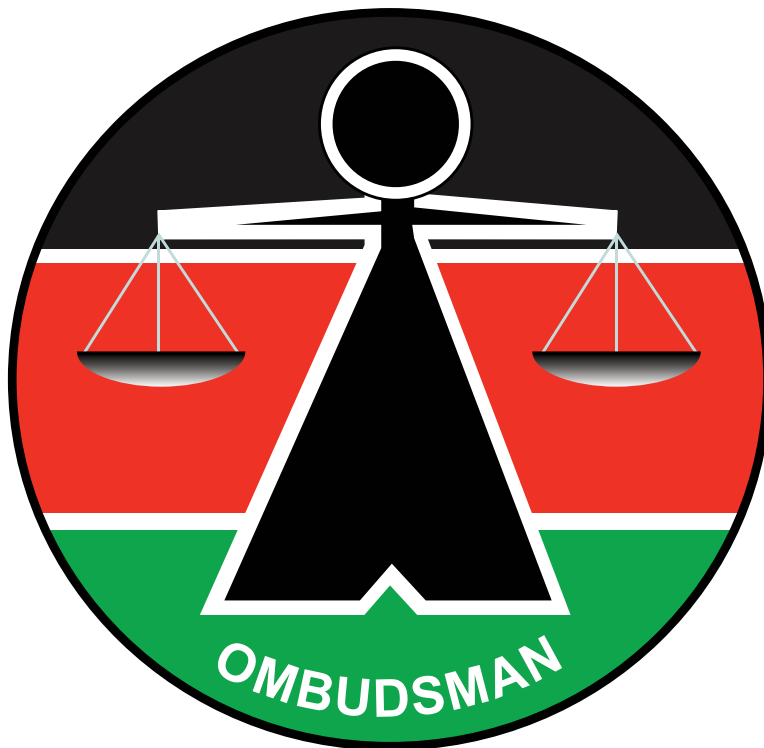
To be an effective overseer of responsiveness and servant-hood in public offices at national and county levels.

## **Mission**

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

## **Core Values**

Fairness, Accountability and Diversity



## *Hata Mnyonge ana Haki*

Annual Report 2017 © The Commission on Administrative Justice ( The Office of the Ombudsman)

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

## ABBREVIATIONS and ACRONYM

<b>ADR</b>	Alternative Dispute Resolution
<b>AOMA</b>	African Ombudsman and Mediators Association
<b>CAJ</b>	Commission on Administrative Justice
<b>GoK</b>	Government of Kenya
<b>ICT</b>	Information, Communication and Technology
<b>IEC</b>	Information, Education and Communication
<b>IFMIS</b>	Integrated Financial Management Information System
<b>NCAJ</b>	National Council for the Administration of Justice
<b>NSSF</b>	National Social Security Fund
<b>SLDP</b>	Senior Leadership Development Programme
<b>TSC</b>	Teachers Service Commission
<b>UNDP</b>	United Nations Development Programme

# TABLE OF CONTENTS

<b>FOREWORD</b> .....	<b>V</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>VII</b>
<b>1.0. ESTABLISHMENT AND MANDATE</b> .....	<b>1</b>
1.1. INTRODUCTION .....	1
<b>2.0. RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR</b> .....	<b>5</b>
2.1. COMPLAINTS HANDLING .....	5
2.2. CASES HANDLED .....	6
2.3. SUCCESS STORIES AND SAMPLE CASES .....	9
2.4. INVESTIGATIONS .....	24
<b>3.0. STRENGTHENING COMPLAINTS MANAGEMENT IN THE PUBLIC SECTOR</b> .....	<b>26</b>
3.1. TRAINING OF PUBLIC OFFICERS .....	26
3.2. RESOLUTION OF PUBLIC COMPLAINTS INDICATOR .....	30
3.3. VERIFICATION OF SERVICE DELIVERY STANDARDS .....	31
<b>4.0. ACCESS TO INFORMATION</b> .....	<b>33</b>
4.1. ADMINISTRATIVE REVIEW OF DECISIONS .....	34
4.2. DEVELOPMENT OF REGULATORY FRAMEWORK .....	36
4.3. PUBLIC EDUCATION ON ACCESS TO INFORMATION .....	36
<b>5.0. COMMUNICATION, PUBLIC EDUCATION AND ADVOCACY</b> .....	<b>38</b>
5.1. COMMUNITY EMPOWERMENT AND SOCIAL ACCOUNTABILITY .....	38
5.2. PUBLIC EDUCATION THROUGH MEDIA .....	39
5.3. OTHER AWARENESS PLATFORMS .....	39

<b>6.0. PROMOTION OF GOOD GOVERNANCE IN THE PUBLIC SECTOR.....</b>	<b>40</b>
6.1. INTRODUCTION .....	40
6.2. ADVISORY OPINIONS.....	40
6.3. HUDUMA OMBUDSMAN AWARD .....	42
6.4. MONITORING OF POLICE RECRUITMENT .....	42
6.5. PUBLIC INTEREST LITIGATION.....	42
6.6. ALTERNATIVE DISPUTE RESOLUTION .....	43
<b>7.0. PARTNERSHIPS AND LINKAGES .....</b>	<b>45</b>
7.1. FORUM OF CONSTITUTIONAL COMMISSIONS AND INDEPENDENT OFFICES .....	45
7.2. NATIONAL COUNCIL FOR THE ADMINISTRATION OF JUSTICE..	45
7.3. LEGISLATIVE AND POLICY DEVELOPMENT.....	46
7.4. STRATEGIC MEETINGS ON GOVERNANCE .....	46
7.5. COLLABORATING WITH OMBUDSMAN INSTITUTIONS.....	47
<b>8.0. FINANCE AND ADMINISTRATION .....</b>	<b>49</b>
8.1. HUMAN RESOURCE MANAGEMENT .....	49
8.2. DECENTRALISATION OF OMBUDSMAN SERVICES .....	50
8.3. FINANCIAL MANAGEMENT .....	50
<b>9.0. CHALLENGES AND WAY FORWARD .....</b>	<b>51</b>
9.1. CHALLENGES .....	51
9.2. WAY FORWARD .....	52
<b>ANNEX 1: CAJ FINANCIAL STATEMENT .....</b>	<b>54</b>

## FOREWORD

I am delighted to present the 2016/2017 Annual Report of the Commission on Administrative Justice (Office of the Ombudsman) in accordance with Article 254 of the Constitution, and Sections 53 and 26 of the Commission on Administrative Justice Act, 2011 and the Access to Information Act, 2016 respectively. This is the seventh report issued by the Commission as part of its accountability statement to the public on the progress made in enforcing administrative justice and the right of access to information. The Report covers the fiscal period between July 2016 and June 2017.

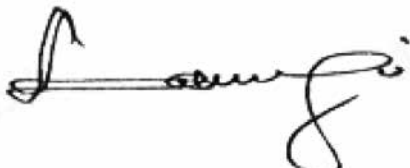
It is worthy to note the centrality of the Commission in the attainment of the objectives of the Kenya Vision 2030 and sustainable development goals. In particular, the enforcement of administrative justice and the right of access to information by the Commission is key to the enhancement of delivery of public services and good governance in general. The role of the Commission in the promotion of good governance was bolstered during the reporting period through the enactment of the Access to Information Act, which confers the oversight and enforcement functions on the Commission.

I am encouraged by the accomplishments of the Commission during the reporting period, occasioned by visionary leadership, staff commitment, innovation and strategic partnerships. Notably, we handled 92,994 complaints out of which 77,536 were resolved. Similarly, we enhanced the capacity of public institutions to deliver public services efficiently through training of 639 public officers, certification of 220 public institutions, technical assistance in the development of complaints management infrastructure and audit of service delivery standards. We also enhanced responsiveness and accountability through issuance of four advisory opinions and proposals, the *Huduma* Ombudsman Award for outstanding public institutions and officers, and public education. Additionally, we commenced the implementation of the Access to Information Act following its coming into force on 21<sup>st</sup> September 2016.

Whereas the Commission made the aforesaid strides, we nonetheless encountered challenges that affected the optimal attainment of its mandate. Key among them were budgetary constraints, unresponsiveness by some public institutions, lack of regulations to fully operationalise the Access to Information Act and pooling of publicity and awareness budget under the Government Advertisement Agency. In spite of the above, the Commission has adopted sound strategies and programmes to overcome the challenges and deliver on its mandate. This will be bolstered by leveraging on technology in complaints management in the public sector, enhancement of legal and regulatory frameworks, and strengthening of strategic partnerships and linkages.

The achievements outlined above would not have been possible without the innovation and commitment of the commissioners and staff. I take this opportunity to thank the former commissioners – Dr. Otiende Amollo (Chairperson), Dr. Regina Mwatha (Vice-Chairperson), and Saadia Mohamed (Member) for their visionary leadership and commitment during the reporting period in particular and their entire term at the Commission in general. I also thank the staff for their commitment and tireless efforts that enabled us to make strides in the execution of our mandate.

Moving forward, we will continue to discharge our duties and responsibilities faithfully in accordance with the law in order to realise our vision of 'an overseer of responsiveness and servant-hood in public offices and the national and county levels' in Kenya. We will certainly continue to live our motto, *hata mnyonge ana haki*. In this regard, I urge all Kenyans and other stakeholders to join us in this noble journey of institutionalising good governance in the country.



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



# EXECUTIVE SUMMARY

In accordance with Article 254(1) of the Constitution and Section 53(1) of the Commission on Administrative Justice Act, 2011, the Commission prepares and submits an Annual Report to Parliament and President detailing among others: description of the activities implemented, recommendations on legal and administrative measures to address specific concerns identified, its financial statements and any other information relating to its functions that it considers relevant.

This is the sixth Annual Report of the Commission on Administrative Justice. The report details the steps that the Commission has made in regard to the execution of its mandate in the financial year 2016/17.

This Report is divided into nine chapters with each chapter addressing a specific thematic area. The first chapter gives background information on establishment and mandate, vision, mission and core values. The content of the subsequent chapters are highlighted below.

## Righting administrative injustices

Addressing maladministration in the public sector is the principal mandate of the Commission, this is done through complaints handling and investigations. During the period under review, the Commission handled a total of **92,994** cases out of which **77,536** were resolved. From the analysis of the cases received and dealt with, maladministration, delay, abuse of power and unfair treatment

SUMMARY OF CASES HANDLED



CASES OUTSIDE MANDATE  
14%



CASES WITHIN THE MANDATE

## **Strengthening Complaints Management in the Public Sector**

The Commission works closely with the public sector institutions with a view to strengthen their internal complaints handling and management processes. To this end the Commission supported public institutions in the development and implementation of the citizen service charters, and establishment of complaints handling mechanisms. Equally, the Commission's trained public officers on best practices in complaint management, principles of public administration, compliance with the Indicator on resolution of public complaints and ADR.

## **Communication, Public Education and Advocacy**

The Commission implemented strategies and programmes aimed at enhancing public awareness on its various mandates. To this end, the Commission participated in three ASK shows, engaged the public on its various social media platforms including Facebook, Twitter and the website, and visited a number of counties to create publicity and promote administrative justice in Kenya.

## **Partnerships and Linkages**

The Commission leveraged on local and international partnerships to enhance its capacity to deliver on its mandate. The partnerships enabled the Commission to mainstream best practices in its operations, implement various programmes and activities, and establish collaboration for optimal performance.

## **Access to Information Act**

The enactment of the Access to Information Act, 2016 was a bold step towards enhancing good governance. The Act, which came into operation on 21st September 2016, gives effect to the right of access to information and confers oversight and enforcement responsibilities on the Commission. In the nine months since the Act came into effect, the Commission has handled 32 applications for review of decisions of public and private bodies in relation to access to information.

## Finance and Administration

The Commission continued to strengthen its capacity in order to enhance its efficiency and effectiveness through human capital development, adherence to financial policies and regulations, application of information and communication technology and increased service delivery points through establishment of a branch office.

### CAJ BUDGET ANALYSIS FY 2016/17

BUDGET ALLOCATION

468,632,200

AMOUNT EXPENDED

410,222,970



## Challenges

During the period under review, the Commission experienced a number of challenges key among them being low budgetary ceiling, frequent down time of IFMIS, pooling of publicity and awareness budget to Government Advertising Agency (GAA), late disbursement of funds and lack of regulatory framework for implementation of Access to Information law.

## Looking ahead: Financial Year 2017/18 and beyond

The Commission will continue to execute its mandate in its endeavor to promote good governance and influence positively public service delivery. Below are some of the strategic areas of focus for the coming year: -

- i. Review and develop a new strategic framework to guide the Commission through the next phase.
- ii. Operationalisation of the Access to Information law through development of a regulatory framework, and creation of awareness.

- iii. Enhancement of infrastructure and the human resource capacity.
- iv. Resource mobilisation through strengthening of linkages and partnerships.
- v. Capacity building and strengthening of linkages with MDAs to enhance good governance and increase responsiveness.

# CHAPTER ONE

## 1.0. ESTABLISHMENT AND MANDATE

### 1.1. INTRODUCTION

The Commission is established under Article 59(4) and Chapter 15 of the Constitution, and the Commission on Administrative Justice Act, 2011. The Commission consists of three commissioners and a secretariat headed by the commission secretary. The Commission has its Headquarters in Nairobi and four branch offices in Mombasa, Kisumu, Eldoret and Isiolo. Additionally, the Commission has 11 Huduma Centres spread across the country.

The mandate of the Commission is two-fold, and covers both national and county governments. Firstly, the Commission has the mandate of tackling maladministration (improper administration) in the public sector. In this regard, the Commission is empowered to, among other things, investigate complaints of delay, abuse of power, improper, unlawful or oppressive conduct, administrative injustice, unfair treatment, and manifest injustice or discourtesy. Secondly, the Commission has the mandate of overseeing and enforcing the implementation of the Access to Information Act, 2016 which applies to both public and private sector.

#### 1.1.1. Functions

The functions of the Commission as provided for in Section 8 of the CAJ Act, are:

- i investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice;
- ii investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;

- iii report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- iv inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;
- v facilitate the setting up of, and build complaint handling capacity in the sector of public service, public offices and state organs;
- vi work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- vii recommend compensation or other appropriate remedies against persons or bodies to which this Act applies;
- viii provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures; and
- ix promote public awareness of policies and administrative procedures on matters relating to administrative justice.

In addition, the Commission has the following functions under Access to Information Act;

- i investigate violations of the provisions of the provisions of the Act;
- ii receive reports from public entities with respect to implementation of the Act and evaluating the use and disclosure of information;
- iii facilitate public awareness and develop programs on the right to access information and the right to protection of personal data;
- iv promote right of access to information in public entities;
- v monitor state compliance with international obligations related to the right to access information and protection of personal data;
- vi hear and determine complaints and review decisions arising from violations of the right to access information;
- vii promote protection of data; and

- viii perform such other function as the commission may consider necessary for the promotion of access to information and promotion of data protection.

### **1.1.2. Powers**

The Commission derives its powers from the Constitution, the constitutive Act and the Access to Information Act. In this regard 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 obtain relevant information from any person; and
- vii adjudicate on matters relating to administrative justice and access to information.

### **1.1.3. Achieving the Mandate**

The Commission implements its mandate in varied ways, including the following:

- i complaints handling which is carried out through inquiries, investigations, adjudication or alternative dispute resolution methods;
- ii public education and awareness;
- iii training and technical support on complaints management and access to information;
- iv advisory opinions on matters affecting public administration and right of access to information;
- v public interest litigation; and
- vi audits or spot checks on public offices to ascertain standards of service delivery.

#### 1.1.4. Vision

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

#### 1.1.5. Mission

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

#### 1.1.6. Core Values

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

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

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

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



# CHAPTER TWO

## 2.0. RIGHTING ADMINISTRATIVE INJUSTICES IN THE PUBLIC SECTOR

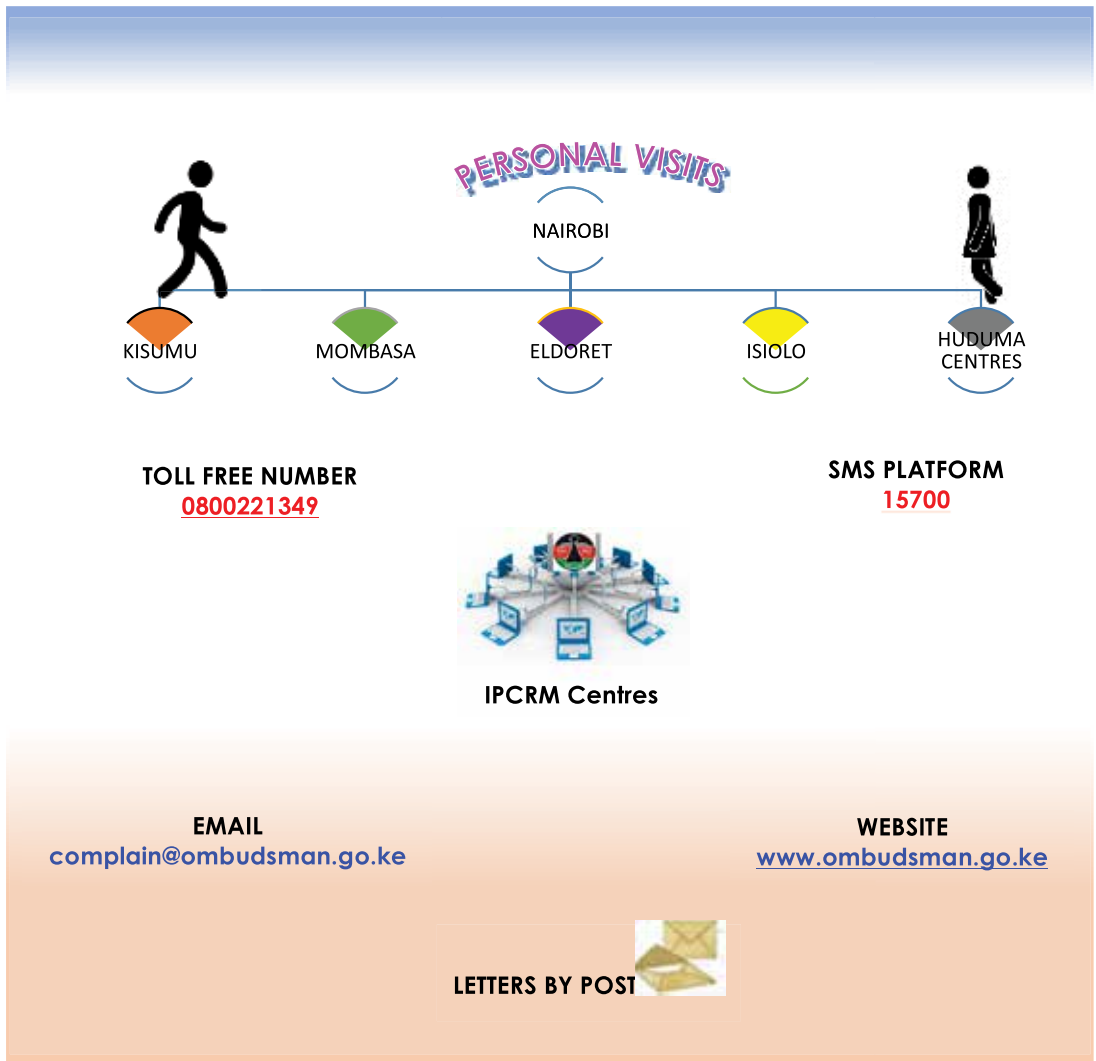
This chapter deals with the mandate of the Commission in relation to addressing maladministration which is manifested in unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others. This was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

### 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 provided that an oral complaint is reduced 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.

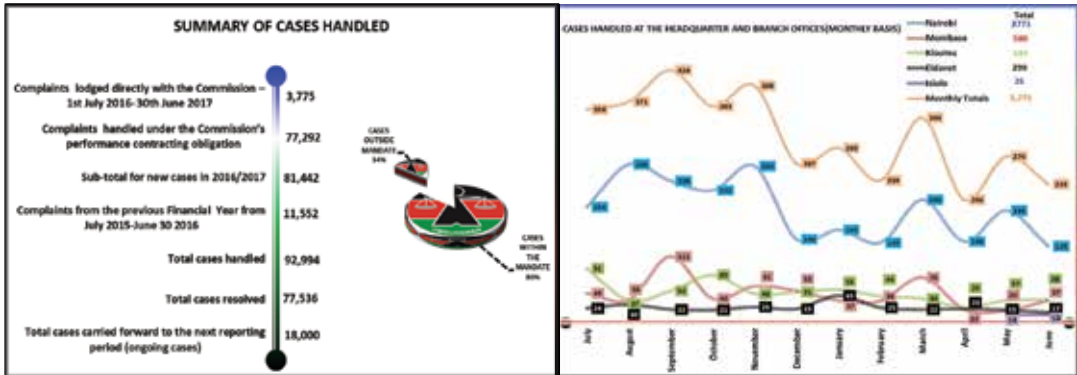
**Figure 1: Ways of Lodging Complaints to the Commission**



## 2.2. CASES HANDLED

During the period under review the Commission handled a total of 92,994 complaints of which 81,442 were new cases and 18,000 complaints carried forward from the previous year. The breakdown is presented in Figure 2.

**Figure 2: Summary of Cases Received**



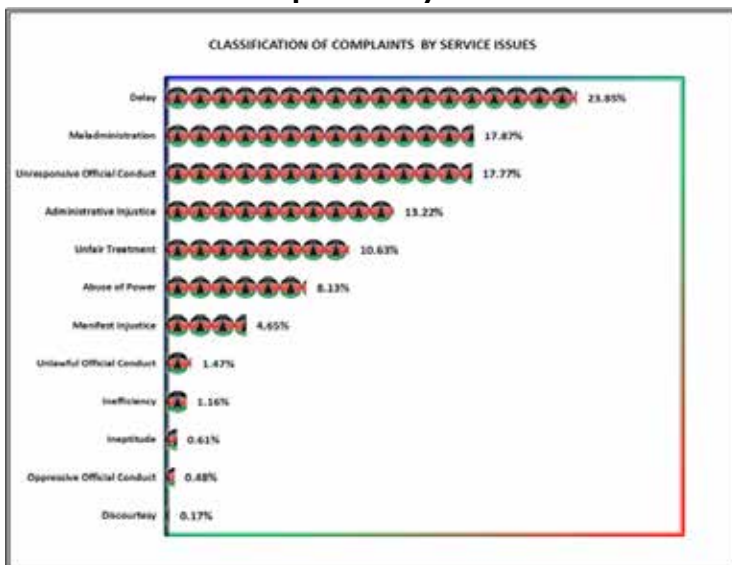
### 2.2.1. Analysis of Cases Based On Service Issues, Gender and Respondents

This section represents an analysis of complaints handled based on service issues, gender and respondents

#### 2.2.1.1. Service Issues

Figure 3 demonstrates that maladministration, delay, abuse of power and unfair treatment are prevalent in the public sector thereby impeding service delivery

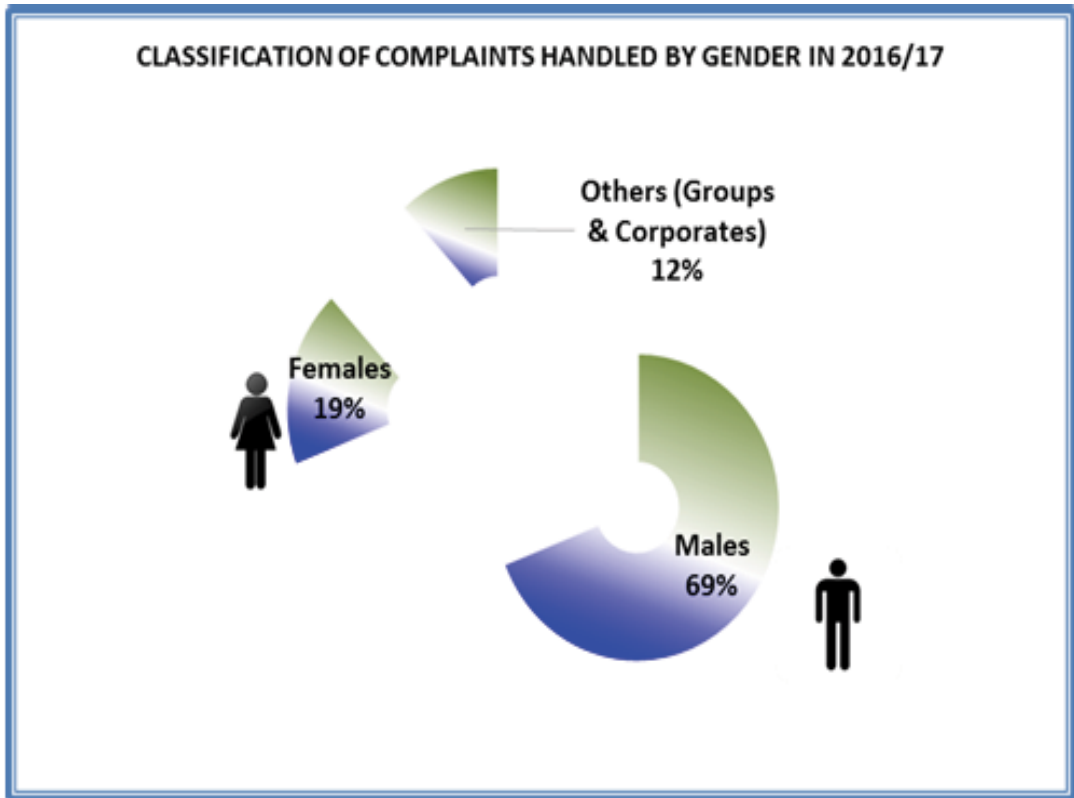
**Figure 3: Classification of Complaints by Service Issues**



### 2.2.1.2. GENDER

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

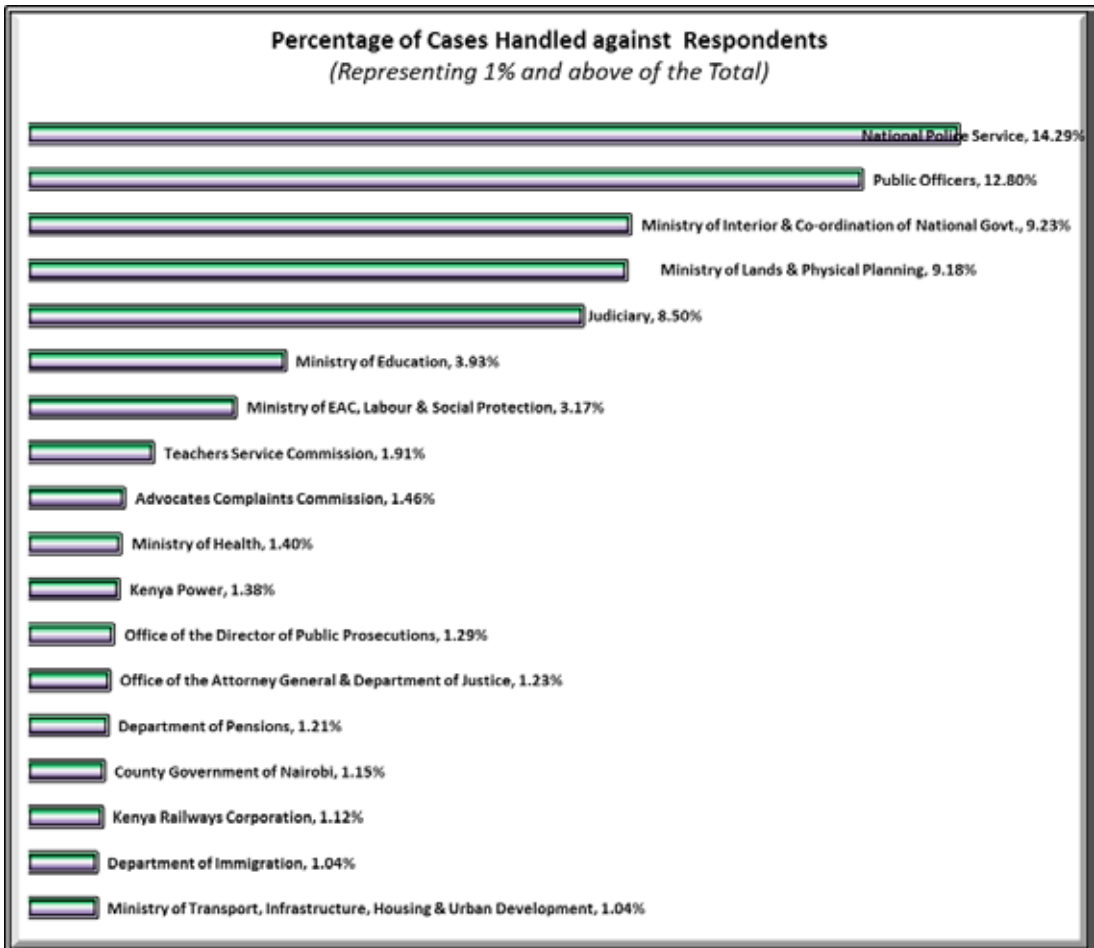
**Figure 4: Classification of Complaints by Gender**



### 2.2.1.3. Analysis of Cases Based on Respondents

Figure 5 presents a synopsis of the number of complaints lodged against public institutions and officers.

**Figure 5: Classification by Complainants**



## 2.3. SUCCESS STORIES AND SAMPLE CASES

### 2.3.1. SUCCESS STORIES

#### CASE STUDY 1

The Commission secured justice for a minor who had been knocked down by a motorist along the Mombasa-Malindi Highway in April 2016. The matter was reported to Nyali Police Station, but no action was taken to bring the suspect to book. This prompted the Complainant to lodge a complaint with the Commission on behalf of the minor. Upon receipt of the complaint, the Commission intervened and the motorist was arrested and charged in court.

## CASE STUDY 2

The Commission successfully intervened on a complaint by an in-mate at Kibos Main GK Prison against the officer in charge of the facility. The Complainant had stated that the Officer had failed to appreciate his asthmatic medical condition and comply with a recommendation by a doctor for him to be deployed in an environment with minimal dust and cold. Instead, he alleged that he continued to be assigned duties in areas that triggered asthmatic attacks. His efforts for resolution with the Department of Correctional Services were unsuccessful which made him lodge the complaint. Commission intervened and the Complainant was deployed in environmentally friendly areas and later transferred to Siaya GK Prison where he is comfortable.

## CASE STUDY 3

The Commission assisted a complainant, who was a nurse stationed in Uasin Gishu County, to obtain a transfer to the National Spinal Injury Hospital in Nairobi. The complainant had sought transfer in 2015 on the basis of the need to cater for her four year old child with cerebral palsy who was undergoing treatment at the Kenyatta National Hospital. As a result of delay in processing the request, the complainant reported the matter to the Commission which successfully intervened. The complainant was posted to her preferred station and promptly paid the transfer allowance.

## CASE STUDY 4

The Commission assisted a complainant to secure payment of work injury benefit amounting to KES. 1,027,992 which had been outstanding since 2010. The then Ministry of Internal Security and Provincial Administration had failed to pay dues for the injuries sustained in the course of his duties in Kakamega in 2010. Following the intervention by the Commission, the complainant was compensated.

### CASE STUDY 5

The Commission successfully intervened in a complaint against the University of Nairobi thereby enabling the complainant to graduate in 2016. The complainant had stated that the supervisor for his postgraduate degree course at the University had inordinately delayed to supervise his work since July 2012 making him unable to complete the course. Further, he stated that the University had failed to address his concerns. Upon receipt of the complaint, the Commission took up the matter with the University whereafter it was successfully resolved and the complainant was able to complete his studies and graduate.

### CASE STUDY 6

The Commission assisted a complainant to secure a scholarship of KES 37,000 for his child who was living with disability from the National Council for Persons with Disabilities. The complainant had stated that the Council had failed to respond to his application for scholarship for the child who was a student at Mirema School in Nairobi.

### CASE STUDY 7

A complaint was lodged against the Naivasha Land Registry for failure to issue the complainant with a certificate of official search for land parcel No. Naivasha/Maraigushu Block 10/830 since January 2017 despite meeting all requirements and paying the requisite charges. Upon receipt of the complaint, the Commission successfully intervened and the official search certificate was issued.

### CASE STUDY 8

The complaint related to the failure by Jaramogi Oginga Odinga University of Science and Technology to pay the complainant (a lecturer) dues amounting to KES 84,000. The complainant stated that her follow-ups on several occasions were unsuccessful. The Commission took up the matter with the University and the complainant's dues were settled.

### CASE STUDY 9

The Commission assisted a complainant to secure payment of KES 248,500 being the decretal amount in Migori SPMCC 393 of 1998. The complainant had stated inordinate delay by the Office of the Attorney-General to settle the court award. The Commission intervened and the decretal amount was paid.

### CASE STUDY 10

The Commission successfully resolved a complaint against the Lake Basin Development Authority for termination of employment. The complainant, who had been employed on contract by the Authority as a Technical Assistant, stated that the termination was done without following the due process of law. The Commission intervened and the complainant was reinstated on permanent and pensionable terms.

### CASE STUDY 11

The complaint related to alleged unfairness in the recruitment of the Assistant Chief II in Kisumu East Sub-County. It was alleged that the Ministry of Interior and Co-ordination of National Government had failed to follow the laid down procedures in the recruitment process. The Commission inquired into the process and found that the Ministry had followed to the laid down procedures.

### CASE STUDY 12

The Commission successfully resolved a complaint against the Rural Electrification Authority for failure to connect the complainant's premises in Nyamagongwe Village in Kuria East Constituency with electricity. The complainant stated that he had met the requirements, including payment of KES. 46,400. The Commission intervened and the power was connected.



### CASE STUDY 13

The Commission assisted a complainant to secure his employment benefits following his resignation as a librarian from Emusire High School in Vihiga County. He stated that the School had delayed to pay the benefits in spite of his several follow-ups. The Commission intervened and the benefits were paid.

### CASE STUDY 14

The Commission assisted the complainant, a womens' group, to secure payment of KES 400,000 from Siaya County Government for services rendered. The complainant stated that the County Government had failed to settle the claim for the construction of four pit latrines at Odendo market South Gem Ward. Following the intervention of the Commission, the the outstanding dues were paid.

### CASE STUDY 15

The Commission assisted complainants to secure registration of their church, African Church of Jesus Christ Restoration Ministries. The complainants stated that the Registrar of Societies had delayed to furnish them with the registration certificate despite meeting the requirements. Following the intervention of the Commission, the registration certoficate was issued.

## 2.3.2. SAMPLE CASES

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

**Table 1: Sample of complaints handled**

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
1	Catherine Mutwiwa CAJ/MWAT/009/206/17	Kenya Water Institute	Unfair Treatment	A complaint that the respondent unfairly treated the complainant by requiring her to transfer from Nairobi to Kitui Office (No further details provided)	Requested the complainant to provide further details and supporting documents
2	Joness MOmanyi CAJ/M/IGC/062/729/17	Ministry of interior and coordination of National Government	Unfair Treatment	A complaint that the Respondent failed to pay some employees allowances for work done in Somalia when repatriating refugees  (No further details provided)	Requested the complainant to provide further details and supporting documents
3	Joshua Siguna CAJ/MINO/020/91/17	Kenya Industrial Research and Development Institute	Unresponsive official conduct	A complaint that the Respondent failed to provide the complainant with reasons for a Report issued to him  (Details given are unclear)	Requested the complainant to provide further details and supporting documents
4	Anonymous CAJ/MEDU/013/1325/17	Athi River Primary School	Abuse of Power	A complaint that the Respondent is unfairly charging parents school fees for primary school education (No further details provided)	Requested the complainant to provide further details and supporting documents
5	Kiplagat Kirui CAJ/M. LAN/022/1600/17	Kenya National Highways Authority	Abuse of Power	A Complaint that the Respondent has erected a road – SOTIK- Gorgor road C15, on his property Plot No. ABOSI/542A but he has not been compensated adequately	Inquiry initiated which is still ongoing
6	Rights Concern CAJ/POL/015/3168/17	National Police Service	Unresponsive official conduct	A complaint that the son of the Chief of Olalui Location in Trans Mara Sub County defiled a class 7 year old girl and the said chief is shielding him from prosecution	Requested for better particulars
7	CAJ/POL/015/3117/16	National Police Service	Delay/ Unresponsiveness	A Complaint alleging police failure to act following a report that had been made to the police regarding missing funds of Kisumu East Cotton Growers Cooperative. The said funds were entrusted to Nominated Senator Joy Gwendu to convey to the society's banker after a fundraising event.	Initiated an inquiry which is ongoing

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
8	CAJ/M. EDU/013/1213/16	Kagumo Training Teachers College	Unfair Treatment	A complaint alleging failure by the Kagumo Training, Teachers College to settle allowance arrears that were a result of a negotiated settlement following withdrawal of court action by the complainants.	Initiated an inquiry which is ongoing
9	CAJ/M.IGC/062/50416	Kenya National Examinations Council	Administrative injustice	A complaint alleging failure of the Kenya National Examinations Council to replace an altered KCSE Certificate leading to the dismissal of the complainant from employment at the Ministry of Interior & Coordination of National Government on the assertion that the complainant presented a forged document.	Matter resolved in favour of KNEC by way of a determination.
10	CAJ/M. ROA/006/94/16	Kenya National Highway Authority	Maladministration	A complaint alleging that the Kenya National Highway Authority unlawfully displaced complainants as a result of the latter's road expansion of the proposed James Gichuru junction to Rironi (A104).	Initiated an inquiry into the matter which is still ongoing.
11	CAJ/KPS/002/107/16	Kenya Prisons Service	Administrative injustice	A complaint alleging that the Kenya Prison administration have failed to promote the current five thousand graduates of Kenya Prison Service to various position advertised recently such as Constable, Corporal, and Sergeants etc. Further, the complainants stated that the last promotions were done in 2012 hence adversely affecting the complainants' career progression.	Initiated an inquiry into the matter which is still ongoing.
12	CAJ/M.LAB/017/657/16	Ministry of Labour	Unfair Treatment	A complaint alleging that the Nakuru County Labour Offices failed to resolve the complainant's matter. The complaint emanated from alleged failure by SLOK Construction Limited to pay the complainant her terminal dues.	Initiated an inquiry into the matter which is still ongoing.

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
13	CAJ/PO/047/16	Public Officer	Injustice	A complaint alleging that a current Member of County Assembly, in Imara Daima operated a bar which is situated inside the complainants' estate. The said bar is said to be a nuisance and unhygienic. Despite numerous complaints by the complainants, the bar was still operating.	Initiated an inquiry into the matter to void the nuisance.
14	CAJ/M.EDU/013/1301/16	Ministry of Education, Science & Technology	Delay	A complaint alleging that the Ministry of Education, Science & Technology entered into a contract with the complainant for renovation of a stand at the Nairobi International Trade Fair. However, the Ministry failed to pay the complainant for the said services.	Initiated an inquiry into the matter which is ongoing.
15	CAJ/BGM/JUD/001/5/2016	Judiciary	Delay	A complaint alleging that there is delay in issuance of grant of letters of administration in BUNGOMA H. C. SUCC. CAUSE NO. 423 OF 2014 RE; FLORENCE ADISA MARY AJUK.	The the initiated inquiry. quiry.ure she was assisted.on namelyMatter referred to the Judiciary Ombudsperson for resolution.
16	CAJ/BGM/PO/047/4/2016	Public Officer	Civil Dispute	A complaint alleging that the Assistant Chief, Mbakalo Sub location convinced the complainant to swap her land for a non-existent land parcel allegedly belonging to the Assistant chief. The Assistant Chief then used his powers to bar her from accessing her rightful parcel of land.	Requested for supporting documents ten initiated inquiry.
17	CAJ/BGM/MCSK/052/1/2016	Music Copyright Society of Kenya (MCSK)	Unfair Treatment	A complaint alleging that MCSK charged the complainant Kshs. 12,000.00 for failure to pay for the previous year's license even though she avers that she did not do business in the said year, 2015.	Requested for supporting documents and later initiated an inquiry.

No	Complaint Ref. No.	Respondent	Classification	Summary of Complaint	Remedial Action Taken
18	CAJ/BGM/M.ICG/062/3/2016	Ministry of Interior and Coordination of National Government	Unfair Treatment	A complaint alleging that the complainant was employed as a subordinate staff in 1981 in the Office of the President and deployed to Teso District where he worked until February 2000 when he was promoted to the position of clerical officer. He was retrenched on 31.10.2000. His salary was however not increased for the period he worked following his promotion and his NSSF dues were not remitted between 1995 and 2000.	Initiated an inquiry which is still ongoing.
19	CAJ/BGM/ FIN/000/4/2016	Kenya Revenue Authority (KRA)	Unfair Official Conduct	A complaint alleging that the County Government of Bungoma exempted the complainant from paying tax since she was disabled but KRA did not.	Complainant referred to KRA desk at Bungoma Huduma Center. The commission followed up to ensure she was assisted.
20	Geoffrey Cubi Rugio CAJ/NIB/014/250/16	National Irrigation Board	Land dispute	A complaint alleging that the National Irrigation Board had failed to oversee the equal sub-division of Rice Holding No. 2165 in Thiba Section, Mwea that belonged to the complainant's late father resulting to a long protracted dispute on its ownership.	The Complainant was advised to seek the services of lawyer to advise him as the matter had been determined by a court in Wan'uru Law Court in Misc. Application No. 6 of 2011 – Morris Gikuri Kariuki vs Patrick Githaka Chubi and was subject to further litigation in a judicial review application namely Embu JR No. 53 of 2011- Republic vs Wang'uru SRM and Another.

### 2.3.3. SAMPLE LETTERS of APPRECIATION

ion on Administrative Justice Mail - LOAN DISBURSEMENT <https://mail.google.com/mail/u/0/?ui=2&ik=3ff74451ae&view=p>



KARIMI, Salome <s.karimi@ombudsman.go.ke>

#### LOAN DISBURSEMENT

Robert Maritim <maritimro@gmail.com>  
To: "KARIMI, Salome" <s.karimi@ombudsman.go.ke>

Mon, May 16, 2016 at 3:37 PM

Dear Salome,

I am grateful to the Ombudsman for the effort they put towards the disbursement of help loan of 40,000 that I was awarded. The disbursement had delayed for almost two years and now the money had been disbursed to the campus account and the good news is that it has reflected in the student portal. Thanks to the Ombudsman's office and may GOD reward your effort.


From ROBERT MARITIM, student at MKU, KABARNET CAMPUS.  
BLESSINGS!!  
[Quoted text hidden]

Dear Sir /Madam;

I hereby with all due respect it deserve take this opportunity to acknowledge that the office of the Ombudsman has helped the Noah Society to get its registration certificate from the registrar of societies, for this we will always be grateful for the wonderful service given to us through this office.



Yours Sincerely,

 19/07/2016

Richard Simiyu  
for Noah Society  
(0704 207 46 6)



GODFREY J. OTIENO  
P.O. BOX 6030-40103,  
KISUMU  
28-12-2016

THE COMMISSION ON ADMINISTRATIVE JUSTICE  
"OFFICE OF THE OMBUDSMAN"  
P.O. BOX 1967-40100  
KISUMU


Dear Sir/Madam,

**RE: COMPLAINT REGARDING ERRONEOUS NSSF DEDUCTION TSC NUMBER 139368**

Many thanks for your letter dated 9<sup>th</sup> November 2016 that I received today. I am grateful and appreciate efforts you have put in resolving the matter. There is a glimpse that light might appear at the end of the tunnel.

I acknowledge with thanks that responsiveness.

Yours faithfully,

  
**GODFREY J.O. OTIENO**

EmmahTeresiaOwino,

P.O. BOX 1818,

KISUMU.

2<sup>nd</sup> March, 2017

The Chairperson,  
Commission for Administrative Justice,  
Central Square Building  
2<sup>ND</sup> Floor, Oginga Odinga Street,  
P.O. Box 1967-40100,  
KISUMU.  
Tel: 0718-965590



Dear Sir/Madam,

**RE: PAYMENT OF SALARY**

I am humbled to inform Commission for Administrative Justice that I received my cheque on 1<sup>st</sup> March, 2017 being full payment for the lessons I offered at Jaramogi Oginga University of Science and Technology.

I therefore take this opportunity to express my sincere gratitude to the entire group working at the Commission who enabled me to succeed.

Yours sincerely,

  
Emmah Teresia Owino



DR. HANNINGTON OCHIEL  
P.O BOX 71-40105  
MASENO  
TEL. 0716 580 650/0722 794 965

DATE: 21<sup>ST</sup> December, 2016

THE OFFICER INCHARGE,  
OFFICE OF THE OMBUDSMAN/  
COMMISSIN ON ADMINISTRATIVE JUSTICE,  
WEST KENYA REGION HEADQUATERS,  
KISUMU.

RE: COMPLIMENTARY/APPRECIATION REMARKS

The above subject matter refers.

I wish to express my sincere gratitude to this office for the support they have accorded me and needy victims of injustice over the years in particular, in dealing with cases of sluggish and poor quality service delivery in public offices, there by facilitating public service reforms and transformation.

Yours faithfully,



**DR. HANNINGTON OCHIEL**  
**HUMAN RIGHTS ACTIVIST.**



24<sup>TH</sup> JANUARY ,2017.

THE CHAIRMAN ,

THE COMMISSION ON ADMINITRATIVE JUSTICE

P.O.BOX 1967 - 40100

KISUMU

ATTENTION MR. LILAKO.

Dear sir,

RE: REFUND FROM PORT FLORENCE.

Refer to my letter dated 10<sup>TH</sup> October 2016 appreciating your office's effort to help regarding my complain against Port Florence Hospital. I wish to confirm that indeed that effort was not invain for I received a cheque of Ksh 10400/- on a date I cannot remember towards the end of October 2016. It was an oversight on my part not to bring this to your attention, and am sorry for this for without your intervention I would have not got the refund.

I Sincerely say thanks to the entire Ombudsman Kisumu.

Yours sincerely



Ben Aggrey Muga Oselle.



C/O. MUMIAS POLICE DIVISION

P.O. Box 665

**MUMIAS**

27/04/2017

The Ag. Chairperson

Commission on Administrative Justice

P.O. BOX 20414-00200

**NAIROBI**

Dear Sir,

**RE: COMPLAINT AGAINST A FELLOW POLICE OFFICER**

**CPL. JACOB KAMAU P/NO.76712/1999033024**

I acknowledge receipt of your letter REF:CAJ/POL/040/1821/16-FN dated 24<sup>th</sup> January, 2017 and CAJ/POL/040/1821/16-FN dated 7<sup>th</sup> April, 2017 and the enclosure therein (REF:NPSC/1/29/4/VOL.V/(56) dated 13<sup>th</sup> March, 2017).

This is to thank you most sincerely for the good work your office is doing to seek justice for the oppressed at no cost.

The unfair deductions have been stopped as from the month of April, 2017 and we really appreciate the part you played in the same, and it is our hope that the monies we had been deducted will be refunded to us.

Thank you so much and God bless you as you keep on fighting for the weak.

Yours Sincerely,



**RUTH WAMBUI**



From Complainants

Box 3,

Eldoret.

23/12/2016

Dear Ombudsman, (Eldoret office)



RE: APPRECIATION

We wish to register our appreciation and satisfaction as beneficiaries of your services. We brought our complaints to your desk, about a year ago and we acknowledge that we received the much needed assistance from your office and we can now proceed to the next level as we have been made aware that issues of litigation cannot be handled by your office.

Kindly accept this correspondence as a thank you note and proceed with any necessary action on your part as regards this matter. Once again we thank every individual who attended to us. Thank you for the integrity, courtesy and confidentiality that your office extended to us.

Sincerely,

Complainants

## 2.4. INVESTIGATIONS

The Commission investigated various matters that impede public administration during the reporting period. The investigations were prompted by either complaints made by members of the public or the Commission's own initiative and were either systemic or specific. Whereas systemic investigations related to inherent weaknesses in structures and procedures of public institutions, specific investigations focused on improper conduct of public officers. The Commission conducted 10 investigations some of which are highlighted below.

No.	Investigation	Key Finding(s)	Key Recommendation(s)
1	Complaint of irregular compensation by the National Land Commission (NLC) relating to the acquisition of land from Kishamba "B" Group Ranch for the Standard Gauge Railway (SGR) Project	<ul style="list-style-type: none"> <li>• NLC followed due process in the acquisition and compensation of land from Kishamba 'B' Group Ranch.</li> <li>• NLC paid 70% of the compensation and retained 30% due to disagreement among the officials of the Group Ranch.</li> </ul>	<ul style="list-style-type: none"> <li>• NLC should engage the local administrative mechanisms to establish the actual beneficiaries and release the remaining 30% of the compensation to them.</li> </ul>
2	Allegations of maladministration in the operations of the Kilifi Lands Offices under the Ministry of Lands and Physical Planning	<ul style="list-style-type: none"> <li>• There was poor service delivery at Kilifi Lands Offices due to human and systemic factors. This included delay and/or failure to determine boundary disputes, lack of funds and equipment, and non-adherence to timelines in the Service Delivery Charter.</li> <li>• The inefficiencies at the offices created room for 'brokers' leading to malpractices.</li> </ul>	<ul style="list-style-type: none"> <li>• The Ministry should strengthen the performance management system and provide adequate working tools for the officers.</li> </ul>
3	An allegation that the University of Nairobi administration had mishandled the April 2016 students' elections	<ul style="list-style-type: none"> <li>• There was no malfeasance or culpability on the part of the University administration regarding the April 2016 students' elections.</li> <li>• There were irregularities in the elections of student leaders at the University in April 2016 which were triggered by weaknesses in the Constitution of the students union.</li> </ul>	<ul style="list-style-type: none"> <li>• The Constitution of the students union should be reviewed to provide for term limits, effective and accountable leadership, management of the elections and campaign expenditure.</li> </ul>
4	An allegation of abuse of power and unfair treatment by the Transport Officer in the Ministry of Education in the assignment of duties and treatment of drivers.	<ul style="list-style-type: none"> <li>• The investigation found out that the officer acted within the provisions of the law hence not found culpable.</li> <li>• The internal complaints handling mechanism was weak.</li> </ul>	<ul style="list-style-type: none"> <li>• The Ministry should strengthen its complaints handling mechanism to provide a platform for accessible and expeditious redress of staff complaints.</li> </ul>

# CHAPTER THREE

## 3.0. STRENGTHENING COMPLAINTS MANAGEMENT IN THE PUBLIC SECTOR

The Commission continues to influence good governance, and contributes to improvement of service delivery in the public sector. This is in line with the Kenya Vision 2030 which lays emphasis on service delivery. Pursuant to section 8 (e) of the constitutive Act, the Commission facilitates the setting up of, and builds complaints handling capacity in the public sector. The Commission also acts as a check on policies, processes, systems and procedures involved in service delivery. Equally, it plays a critical role in the implementation of performance contract in the public service.

### 3.1. TRAINING OF PUBLIC OFFICERS

In the Financial Year 2016/2017, the Commission trained 639 officers drawn from 83 institutions across diverse sectors. The training specifically targeted complaints officers, senior managers and frontline officers. Considering the Commission's focus on service delivery, the training revolved around best practices in complaint management, principles of public administration, compliance with the Indicator on resolution of public complaints and ADR. Table 2 presents the number of institutions and officers trained during the period under review.

**Table 2: Number of Public Institutions Trained in Financial Year 2016/2017**

NO	NAME OF INSTITUTION	NUMBER OF OFFICERS
1	Kenya Medical Research Institute	123
2	Kenya Industrial Research and Development Institute	58
3	Kenya Industrial Estates Limited	38
4	Retirement Benefits Authority	36
5	County Government of Kiambu	36
6	Witness Protection Agency	32
7	Kenya Education Management Institute	31

NO	NAME OF INSTITUTION	NUMBER OF OFFICERS
8	Egerton University	30
9	National Treasury	29
10	Agriculture and Food Authority	24
11	National Housing Corporation	21
12	Ministry of Foreign Affairs	21
13	National Environment Management Authority	20
14	Kenya National Highways Authority	16
15	Communications Authority	16
16	New Kenya Cooperative Creameries	12
17	National Industrial Training Authority	10
18	Kenya Medical Supplies Authority	7
19	Youth Enterprise Development Fund	2
20	Kenya Utalii College	2
21	Capital Markets Authority	2
22	National Aids Control Council	2
23	University of Nairobi	2
24	Agricultural Finance Corporation	2
25	Office of the Attorney General & Department of Justice	2
26	Kenya Pipeline Corporation	2
27	South Nyanza Sugar Company Ltd	2
28	University of Kabianga	2
29	Jaramogi Oginga Odinga University of Science & Technology	2
30	National Construction Authority	2
31	Ewaso Ngiro South Development Authority	2
32	Privatization Commission	1
33	Sacco Societies Regulatory Authority	1
34	Public Procurement Regulatory Authority	1
35	Kenya Electricity Transmission Company	1
36	Kenya Industrial Property Institute	1
37	Kenya Revenue Authority	1
38	Anti-Counterfeit Authority	1
39	KASNEB	1
40	National Biosafety Authority	1

NO	NAME OF INSTITUTION	NUMBER OF OFFICERS
41	Kenya National Examinations Council	1
42	Kenya Leather Development Council	1
43	Commission for University Education	1
44	Kenya Nuclear Electricity Board	1
45	Kenya Veterinary Vaccines Production Institute	1
46	Export Promotion Council	1
47	Competition Authority	1
48	Kenya Tourism Board	1
49	Bomas of Kenya	1
50	Export Processing Zones	1
51	Kenya Reinsurance Corporation	1
52	Kenya School of Law	1
53	Nairobi Technical Training Institute	1
54	Tourism Fund	2
55	Multimedia University	1
56	Kenya Institute of Curriculum Development	1
57	Kenya Roads Board	1
58	University of Eldoret	1
59	Kitale Polytechnic	1
60	Kenya Film Commission	1
61	Kenya National Commission for UNESCO	1
62	Chuka University	1
63	Embu University	1
64	South Eastern Kenya University	1
65	Kenyatta International Convention Centre	1
66	Lake Victoria North Water Services Board	1
67	Maasai Mara University	1
68	Kenya Maritime Authority	1
69	Tom Mboya University College	1
70	Bumbe Technical Training Institute	1
71	Kerio Valley Development Authority	1
72	Chemelil Sugar Company Ltd.	1
73	Industrial and Commercial Development Corporation	1



NO	NAME OF INSTITUTION	NUMBER OF OFFICERS
74	National Council for Population and Development	1
75	Nyeri Technical Training Institute	1
76	Athi Water Services Board	1
77	Women Enterprise Fund	1
78	Friends College Kaimosi	1
80	Kenya Institute of Mass Communication	1
81	Kenya Safari Lodges & Hotels	1
82	Ministry of Devolution and Planning	1
83	Kenya Forest Service	1
84	Kisii Polytechnic	1
<b>Total Number of Officers Trained</b>		<b>639</b>



**A group Photo of Kenya Ports Authority Staff and CAJ Officers taken after A training Session**

### 3.2. RESOLUTION OF PUBLIC COMPLAINTS INDICATOR

The Indicator 'Resolution of Public Complaints', introduced in the Performance contracting framework during the financial year 2009/10, is key to improvement of public service delivery.

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

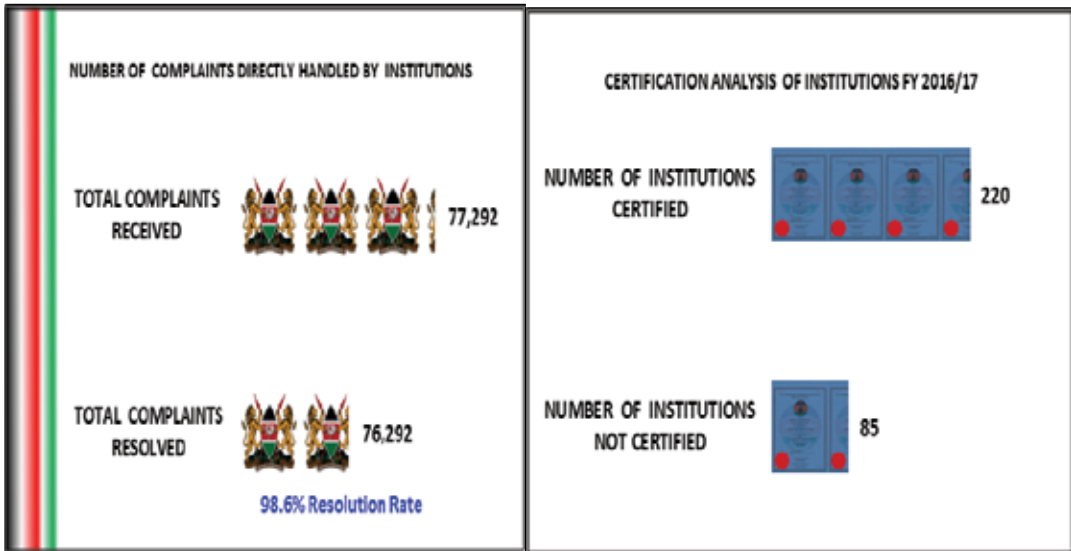
During the period under review, the Commission developed the sixth edition guidelines for implementing the Indicator in line with the National Government Performance Contracting Guidelines, and other relevant policies and laws.

The Guidelines required public institutions to:

- i. establish complaints handling and management infrastructure,
- ii. develop complaints handling policy and procedures,
- iii. maintain complaint registers,
- iv. develop, implement and publicise citizen service delivery charters,
- v. build capacity for complaints handling officers and staff,
- vi. create awareness on complaints handling systems,
- vii. resolve and report on a quarterly basis to the Commission on complaints handled and action taken,
- viii. indicate channels of receiving complaints from members of the public.

During the period under review, institutions reported handling 77,292 complaints out of which 76,210 - representing 98.6% - were resolved. Of the 305 public institutions under the purview of the Indicator, 220 were fully compliant, having satisfied the requirements of the guidelines, while 85 were not.

Figure 6 presents an analysis of complaints handled and institutions certified.



**Figure 6: Certification and Complaints Analysis**

### 3.2.1. PROVISION OF TECHNICAL SUPPORT

As the overseer of service delivery in the public sector, the Commission continues to support public institutions in the development and implementation of the citizen service charters, and establishment of complaints handling mechanisms. In relation to service charters, the Commission ensures that public institutions express commitments to service standards and adherence to the same, and protect the rights of customers. To this end, the Commission supported public institutions to develop complaints handling infrastructure.

### 3.3. VERIFICATION OF SERVICE DELIVERY STANDARDS

To ensure improvement in service delivery the Commission carried out audit exercises on public institutions to ascertain adherence to service delivery standards and to verify the reports submitted to the Commission. The audits focused on the following main areas:

- i. institutional set-up including accessibility and signage;
- ii. service quality standards;

- iii. establishment of complaints management infrastructure;
- iv. customer perception of services offered;
- v. complaints management process; and
- vi. existence and effectiveness of feedback mechanisms.

In the reporting period the Commission conducted spot checks on 13 public institutions selected based on the number of people seeking services, number of complaints received, and nil returns.

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

- i). develop and/or review customer-focused complaints handling mechanism that is responsive to the needs of customers;
- ii). review, publicise and display citizen service delivery charters at strategic points within the institutions;
- iii). empower frontline officers with information about the services offered (including on-line services), processes, and timelines;
- iv). ensure proper records management for ease of retrieval; and
- v). create an enabling environment for customers to lodge complaints as well as include CAJ contacts in the service charters.

# CHAPTER FOUR

## 4.0. ACCESS TO INFORMATION

Access to information is one of the integral components of good governance worldwide. It is not only a human right, but it also facilitates the full realisation of the civil and political rights, socio-economic rights as well as the group rights. Fundamental rights and freedoms such as equality, dignity, protection of the law, non-discrimination, education, health, expression, participation and clean environment are largely dependent on the right to access to information. Similarly, it promotes sustainable development, efficient delivery of public services and democratic governance. Fundamentally, access to information enhances public participation in governance and addresses the culture of secrecy which in most cases breeds impunity, inefficiency and corruption. It equips citizens with requisite information about the policies, procedures and decisions of duty bearers thereby engendering efficient delivery of services and the rule of law.

In the context of Kenya, the significance of access to information is manifested in Article 35, the national values and principles of governance, the values and principles of public service under Article 232, and the objects of devolution under Article 174 of the Constitution. The enactment of the Access to Information Act in 2016 was, therefore, a bold step towards enhancing good governance. The Act, which came into operation on 21<sup>st</sup> September 2016, gives effect to the right of access to information and confers oversight and enforcement responsibilities on the Commission. Notably, the Commission is mandated to perform the following functions:

- i) investigate, hear and determine complaints from the public or on its own motion of violations of the Act;
- ii) oversee implementation of the Act and consider reports from public bodies and certain private bodies on the implementation of the Act;
- iii) develop and facilitate public education on the Act;

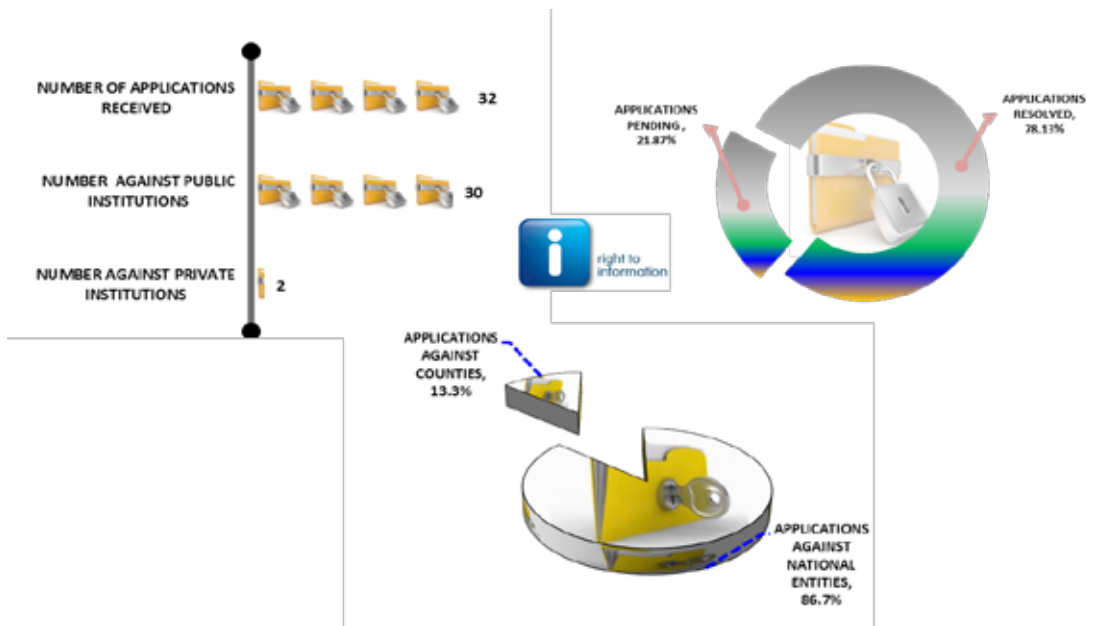
- iv) monitor Kenya's compliance with its international treaty obligations relating to access to information and protection of personal data;
- v) promote the protection of personal data;
- vi) work with public entities and regulatory bodies to promote the right to access information and protection of personal data; and
- vii) submit annual and special reports to Parliament on the status of implementation of the Act.

Pursuant to section 20(3) of the Act, the Commission designated one of its commissioners as the Access to Information Commissioner with the responsibility of performing the functions assigned to the Commission under the Act. The Commission also formulated and implemented a number of programmes and activities geared towards the full operationalisation of the Act as highlighted below.

#### 4.1. Administrative Review of Decisions

Administrative review relates to the examination of the decisions of a public or private body in relation to a request for information. This includes a decision denying access to information, partial grant of access to information, deferment of access to information, grant of access to information in edited form, imposition of a fee, grant of access only to a specified person, remission of a prescribed application fee, and refusal to correct, update or annotate a record of personal information.

In the nine months since the Act came into effect, the Commission has handled 32 applications for review of decisions of public and private bodies in relation to access to information. Out of the applications received 25 were resolved while seven are still ongoing. Further, out of the applications handled, 30 were against public bodies (26 against public offices within the National Government and four against County Governments) while two were against private bodies. It is worth noting that 28 applications handled sought review of decisions denying access to information, and two of the applications related to proactive disclosure. The following combined chart shows an analysis of the various issues and trends from the administrative review.



**Figure 7: Classification of Applications Received**

Some of the applications reviewed during the reporting period are highlighted below:

- The Commission successfully handled an application for review against the decision of the National Construction Authority denying access to information on the names and contact details of the contractors and project owners/developers/sponsors in their databases meant to facilitate the Applicant's PhD research. Following the intervention by the Commission, the Authority supplied the requested information to the satisfaction of the Applicant.
- The Commission handled an application against the National Social Security Fund on proactive disclosure. The Applicant had alleged that the Fund had failed to publish information on all its audited financial statements and reports for public scrutiny on its website or any other medium as required under the Act. Upon scrutiny by the Commission, it was found that the Fund had had published the relevant information.
- The Commission successfully intervened in an application for review of the decision of the Ethics and Anti-Corruption Commission refusing to grant information sought by an applicant. The Applicant made a request

for a copy of an investigation report on alleged corruption in the defunct Ministry of Transport and Communication which was finalised in October 2010. Upon intervention by the Commission, the requested information was supplied to the applicant.

## 4.2. Development of Regulatory Framework

The effective implementation of the Act is hinged on the development of appropriate mechanisms and tools such as regulations, guidelines and policies. In this regard, the Act envisages the development of such frameworks for complementarity. In recognition of this imperative, the Commission initiated consultations with relevant stakeholders, including the Cabinet Secretary responsible for information and the Chief Justice. The Commission also commenced the development of proactive disclosure guidelines to assist public and private institutions in undertaking their duties and responsibilities under the Act.

## 4.3. Public Education on Access to Information

Public education on access to information seeks to empower various publics to meaningfully participate in governance, and build the capacity of the duty bearers to undertake their duties and responsibilities under the Act. The upshot of public education is responsive, efficient, transparent and accountable delivery of services to the public. The Commission endeavoured to create awareness on the right of access to information and data protection during the last 12 months. This was achieved through initiatives targeting different audiences. The main strides made by the Commission in relation to public education are highlighted below.

- i) **Capacity Building in the Public Sector:** The Commission mainstreamed access to information in the training of public officers under the performance contracting system. This enabled the Commission to sensitise a number of public bodies and public officers on their duties and obligations. Some of the public bodies sensitised were the Ministry of Lands and Physical Planning, the National Transport and Safety Authority, Agricultural Finance Corporation, the Communications Authority of Kenya, State Law Office, the Judiciary and the Insurance Regulatory Authority.



ii} **Public Empowerment:**

The Commission executed various initiatives to create public awareness about the right of access to information. This included publication of information on the Act in print media, sensitisation of civil society actors, sensitisation of the public through various forums, and engagement through social media. Similarly, the simplification of the Act and translation of the simplified version into Kiswahili is at an advanced stage.



The Commission's work under access to information was supported by a number of development partners. The support was in form of information sharing and enhancement of the capacity of the Commission to implement the new law. The partners include Kenya National Archives and Documentation Service, Article 19, USAID-AHADI and GIZ.

# CHAPTER FIVE

## 5.0. COMMUNICATION, PUBLIC EDUCATION AND ADVOCACY

During the financial year, the Commission implemented strategies, programmes and activities aimed at enhancing public awareness on its various mandates. Advocacy and public education also focused on empowering the public to report maladministration as well as seek reviews for requests on access to information.



**Staff Members of the Commission attending to the public during outreach activities**

### 5.1. Community empowerment and social accountability

Advocacy and public education was carried out through county visits in Nandi, Bungoma, Taita Taveta, and Isiolo. Further, the Commission employed existing community structures in informal settlements to engage the public. Specifically, the Commission held public forums in Kangemi, Kawangware, Kibera and Mukuru kwa Reuben. In line with this the Commission trained 24 volunteers drawn from opinion leaders in the four settlements who facilitate community engagement by the Commission in their localities. Committee members to provide more exposure on the mandate of the Commission including the new additional mandate on access to information. The aforementioned forums also provided an opportunity for the Commission to give legal aid. The Commission produced and disseminated IEC materials to augment public education efforts.

## 5.2. Public Education through Media

The Commission secured opportunities for public education on various radio and television stations including Baliti FM, Angaaf Radio, Coro FM, Emoo FM, Citizen TV and NTV. In addition, the Commission carried out public education on print media as well as engaged the public on its own media including Facebook, Twitter and the website.

## 5.3. Other Awareness Platforms

The Commission made use of other public platforms provided by various partners to engage the public. In this regard, the Commission participated in three ASK shows, namely: Mombasa International Show, Kitale National Show and Kisumu Regional Show. Similarly the Commission had multiple platforms offered by its partners including Transparency International Kenya, religious groups, Law Society of Kenya, Judiciary, county governments, Kenya Prisons Service, Inter Region Economic Network, Kenya Forest Research Institute among others.

# CHAPTER SIX

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

### 6.1. INTRODUCTION

The Commission, like other Constitutional Commissions, is mandated under Article 249 of the Constitution to safeguard public interest by protecting the sovereignty of the people, securing the observance of democratic values and principles and promoting constitutionalism. Further, Articles 59(2) (h-k) and 252 of the Constitution, and section 8 of the CAJ Act empower the Commission to promote good governance in public administration. The Commission, therefore, plays an important role that complements the checks and balances under the conventional three arms of government. This section details the strategies employed by the Commission in promoting good governance.

### 6.2. ADVISORY OPINIONS

In line with its mandate under the Constitution and the law issued four advisory opinions on matters of public interest. The overall objective was to improve public administration through policy, legal and administrative interventions. The advisories were disseminated to relevant stakeholders through various channels including media. The advisory opinions issued are highlighted below.

#### **6.2.1. Advisory opinion on the National Treasury Circular No. 13 of 2016**

The Commission issued an advisory opinion to the Cabinet Secretary for National Treasury on Circular No. 13/2016 regarding the implementation of the 2016/2017 budget. While appreciating the role of the National Treasury in public financial management, the Commission noted that Treasury issued the Circular effecting budget cuts without Parliamentary approval. Accordingly, the Commission advised the National Treasury to withdraw the offending part of the Circular, disburse the total allocations, and seek parliamentary approval in instances where adjustments were necessary.

## 6.2.2. Advisory opinion on the participation of public officers and use of public resources in political activities

The Commission issued an advisory opinion on the alleged involvement of public officers in appointive positions, and use of public resources in political activities. The Commission noted that such actions would not only be an affront to the Constitution but also contrary to the law in terms of sections 14 and 15 of the Election Offences Act, 2016. It also noted that such actions would undermine professionalism, the rule of law, efficiency and accountability in the public service. On this basis, the Commission advised against use of public resources and involvement of holders of appointive positions in partisan political activities. The Commission also advised IEBC and the Director of Public Prosecutions to monitor and ensure strict compliance with the law.



Attorney General Prof Githu Muigai presenting an award to Cpl. David Chumo during the Huduma Ombudsman Award ceremony. Looking on is the Commission's acting Chairperson Dr. Regina Mwatha

### 6.3. Huduma Ombudsman Award

The Commission recognised and awarded outstanding public officers and institutions under the Huduma Ombudsman Award scheme. The Award, in its third edition, is aimed at motivating public officers and promoting excellence in service delivery. In this regard the Commission recognised seven individuals and one institution. The Award provides an opportunity for members of the public to hold public institutions and officers to account.

### 6.4. Monitoring of Police recruitment

The Commission was participated as an observer in the nationwide police recruitment exercise conducted in May, 2017. The observation established that the exercise was fairly transparent though the Commission noted non-compliance with the two-thirds gender principle as the female candidates were given, on average, 12% of the total slots. The Commission shared its report with relevant agencies for consideration.

### 6.5. Public Interest Litigation

Public interest litigation is one of the strategies adopted by the Commission to advance administrative justice and constitutionalism. The importance of public interest litigation lies in the binding, coercive and conclusive nature of judicial pronouncements. As such, in the context of the Commission, it complements the Commission's other strategies for enforcing administrative justice and constitutionalism. In this regard, the Commission participated in 16 matters thereby immensely contributing to the rule of law through enunciation of novel jurisprudence and restatement of the national values and principles of governance.

## Commission on Administrative Justice versus Insurance Regulatory Authority & Attorney-General [2014] eKLR

The Commission successfully moved court to declare the Motor Insurance Underwriting Guidelines issued by the Insurance Regulatory Authority on 20th November 2009 unconstitutional, illegal, and null and void. The Guidelines had outlined varied and wide ranging directive setting prices of premiums for motor insurance. Specifically, the Commission averred that the Authority acted outside its powers in issuing the Guidelines. Further, it contended that the Guidelines had never been gazetted and undermined competition and innovation in the insurance industry. The court found that the Guidelines did not have the force of the law since they were issued without jurisdiction and had never been gazetted. Accordingly, the Court quashed the Guidelines.

### 6.6. Alternative Dispute Resolution

In the context of ADR, the Commission is empowered under section 8(f) of the Act to “work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration.” This provision draws from Article 252(1) (e) of the Constitution that provides that commissions and independent offices have “powers necessary for conciliation, mediation and negotiation.”



Commission Chair Dr. Otiende Amollo and parties during a site visit to a disputed piece of land in Ntulele, Narok County in a mediation case referred to the Commission by the High Court.

Pursuant to the foregoing, the Commission employed ADR in the resolution of a number of complaints lodged against public institutions. The use of ADR was due to the need to maintain relationships between the disputants and promote amicable, expeditious and satisfactory outcomes thus creating a win-win situation. In this regard, the Commission applied ADR on:

1. A complaint lodged against the Ministry of Lands and Physical Planning regarding allocation of a parcel of land known as *Kishamba Ranch* within the Coastal region.
2. Court matters referred to the Commission for resolution. This included the dispute over land with regard to Ntulele Group Ranch in Narok; a dispute regarding the Lake Turkana Wind Power Project; and a dispute regarding alleged unsettled land rates to Machakos County Government.

In addition to the above, the Commission also handled other disputes in diverse sectors including immigration services, health insurance, education, pensions, and employment.



# CHAPTER SEVEN

## 7.0. PARTNERSHIPS AND LINKAGES

The Commission leveraged on local and international partnerships to enhance its capacity to deliver on its mandate. The partnerships enabled the Commission to mainstream best practices in its operations, implement various programmes and activities, and establish collaboration for optimal performance. In the year under review, the Commission participated in strategic meetings, enhanced co-operation with other ombudsman Institutions, and participated in joint initiatives with players in the administration of justice sector. Some of the collaborations are highlighted below.

### 7.1. Forum of Constitutional Commissions and Independent Offices

The Commission continued to play a significant role in the activities of the Forum of Constitutional Commissions and Independent Offices during the reporting period. The Forum brings together all constitutional commissions and independent oversight bodies in Kenya and provides a platform for the attainment of the collective responsibility under Article 249 of the Constitution. Notably, the Commission participated in the Forum's meetings which dealt with issues of public interest, such as transition in county governments, constitution of constitutional commissions, enforcement of the rule of law, and funding of the oversight bodies. To this end, the Commission issued two advisory opinions to the President under the aegis of the Forum on issues relating to public administration.

### 7.2. National Council for the Administration of Justice

The Commission continued to actively participate in the activities of the National Council for the Administration of Justice (NCAJ). NCAJ is a multi-agency co-operation platform established under the Judicial Service Act with the responsibility of overseeing and promoting sector-wide partnership through policy formulation and resource mobilisation for effective administration of justice. The members include the Judiciary, Office of the Attorney General, Office of the Director

of Public Prosecutions, Witness Protection Agency, Office of the Inspector General of Police, the Law Society of Kenya, Kenya Prison Service, the Independent Electoral and Boundaries Commission, the Ethics and Anti-Corruption Commission and the Kenya Law Reform Commission among others. During the reporting period, the Commission participated in the quarterly meetings of NCAJ, and the development of a framework for collaboration with the Council of Governors in the context of devolution.

### 7.3. Legislative and Policy Development

As a player in the promotion of constitutionalism, the Commission influenced policy by providing input to key legislative bills. These included the Access to Information Bill, the Election Laws (Amendment) Bill of 2016, the Legal Aid Bill of 2016 among others all of which have were subsequently enacted into law. In addition, the Commission participated in various task forces which included the Task Force on the Review of the Legal, Policy and Institutional Framework for fighting corruption which made proposals for strengthening of the anti-corruption framework. The Task Force prepared amendments to various anti-corruption laws [the Anti-Corruption Laws (Amendment) Bill, 2016] which were submitted to the Attorney-General for publication and forwarding to Parliament. The Task Force also examined the Data Protection Bill, 2016 and the Whistleblower Protection Bill, 2016.

### 7.4. Strategic Meetings on Governance

The Commission participated in a number of meetings, trainings and workshops, and made contributions to the subjects of governance and public administration. Notably, the Commission held strategic meetings with the Kenya National Archives and Documentation Service, the delegation on constitutional review from the Kingdom of Lesotho and the European Union. In addition, the Commission participated in the following events:

- i) The Third Annual Youth Summit on youth empowerment on civil rights through education, advocacy and leadership held at the University of Nairobi on 25<sup>th</sup> October 2016.

- ii) The Law Society of Kenya Annual Conference held from 17<sup>th</sup> to 21<sup>st</sup> August 2016 where the Commission made the keynote presentation on 'Corporate Governance, Corruption and Failing Institutions.'
- iii) The Second Annual Judges and Magistrates Colloquium on the theme 'Introspection and Sharing Experiences: Sustaining Judicial Transformation in a Digital Environment and Electioneering Period' held in Nairobi in June 2017.
- iv) A training for the Inspectorate of Government of Uganda on the topic 'The Ombudsman and Administrative System Improvements – the Experience of the Commission on Administrative Justice' held in Kampala from 28<sup>th</sup> to 30<sup>th</sup> June 2017.

## 7.5. Collaborating with Ombudsman Institutions

The Commission fostered partnerships with other ombudsman institutions for purposes of information sharing and experience technical assistance. This was enhanced by the role of the Chairperson as the Secretary General of the African Ombudsman and Mediators Association. In particular, the Commission participated in the 2016 Burundi Peace Conference held under the aegis of the Ombudsman of Burundi. The Conference brought together various stakeholders in peace-building and conflict resolution from Africa and beyond to discuss conflict resolution and ways of strengthening the capacity of the Ombudsman in mediation and management of conflicts. Similarly, the Commission participated in the Ombudsman Conference in Angola as well as the 50<sup>th</sup> Anniversary of the establishment of the First Ombudsman in Africa – Tanzania's Permanent Commission of Enquiry in 1966 – which underscored the important role of the Ombudsman in governance.

### a) The International Ombudsman Institute

The Commission strengthened its participation in the activities of the International Ombudsman Institute (IOI). This included information sharing on ombudsmanship and activities of the Commission. Notably, the Commission participated in the 11<sup>th</sup> World Conference in Bangkok, Thailand in November 2016. The World Conference of the IOI, usually

organized every four years, presents a unique global networking opportunity for ombudsman institutions as well as providing a platform for sharing experiences. The Commission participated in the Conference through panel discussions and a presentation on the challenges in the Ombudsman's work resulting from multiple mandates.'

## **b) The African Ombudsman and Mediators Association**

The Commission enhanced its participation in the activities of the African Ombudsman and Mediators Association (AOMA) in 2016. In particular, as the Secretariat of AOMA, the Commission successfully organised the Association's Fifth General Assembly which was held in Durban, South Africa, and three meetings of the AOMA's Executive Committee to discuss pertinent issues concerning the Association.

## **IPCRM**

The IPCRM is a joint initiative of the Commission on Administrative Justice (CAJ), the Ethics and Anti-Corruption Commission (EACC), the Kenya National Commission on Human Rights (KNCHR), the National Cohesion and Integration Commission (NCIC), the National Anti-Corruption Campaign Steering Committee (NACCSC) and Transparency International Kenya (TI), aimed at strengthening partnerships between the state oversight institutions in the handling, management and redress of complaints as well as providing feedback to the public.

A key achievement of the initiative was the rolling out of a new electronic system with a public portal where members of the public can lodge complaints on their own to any of the institutions.

# CHAPTER EIGHT

## 8.0. FINANCE AND ADMINISTRATION

The Commission continued to strengthen its capacity in order to enhance its efficiency and effectiveness through human capital development, adherence to financial policies and regulations, application of information communication and technology (ICT) and increased service delivery points through establishment of a branch office.

### 8.1. HUMAN RESOURCE MANAGEMENT

The Commission continues to grapple with the challenge of understaffing, bearing in mind the huge gap between the approved establishment of 336 and 72 staff in place. This has overstretched staff of the Commission owing to heavy workloads and affected decentralisation plans. If not address, this may undermine realisation of the Commission's mandate. The Commission is in consultation with the relevant arms of government with a view to addressing the challenge. Notwithstanding the challenge of understaffing, the Commission sponsored 30 officers to undertake various courses to equip them with skills to handle new tasks. Figure 8 presents the number of officers trained.



Figure 8: Number of Staff Trained

## 8.2. DECENTRALISATION OF OMBUDSMAN SERVICES

The Commission established a branch office in Isiolo County in line with its plan to enhance accessibility of its services. By virtue of its central location, the office serves a wide catchment area including Meru, Samburu, Marsabit, and Laikipia. The Isiolo office brings the number of branch offices to four. The other offices are located in Kisumu, Mombasa and Eldoret. The Commission also has presence in 11 Huduma Centres in various parts of the country.

## 8.3. FINANCIAL MANAGEMENT

During the 2016/17 financial year, the Commission was allocated KES 468,632,200, out of which, KES 410,222,970, which signifies a 91% absorption rate, was expended on planned activities. In implementing the budget, the Commission observed best practices and complied with the relevant laws and regulations that govern the management of public funds. The Commission, however, experienced a number of challenges such as delayed release of allocated funds among others which affected full absorption of allocated funds. The audited accounts with detailed expenditure are provided in annex 1.

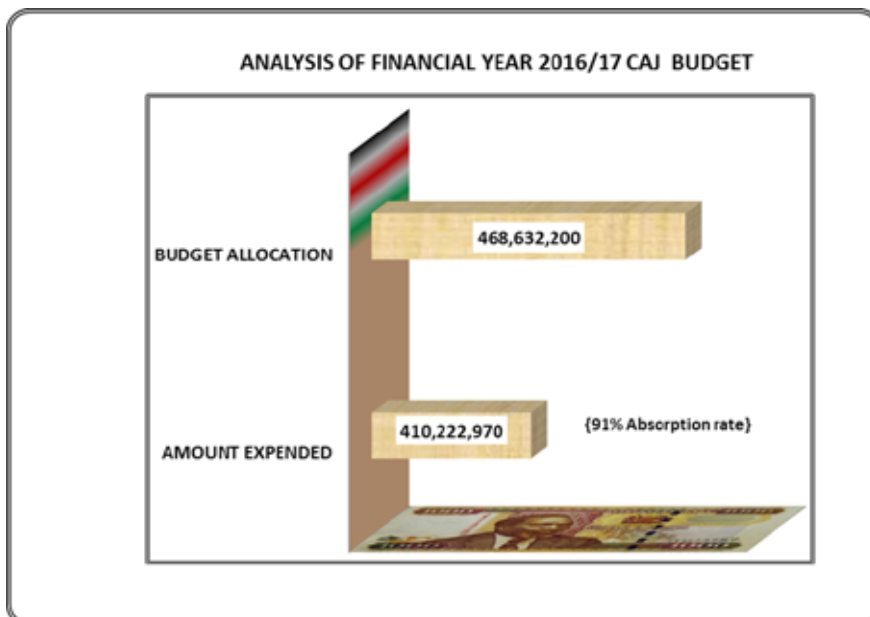


Figure 9: Budget Analysis Financial Year 2016/17

# CHAPTER NINE

## 9.0. CHALLENGES AND WAY FORWARD

Despite the successes highlighted in the report, the Commission experienced a number of challenges that impeded optimum realisation of its mandate.

### 9.1. CHALLENGES

The main challenges were:

#### **i. Low budgetary ceiling**

The budgetary ceiling is not commensurate with the Commission's wide mandate which was further expanded following the enactment of the Access to Information Act in September 2016. This has overstretched human resource capacity and infrastructure, and inhibited decentralisation of ombudsman services to counties and implementation of programmes.

#### **ii. Budgetary Cuts**

The Commission was affected by the unilateral application of austerity measures by the National Treasury which negatively affected implementation of its programmes.

#### **iii. IFMIS and e-Procurement**

Frequent downtime of the IFMIS affected and delayed the procurement of goods and services, which had a negative effect on planned activities. Further, the inability of suppliers to transact business on the e-procurement portal hampered timely acquisition of goods and services.

#### **iv. Pooling of Publicity and Awareness Budget to Government Advertising Agency (GAA)**

The Commission encountered challenges in planning and accessing communication and advertising funds held by GAA due to lack of transparency on the budgetary allocation making planning difficult. The Agency has not, since establishment, shared with the Commission statements on allocation and expenditure. As a result, planned communication and advertising activities were hardly implemented.

#### **v. Late disbursement of funds**

Delayed disbursement of funds affected timely implementation of planned activities and absorption rate.

#### **vi. Unresponsiveness**

The high resolution rate notwithstanding, there are a number of institutions that still remain unresponsive to inquiries by the Commission. This has affected the turnaround time for resolution of complaints.

#### **vii. Lack of Regulatory Framework for Implementation of Access to Information Law**

Development of regulations is necessary for the full operationalisation of the Access to Information Act. Whereas the law gives oversight and enforcement functions to the Commission, it places the responsibility of spearheading development of regulations to the Ministry of Information, Communication and Technology. It is important to note that the Ministry is yet to kick start the development of the regulations. As a result of the inaction/delay of the Ministry the Commission is unable to fully implement the Act.

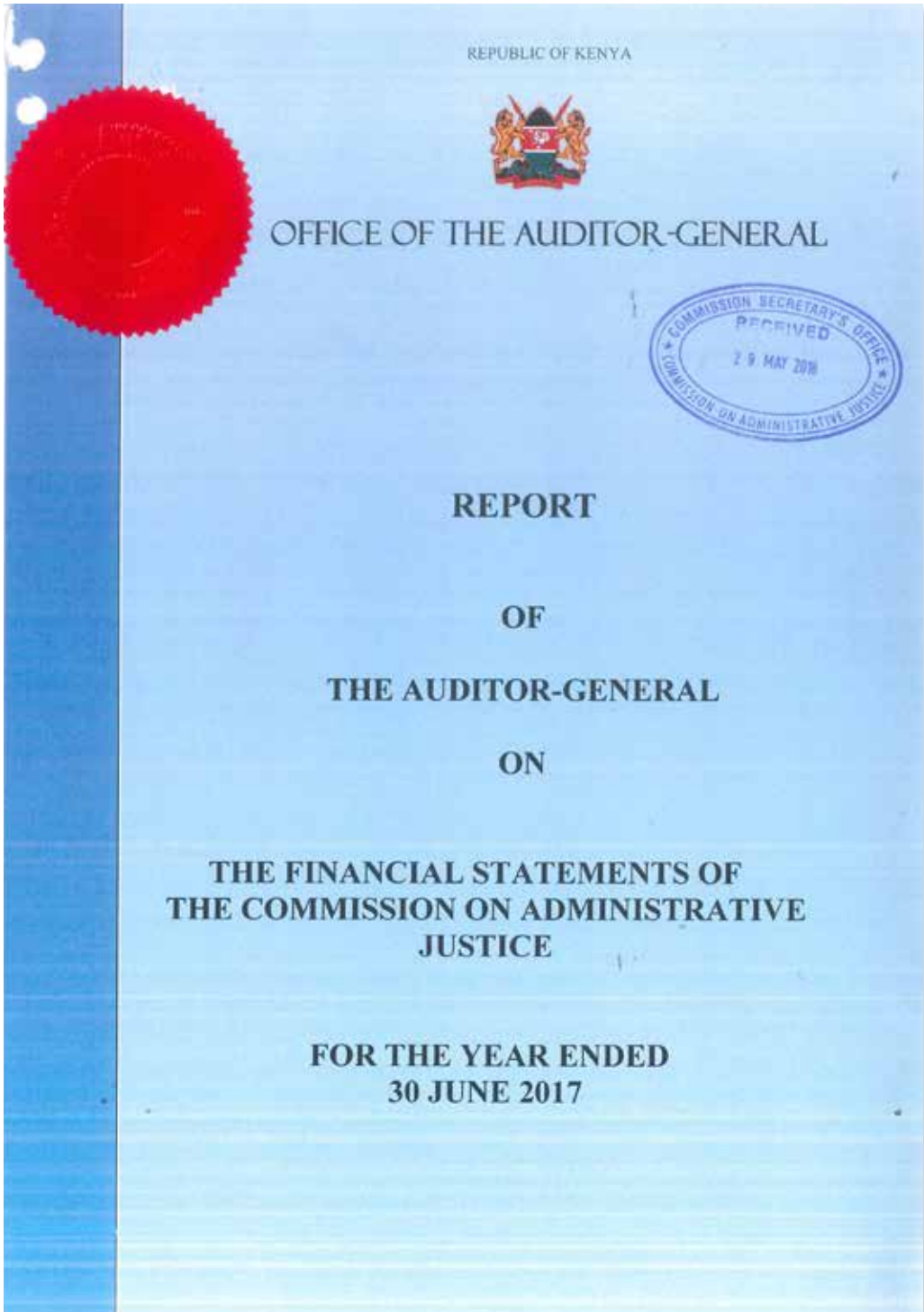
## **9.2. WAY FORWARD**

The Commission will continue to execute its mandate in its endeavor to promote good governance. Below are some of the strategic areas of focus for the coming year:-



- i. Review and develop a new strategic framework to guide the Commission through the next phase.
- ii. Operationalisation of the Access to Information law through development of a regulatory framework, and creation of awareness.
- iii. Enhancement of infrastructure and the human resource capacity.
- iv. Resource mobilisation through strengthening of linkages and partnerships.
- v. Capacity building and strengthening of linkages with MDAs to enhance good governance and increase responsiveness.

# ANNEX 1: CAJ FINANCIAL STATEMENT



THE COMMISSION ON ADMINISTRATIVE JUSTICE  
"Office of the Ombudsman"



*'Hata Mnyonge Ana Haki'*



---

REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED  
JUNE 30, 2017

---

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, 2017**

**TABLE OF CONTENTS**

I. KEY ENTITY INFORMATION AND MANAGEMENT .....	1
II. FORWARD BY THE CHAIR .....	5
III. STATEMENT OF ENTITY MANAGEMENT RESPONSIBILITIES .....	6
IV. REPORT OF THE AUDITOR GENERAL .....	7
V. STATEMENT OF RECEIPTS AND PAYMENTS .....	8
VI. STATEMENT OF ASSETS AND LIABILITIES .....	9
VII. STATEMENT OF CASHFLOWS .....	10
VIII. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED .....	11
IX. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT .....	12
X. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT .....	13
XI. NOTES TO THE FINANCIAL STATEMENTS .....	16

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**I. KEY ENTITY INFORMATION AND MANAGEMENT**

**MEMBERS OF THE COMMISSION**

NO.	NAME	POSITION
1	Dr. Regina Mwatha	Acting Chairperson
2.	Saadia A. Mohamed	Commissioner
3.	Leonard S.Ngaluma	Commission Secretary

**SENIOR MANAGEMENT STAFF**

NO.	NAME	POSITION
1	Leonard S.Ngaluma	Commission Secretary
2.	Daniel Karomo	Director, Finance, and Administration
3.	Vincent Chahale	Director, Legal and Advisory Services
4.	Ismail Maaruf	Director, Compliance and Risk
5.	Micah Nguli	Director, Research and Investigations
6.	Phoebe Nadupoi	Director, Advocacy and Communications
7.	Edward Okello	Special Advisor to the Chair
8.	Daniel Ochung	Finance Manager
9.	Franklin Mutuma	Chief Information Communication and Technology (ICT) Officer
10.	Christine Omolo	Manager, Human Resource
11.	Jenifer Wauda	Acting Supply Chain Manager

**(a) 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 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. Further, the Commission has a quasi-judicial mandate to deal with maladministration through conciliation, mediation and negotiation where appropriate.

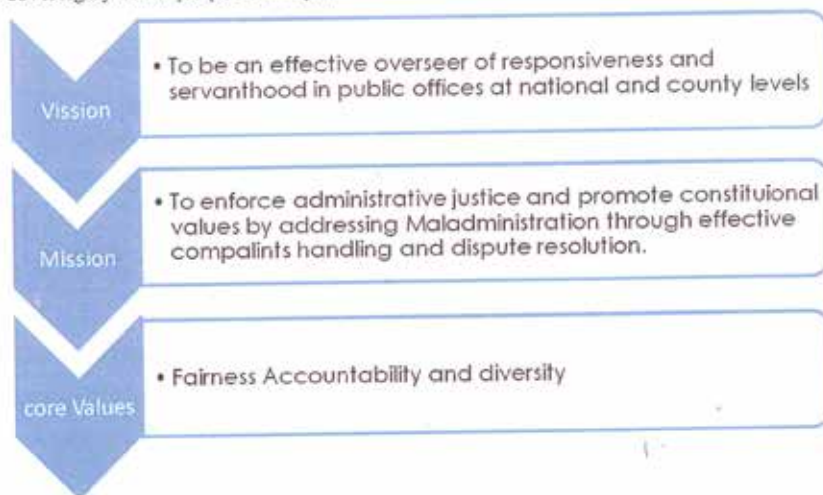
**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

---

In the conduct of its functions the Commission has 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 Governmental authorities and to compel production of such information.

**Mandate**

The mandate of the Commission is to enforce administrative justice in the public sector by addressing maladministration through effective complaints handling and alternative Disputes resolution. In addition, the Commission has a Constitutional mandate to safeguard public interest by promoting constitutionalism, securing the observance of Democratic values and principles, and protecting the sovereignty of the people of Kenya.



**Key Strategic Objectives**

1. To enhance responsiveness and effectiveness in the public sector in Kenya.
2. To strengthen the complaints handling capacity of public sector institutions.
3. To enhance public awareness and participation in matters of administrative Justice.
4. To improve standards of public administration and adherence to the rule of law.
5. To strengthen the capacity of CAJ to deliver on its mandate.

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

---

**Strategic Programmes**

The Commission has been able to utilize the limited resources to implement several programs some of which are listed below

1. An outreach programme to create awareness on administrative justice and the Commission's mandate through county visits,
2. Public interest litigation programme on matters of administrative justice and the rule of law,
3. Integrated Public Complaints Referral Mechanism (IPCRM) which is an electronic based system for referring complaints among various institutions,
4. Initiated, promoted and coordinated collaboration among Constitutional Commissions and Independent Offices in Kenya,
5. Initiated collaborations with key players in the chain of administrative justice and in particular the Judiciary, Kenya Prisons Service and the Independent Policing Oversight Authority (IPOA),
6. Forged partnerships and linkages with foreign ombudsman offices in Finland, Rwanda, Ghana and Canada.

**Key Strategic Priorities**

1. Creating public service that is responsive, accountable, efficient and fair in service delivery
2. Enhance public sector capacity to handle complains
3. Equip and educate Kenyans on matters of administrative justice
4. Constitutionalism and Good Governance in the conduct of state/public affairs.
5. Strengthened capacity of the Commission on Administrative Justice to deliver its mandate.

**(b) Fiduciary Management**

The Key Management personnel who held office during the financial year ended 30th June 2017 and who had direct fiduciary responsibility were:

<b>No.</b>	<b>Designation</b>	<b>Name</b>
1.	Accounting Officer	Mr. Leonard S.Ngaluma, MBS
2.	Director, Finance & Administration	Mr. Daniel Karomo
3.	Finance Manager	Mr. Daniel Ochung

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

---

**(c) Fiduciary Oversight Arrangements**

The Commission engaged the National Treasury in the process of establishing an Audit Committee. As at the end of the Financial Year under review, terms of reference had been developed for the Members of the Audit Committee in compliance with Public Financial Management Act 2015. The process of recruitment of the members is in due course.

**(d) Head Office**

P.O. Box 20414-00200  
West End Towers  
2nd floor Waiyaki Way – Westlands.  
Nairobi, KENYA

**Contacts**

Telephone - +254 -20-2270000/2303000/2603765/2441211  
Email: [info@ombudsman.go.ke](mailto:info@ombudsman.go.ke)(for general enquiries)  
[Complains@ombusman.go.ke](mailto:Complains@ombusman.go.ke)(for complaints)  
Website: [www.ombudsman.go.ke](http://www.ombudsman.go.ke)

**(e) Entity Bankers**

Central Bank of Kenya  
Haile Selassie Avenue  
P.O. Box 60000  
City Square 00200  
Nairobi, Kenya

**(f) Independent Auditors**

The Auditor General  
Kenya National Audit Office  
Anniversary Towers, University Way  
P.O. Box 30084  
GPO 00100  
Nairobi, Kenya

**(g) Principal Legal Adviser**

The Attorney General  
State Law Office  
Harambee Avenue  
P.O. Box 40112  
City Square 00200  
Nairobi, Kenya



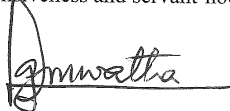
## **II. FORWARD BY THE CHAIR**

I am delighted to present the Annual Report and the Financial Statement for the Commission on Administrative Justice (Office of the Ombudsman) for the financial year ended 30<sup>th</sup> June 2017. This report is issued in accordance with Article 254 of the Constitution and Section 53 of the Commission on Administrative Justice Act (Chapter 102A of the Laws of Kenya). The report is our statement of accountability to the public on the enforcement of administrative justice and access to information in Kenya.

As you may be aware, the Commission plays a central role in Kenya's attainment of the objectives of the Kenya Vision 2030 and Sustainable Development Goals. This is primarily due to its role in the redress of maladministration and promotion of good governance and efficient delivery of public services in Kenya. Our role flows from the Constitution, the Act as well as the Public Service (Values and Principles), Act, 2015 all of which provide for lawful, efficient, timely, impartial and accountable leadership and delivery of public services. In the reporting period, the mandate of the Commission was expanded to include oversight and enforcement of the right to information under Article 35 of the Constitution and the Access to Information Act, 2016.

I am pleased to note the milestones by the Commission during the reporting period, occasioned by the expanded mandate, strategic and visionary leadership, institutional strengthening, innovation and strategic partnerships. Accordingly, we undertook administrative reviews and investigations on public complaints, issued advisory opinions on matters of public administration, built the complaints handling capacity for public institutions, created awareness on administrative justice and access to information, and undertaken litigation on matters of public interest among others. In addition, we infused proactive measures in our operations for a sound framework for good governance, and inspiration of servant leadership and efficient delivery of public services.

In spite of the foregoing, the Commission faced a number of challenges that affected the optimal attainment of its functions. These included limited resources, unresponsiveness in the public sector, frequent downtime of the Integrated Financial Management and Information System and the increasing number of court cases against the Commission. In order to address the foregoing, we will seek to develop a new strategic plan to guide the Commission through the next phase, leverage on technology, enhance its awareness creation activities, fully operationalise the Access to Information Act and strengthen linkages and partnerships. Certainly, we believe that these measures will institutionalise good governance and enable us to achieve our vision of 'an effective overseer of responsiveness and servant-hood in public offices at National and County levels' in Kenya.



**DR. REGINA MWATHA, MBS, Ph.D**  
**ACTING CHAIRPERSON**

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**III. STATEMENT OF ENTITY MANAGEMENT RESPONSIBILITIES**

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

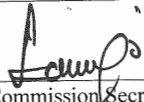
The Accounting Officer in charge of The Commission on Administrative Justice is responsible for the preparation and presentation of the Commission's financial statements, which give a true and fair view of the state of affairs of the Commission for and as at the end of the financial year 2016/2017 ended on June 30, 2017. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the Commission; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

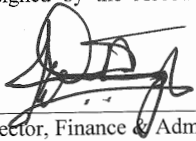
The Accounting Officer in charge of The Commission on Administrative Justice accepts responsibility for the Commission's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector 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 Commission's transactions during the financial year ended June 30, 2017, 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 entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the entity's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the 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 \_\_\_\_\_ 2017.

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

  
\_\_\_\_\_  
Director, Finance & Administration  
Daniel Karomo

# REPUBLIC OF KENYA

Telephone: +254-20-342330  
Fax: +254-20-311482  
E-mail: oag@oagkenya.go.ke  
Website: www.oagkenya.go.ke



P.O. Box 30084-00100  
NAIROBI

## OFFICE OF THE AUDITOR-GENERAL

### REPORT OF THE AUDITOR-GENERAL ON THE COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE 2017

---

#### REPORT ON THE FINANCIAL STATEMENTS

##### Opinion

I have audited the accompanying financial statements of the Commission on Administrative Justice set out on pages 8 to 24, which comprise the statement of assets and liabilities as at 30 June 2017, and the statement of receipts and payments, statements of appropriation-recurrent, development and combined, statement of cash flows and statement of comparison of budget and actual amounts 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, 2017, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standard (Cash Basis) and comply with Public Finance Management Act, 2012.

In addition, as required by Article 229(6) of the Constitution, based the audit procedures performed, except for the matter described in the Other Matter section of my report, I confirm that, nothing has come to my attention to cause me to believe that public money has not been applied lawfully and in an effective way.

##### Basis for Opinion

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

##### Key Audit Matters

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

---

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

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances and for the purpose of giving an assurance on the effectiveness of the Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern or to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Commission to cease to continue as a going concern or to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Commission to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

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

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



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

**Nairobi**

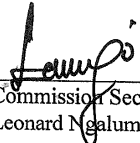
**03 May 2018**


**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**V. STATEMENT OF RECEIPTS AND PAYMENTS**

	Note	2016-2017 Kshs	2015-2016 Kshs
<b>RECEIPTS</b>			
Exchequer releases	1	427,300,000	443,900,000
Other Receipts	2	70,500	-
<b>TOTAL RECEIPTS</b>		<b>427,370,500</b>	<b>443,900,000</b>
<b>PAYMENTS</b>			
Compensation of Employees	3	215,388,491	213,671,185
Use of Goods and Services	4	132,576,834	142,276,155
Other Grants and Transfers	5	511,072	429,124
Social Security Benefits	6	54,250,000	57,058,957
Acquisition of Assets	7	7,496,573	3,447,330
<b>TOTAL PAYMENTS</b>		<b>410,222,970</b>	<b>416,882,751</b>
<b>SURPLUS FOR THE PERIOD</b>		<b>17,147,530</b>	<b>27,017,249</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on \_\_\_\_\_ 2017 and signed by:

  
 Commission Secretary  
 Leonard Ngaluma, MBS

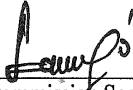
  
 Director, Finance & Administration  
 Daniel Karomo


**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**VI. STATEMENT OF ASSETS AND LIABILITIES**

	Note	2016-2017 Kshs	2015-2016 Kshs
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	8A	64,779,005	141,181,932
Cash Balances	8B	247,980	177,564
<b>Total Cash and cash equivalent</b>		<b><u>65,026,985</u></b>	<b><u>141,359,496</u></b>
Accounts Receivables – Outstanding Imprest	9	68,310	114,214
<b>TOTAL FINANCIAL ASSETS</b>		<b><u>65,095,295</u></b>	<b><u>141,473,710</u></b>
<b>FINANCIAL LIABILITIES</b>			
Accounts Payables – Deposits and Retentions	10	46,954,635	90,544,126
<b>NET FINANCIAL ASSETS</b>		<b><u>18,140,660</u></b>	<b><u>50,929,584</u></b>
<b>REPRESENTED BY</b>			
Fund Balance b/fwd	11	50,929,584	23,912,335
Prior year adjustments	12	(49,936,454)	-
Surplus for the year		17,147,530	27,017,249
<b>NET FINANCIAL POSITION</b>		<b><u>18,140,660</u></b>	<b><u>50,929,584</u></b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on \_\_\_\_\_ 2017 and signed by:

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

  
 \_\_\_\_\_  
 Director, Finance & Administration  
 Daniel Karomo

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**


**I. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED**


Receipt/Expense Item	Original Budget a	Adjustments b	Final Budget c=a+b	Actual on Comparable Basis d	Budget Utilization Difference e=c-d	% of Utilization f=d/c %
<b>RECEIPTS</b>						
Exchequer Releases	468,632,000	(19,942,949)	448,989,051	427,300,000	(21,689,051)	95%
Other Receipts	70,500	-	70,500	70,500	-	100%
<b>TOTALS</b>	<b>468,702,500</b>	<b>(19,642,949)</b>	<b>449,059,551</b>	<b>427,370,500</b>	<b>(21,689,051)</b>	<b>95%</b>
<b>PAYMENTS</b>						
Compensation of Employees	232,800,000	(3,000,000)	229,800,000	215,388,491	(14,411,509)	94%
Use of Goods and Services	170,748,750	(15,039,949)	155,708,801	132,576,834	(23,131,967)	85%
Other Grants and Transfers	572,000	-	572,000	511,072	(60,928)	89%
Social Security Benefits	54,250,000	-	54,250,000	54,250,000	-	100%
Acquisition of Assets	10,261,250	(1,603,000)	8,658,250	7,496,573	(1,161,677)	87%
<b>TOTALS</b>	<b>468,632,000</b>	<b>(19,642,949)</b>	<b>448,989,051</b>	<b>410,222,970</b>	<b>(38,766,081)</b>	<b>91%</b>

**Notes**

- i. Underutilisation in Compensation of Employees of 94% was as a result of decrease in staff due to resignations during the year.
- ii. Underutilisation in use of goods and services of 85% was as a result of long procurement process and delayed quarterly budget releases.
- iii. Underutilisation in Other Grants and Transfers of 89% was as a result of decrease in membership fees and subscriptions to international organizations during the year under review.
- iv. Underutilisation in Acquisition of Assets of 87% was as a result of long procurement process and delayed quarterly budget releases.
- v. The changes between the original and final budget are as a result of reduction in funding by Exchequer of KSh. 19,642,949 and thus Re-allocation of the budget was necessary

The Entity financial statements were approved on \_\_\_\_\_, 2017 and signed by:

  
 Commissioner Secretary  
 Leonard Ngaluma, MBS

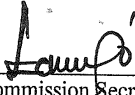
  
 Director, Finance & Administration  
 Daniel Karomo

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**VII. STATEMENT OF CASHFLOWS**

		2016 - 2017 Kshs	2015 - 2016 Kshs
<b>Receipts for Operating Income</b>			
Exchequer Releases	1	427,300,000	443,900,000
Other Receipts	2	70,500	-
<b>Payments for Operating Expenses</b>			
Compensation of Employees	3	(215,388,491)	(213,671,185)
Use of Goods and Services	4	(132,576,834)	(142,276,155)
Other Grants and Transfers	5	(511,072)	(429,124)
Social Security Benefits	6	(54,250,000)	(57,058,957)
<b>Adjusted for:</b>			
Changes in Payables		(43,589,492)	37,360,664
Adjustments during the year	12	(49,936,454)	-
<b>Net Cash flow from Operating Activities</b>		<b>(68,881,842)</b>	<b>67,825,243</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	7	(7,496,573)	(3,447,330)
<b>Net cash flows from Investing Activities</b>		<b>(7,496,573)</b>	<b>(3,447,330)</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>NET INCREASE/DECREASE IN CASH AND CASH EQUIVALENTS</b>		<b>(76,378,415)</b>	<b>64,377,913</b>
<b>Cash and Cash Equivalent at BEGINNING of the year</b>		<b>141,473,712</b>	<b>17,732,399</b>
<b>Cash and Cash Equivalent at END of the year</b>		<b>65,095,297</b>	<b>82,110,312</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on \_\_\_\_\_ 2017 and signed by:

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

  
 \_\_\_\_\_  
 Director, Finance & Administration  
 Daniel Karomo



**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

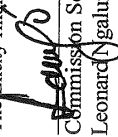
**Σ. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT**

Receipt/Expense Item	Original Budget a	Adjustments b	Final Budget c=a+b	Actual on Comparable Basis d	Budget Utilization Difference e=c-d	% of Utilization f=d/c %
<b>RECEIPTS</b>						
Exchequer Releases	468,632,000	(19,942,949)	448,989,051	427,300,000	(21,689,051)	95%
Other Receipts	70,500	-	70,500	70,500	-	100%
<b>TOTALS</b>	<b>468,702,500</b>	<b>(19,642,949)</b>	<b>449,059,551</b>	<b>427,370,500</b>	<b>(21,689,051)</b>	<b>95%</b>
<b>PAYMENTS</b>						
Compensation of Employees	232,800,000	(3,000,000)	229,800,000	215,388,491	(14,411,509)	94%
Use of Goods and Services	170,748,750	(15,039,949)	155,708,801	132,576,834	(23,131,967)	85%
Other Grants and Transfers	-	-	572,000	511,072	(60,928)	89%
Social Security Benefits	54,250,000	-	54,250,000	54,250,000	-	100%
Acquisition of Assets	10,261,250	(1,603,000)	8,658,250	7,496,573	(1,161,677)	87%
<b>TOTALS</b>	<b>468,632,000</b>	<b>(19,642,949)</b>	<b>448,989,051</b>	<b>410,222,970</b>	<b>(38,766,081)</b>	<b>91%</b>

**Notes**

- i. Underutilisation in Compensation of Employees of 94% was as a result of decrease in staff due to resignations during the year.
- ii. Underutilisation in use of goods and services of 85% was as a result of long procurement process and delayed quarterly budget releases.
- iii. Underutilisation in Other Grants and Transfers of 89% was as a result of decrease in membership fees and subscriptions to international organizations during the year under review.
- iv. Underutilisation in Acquisition of Assets of 87% was as a result of long procurement process and delayed quarterly budget releases.
- v. The changes between the original and final budget are as a result of reduction in funding by Exchequer of KSh. 19,642,949 and thus Re-allocation of the budget was necessary

The Entity financial statements were approved on \_\_\_\_\_ 2017 and signed by:

  
 Commission Secretary  
 Leonard Nguluma, MBS

  
 Director, Finance & Administration  
 Daniel Karomo

**Reports and Financial Statements  
For the year ended June 30, 2017**


**Σ. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT**


Receipt/Expense Item	Original Budget a	Adjustments b	Final Budget c=a+b	Actual on Comparable Basis d	Budget Utilization Difference e=c-d	% of Utilization f=d/c %
<b>RECEIPTS</b>						
Exchequer Releases	-	-	-	-	-	-
Other Receipts	-	-	-	-	-	-
<b>PAYMENTS</b>						
Compensation of Employees	-	-	-	-	-	-
Use of Goods and Services	-	-	-	-	-	-
Other Grants and Transfers	-	-	-	-	-	-
Social Security Benefits	-	-	-	-	-	-
Acquisition of Assets	-	-	-	-	-	-
Other Payments	-	-	-	-	-	-
<b>TOTALS</b>	-	-	-	-	-	-

**Note**

- i. The Commission did not have any allocation for development expenditure during the year under review.

The entity financial statements were approved on \_\_\_\_\_ 2017 and signed by:

  
 Commission Secretary  
 Leonard Ng'athuma, MBS

  
 Director, Finance & Administration  
 Daniel Karomo

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

---

mission and all values are rounded to the nearest thousand (Kshs'000). The accounting policies adopted have been consistently applied to all the years presented.

The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board.

**1. Recognition of Receipts and Payments**

The Commission recognises all receipts from the various sources when the event occurs and the related cash has actually been received by the Commission. In addition, the Commission recognises all expenses when the event occurs and the related cash has actually been paid out by the Commission.

**2. Acquisition of Fixed Assets**

A fixed Asset Register is maintained by the Commission and a summary provided for purposes of disclosure. This summary is disclosed as an Annexure to the Commission's financial statements for the year under review.

**3. 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 revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

**4. 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.

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

---

**5. Accounts Receivable**

For the purposes of these financial statements, Imprest and advances to authorised Public Officers and/or Institutions which were not surrendered or accounted for at the end of the financial year is treated as Receivables. This is in recognition of the government practice where the imprest payments are recognized as expenditure 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.

**6. Accounts Payable**

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

**7. Non-Current Assets**

Non-current assets are expensed at the time of acquisition while disposal proceeds are recognized as receipts at the time of disposal. However, the acquisitions and disposals are reflected in the entity fixed asset register a summary of which is provided as a memorandum to these financial statements.

**8. 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. Pending bills form a first charge to the subsequent year budget and when they are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made. The Commission did not have any pending bills for the financial year ended 30<sup>th</sup> June 2017.

**9. Budget**

The budget is developed on the same accounting basis (Cash Basis), the same accounts classification basis, and for the same period as the financial statements. The Commission's budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the Commission's actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

**10. Comparative Figures**

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

**11. Subsequent Events**

Events subsequent to submission of the financial year end financial statements to the National Treasury and other Stakeholders with a significant impact on the financial statements may be adjusted with the concurrence of the National Treasury.

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**XI. NOTES TO THE FINANCIAL STATEMENTS**

**1 EXCHQUER RELEASES**

Number of Quarters	2016 - 2017	2015 - 2016
	Kshs	Kshs
Total Exchequer Releases for Quarter 1	100,800,000	68,700,000
Total Exchequer Releases for Quarter 2	78,900,000	83,000,000
Total Exchequer Releases for Quarter 3	133,000,000	120,900,000
Total Exchequer Releases for Quarter 4	114,600,000	171,300,000
<b>Total</b>	<b>427,300,000</b>	<b>443,900,000</b>

**2 OTHER REVENUES**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Receipts from Administrative Fees and Charges	-	-
Receipts from Administrative Fees and Charges - Collected as AIA	-	-
Receipts from Incidental Sales by Non-Market Establishments	-	-
Receipts from Sales by Non-Market Establishments	-	-
Receipts from Insurance Claims Recovery	70,500	-
Fines Penalties and Forfeitures	-	-
Receipts from Voluntary Transfers other than Grants	-	-
Other Receipts Not Classified Elsewhere	-	-
<b>Total</b>	<b>70,500</b>	<b>-</b>

**3 COMPENSATION OF EMPLOYEES**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Basic Salaries of Permanent Employees	159,298,512	154,029,268
Basic Wages of Temporary Employees	5,836,776	-
Personal Allowances paid as part of Salary	49,368,683	59,159,751
Personal Allowances paid as Reimbursements	-	-
Personal Allowances provided in Kind	-	-
Pension and other Social Security Contributions	-	-
Employer Contributions Compulsory National Social Security Schemes	884,520	482,168
Employer Contributions Compulsory National Health Insurance Schemes	-	-
<b>Total</b>	<b>215,388,491</b>	<b>213,671,187</b>

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

*NOTES TO THE FINANCIAL STATEMENTS (Continued)*

**4 USE OF GOODS AND SERVICES**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Utilities, Supplies and Services	2,168,366	2,225,555
Communication, Supplies and Services	9,330,227	11,479,309
Domestic Travel and Subsistence	10,301,043	11,511,059
Foreign Travel and Subsistence	4,515,958	5,390,706
Printing, Advertising and Information Supplies & Services	4,468,023	3,514,434
Rentals of Produced Assets	47,339,716	48,571,954
Training Expenses	12,940,301	6,092,502
Hospitality Supplies and Services	5,111,161	4,198,138
Insurance Costs	17,616,182	20,705,636
Specialized Materials and Services	570,675	3,000
Office and General Supplies and Services	5,622,764	6,240,755
Other Operating Expenses	6,129,651	7,675,558
Routine Maintenance – Vehicles and other Transport Equipment	2,764,996	7,162,064
Fuel Oil and Lubricants	2,066,285	5,359,000
Routine Maintenance – Other Assets	1,631,486	2,146,485
<b>Total</b>	<b>132,576,834</b>	<b>142,276,155</b>

**5 OTHER GRANTS AND TRANSFERS**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Membership Dues and Subscriptions to International Organizations	511,072	429,124
Grants to Foreign Government	-	-
<b>Total</b>	<b>511,072</b>	<b>429,124</b>

**6 SOCIAL SECURITY BENEFITS**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Government Pension and Retirement Benefits	54,250,000	57,058,957
Social Security Benefits in Cash and in Kind	-	-
Employer Social Benefits in Cash and in Kind	-	-
<b>Total</b>	<b>54,250,000</b>	<b>57,058,957</b>

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

*NOTES TO THE FINANCIAL STATEMENTS (Continued)*

**7 ACQUISITION OF ASSETS**

<u>Non Financial Assets</u>	2016 - 2017	2015 - 2016
	Kshs	Kshs
Purchase of Buildings	-	-
Construction of Buildings	-	-
Refurbishment of Buildings	2,863,691	414,880
Construction of Roads	-	-
Construction and Civil Works	-	-
Overhaul and Refurbishment of Construction and Civil Works	-	-
Purchase of Vehicles and Other Transport Equipment	-	-
Overhaul of Vehicles and Other Transport Equipment	-	-
Purchase of Household Furniture and Institutional Equipment	-	-
Purchase of Office Furniture and General Equipment	3,308,248	209,100
Purchase of ICT Equipment, Software and Other ICT Assets	1,324,634	-
Purchase of Specialized Plant, Equipment and Machinery	-	2,823,350
Rehabilitation and Renovation of Plant, Machinery and Equip.	-	-
Purchase of Certified Seeds, Breeding Stock and Live Animals	-	-
Research, Studies, Project Preparation, Design & Supervision	-	-
<u>Financial Assets</u>	-	-
Domestic Public Non-Financial Enterprises	-	-
Domestic Public Financial Institutions	-	-
Foreign financial Institutions operating Abroad	-	-
Other Foreign Enterprises	-	-
Foreign Payables - From Previous Years	-	-
<b>Total</b>	<b>7,496,573</b>	<b>3,447,330</b>

**8A: 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)	2016 - 2017	2015 - 2016
				Kshs	Kshs
Central Bank of Kenya,, Account No:1000181524	KES	Recurrent		17,824,369.70	49,937,805.95
Central Bank of Kenya,, Account No:1000182377	KES	Deposit		46,954,634.95	90,544,126.45
Central Bank of Kenya,, Account No:1000182644	KES	CBK 165		-	700,000.00
<b>Total</b>				<b>64,779,004.65</b>	<b>141,181,932.40</b>

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

*NOTES TO THE FINANCIAL STATEMENTS (Continued)*

**8B: CASH IN HAND**

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Cash in Hand – Held in domestic currency	247,980.05	177,564
Cash in Hand – Held in foreign currency	-	-
<b>Total</b>	<b>247,980.05</b>	<b>177,564</b>

Cash in Hand should also be analysed as follows:

	2016 - 2017	2015 - 2016
	Kshs	Kshs
Location 1- Head offices	247,980.05	177,564
Location 2	-	-
Location 3	-	-
Other Locations ( <i>specify</i> )	-	-
<b>Total</b>	<b>247,980.05</b>	<b>177,564</b>

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

**9: ACCOUNTS RECEIVABLE - OUTSTANDING IMPRESTS**

Category of Accounts Receivable	2016 - 2017	2015 - 2016
	Kshs	Kshs
Government Imprests	68,310	114,214
Salary Advances	-	-
<b>Total</b>	<b>68,310</b>	<b>114,214</b>

Below is the detailed listing of the outstanding imprest:

Name of Officer	Date Imprest Taken	Amount Taken	Amount Surrendered	Balance
		Kshs	Kshs	Kshs
Saidi Swalehe Gongo	12/04/2017	4,500	-	4,500
Amelia Jackline Atieno O.	03/05/2017	14,000	-	14,000
John Khaoya Wanyonyi	20/06/2017	17,080	-	17,080
Nora Moraa Nyangwono	14/05/2017	14,480	-	14,480
Vincent Mudogo Chahale	10/05/2017	14,250	-	14,250
Chizi Adhiambo Ambala	12/06/2017	4,000	-	4,000
<b>Total</b>				<b>68,310</b>



**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

*NOTES TO THE FINANCIAL STATEMENTS (Continued)*

**10. ACCOUNTS PAYABLE**

	2016 - 2017 Kshs	2015 - 2016 Kshs
Deposits	46,954,634.95	90,544,126
<b>Total</b>	<b>46,954,634.95</b>	<b>90,544,126</b>

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

**11. FUND BALANCES BROUGHT FORWARD**

	2016 - 2017 Kshs	2015 - 2016 Kshs
Bank Accounts	141,181,932	64,711,354
Cash in Hand	177,564	29,808
Accounts Receivables	114,214	1,099,723
Accounts Payables	(90,544,126)	(41,928,549)
<b>Total</b>	<b>50,929,584</b>	<b>23,912,335</b>

These are the fund balances that were brought forward from the 2015/16 financial year. The recurrent bank balances were however taken back by exchequer as shown in note 12

**12. PRIOR YEAR ADJUSTMENTS**

Description of the error	2016 - 2017 Kshs	2015 - 2016 Kshs
Adjustments on bank account balances	(49,822,240)	-
Adjustments on receivables	(114,214)	-
	<b>(49,936,454)</b>	-

The prior year adjustments relate to bank balances that were swept back to exchequer at the beginning of the year of KSh 49,822,240 from the recurrent account. Adjustments on receivables of KSh. 114,214 relate to imprest amount surrendered as expenses in the current year but relate to the prior year. These adjustments affect the Statement of Assets as they result into the reduction of the fund balance brought forward.

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**12. OTHER IMPORTANT DISCLOSURES**

**PENDING ACCOUNTS PAYABLE (See Annex 1)**

	Kshs	Kshs
Construction of Buildings	-	-
Construction of Civil Works	-	-
Supply of Goods	-	6,340,989
Supply of Services	-	785,032
	-	<u>7,126,021</u>

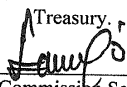
**PROGRESS ON FOLLOW UP OF AUDITOR'S RECOMMENDATIONS**


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)
Paragraph 7 – Basis for Qualified Opinion	Pending bills as at 30 <sup>th</sup> June 2016 of KSh.7,126,021	The matter has already been resolved	Supply Chain Manager	Resolved	The matter stands solved  The payment of this amount was treated as a first charge on the Approved Budget for the 2016/17 Financial Year

**Guidance Notes:**

- (i) Use the same reference numbers as contained in the External Audit Report;
- (ii) Obtain the "Issue/Observation" and "management comments", required above, from Final External Audit Report that is signed by Management;
- (iii) Before approving the Report, discuss the timeframe with the appointed Focal Point Persons within your entity responsible for implementation of each issue;
- (iv) Indicate the Status of "Resolved" or "Not Resolved" by the date of submitting this Report to National

Treasury,  
  
 Commission Secretary  
 Leonard Ngaluma, MBS

  
 Director, Finance & Administration  
 Daniel Karomo

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**Reports and Financial Statements**  
**For the year ended June 30, 2017**

**ANNEX 1 - ANALYSIS OF PENDING ACCOUNTS PAYABLE**


Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2017	Outstanding Balance 2016	Comments
	a	b	c	d=a-c		
<b>Construction of Buildings</b>						
1.						
<b>Sub-Total</b>	-	-	-	-	-	
<b>Construction of Civil Works</b>						
2.						
<b>Sub-Total</b>	-	-	-	-	-	
<b>Supply of Goods</b>						
3. Furniture	-	-	-	-	1,994,000	
4. Furniture	-	-	-	-	289,500	
5. Furniture	-	-	-	-	215,480	
6. Brochures	-	-	-	-	296,000	
7. Suspension files	-	-	-	-	16,740	
8. Tonners	-	-	-	-	320,299	
9. Tonners	-	-	-	-	824,760	
10. Motor vehicle rims	-	-	-	-	26,280	
11. Office folders	-	-	-	-	173,500	
12. Tonners	-	-	-	-	326,424	
13. Tonners	-	-	-	-	924,856	
14. Laptops and Printer	-	-	-	-	264,480	
15. Annual Report	-	-	-	-	334,080	
16. Staff uniforms	-	-	-	-	334,590	
<b>Sub-Total</b>	-	-	-	-	<b>6,340,989</b>	

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**

**Reports and Financial Statements**

**For the year ended June 30, 2017**

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2017	Outstanding Balance 2016	Comments
<b>Supply of Services</b>						
17. Legal services	-		-		750,000	
18. Telephone bills					35,032	
<b>Sub-Total</b>					<b>785,032</b>	
<b>Grand Total</b>					<b>7,126,021</b>	

  
 \_\_\_\_\_  
 Commissioner/Secretary  
 Leonard Magaluma, MBS

  
 \_\_\_\_\_  
 Director, Finance & Administration  
 Daniel Karomo


**THE COMMISSION ON ADMINISTRATIVE JUSTICE**


**Reports and Financial Statements**

**For the year ended June 30, 2017**

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

Asset Class	Historical Cost b/f (Kshs) 2015/2016	Additions during the Year (Kshs)	Disposals during the Year (Kshs)	Historical Cost c/f (Kshs) 2016/17
Land	-	-	-	-
Buildings and Structures	-	2,863,691.00	-	2,863,691.00
Transport Equipment	45,186,296.00	-	-	45,186,296.00
Office Equipment, Furniture and Fittings	9,478,297.00	3,308,248.00	-	12,786,545.00
ICT Equipment, Software and Other ICT Assets	14,615,000.00	1,324,634.00	-	15,939,634.00
Other Machinery and Equipment	6,518,633.00	-	-	6,518,633.00
Heritage and Cultural Assets	-	-	-	-
Intangible Assets	-	-	-	-
<b>Total</b>	<b>75,798,226.00</b>	<b>7,496,573.00</b>	<b>-</b>	<b>83,294,799.00</b>

  
 Commissioner Secretary  
 Leonard Ngaluma, MBS

  
 Director, Finance & Administration  
 Daniel Karomo

# 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*

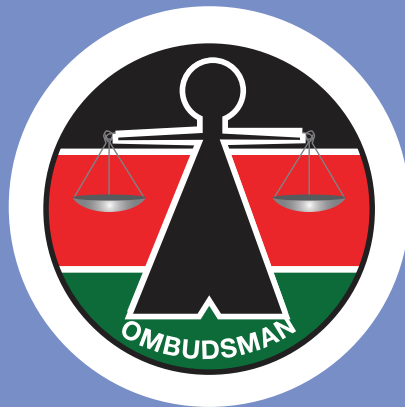


**Phoebe Nadupoi**  
*Director, Advocacy & Communications*



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





#### 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](mailto:info@ombudsman.go.ke) (for general inquiries)

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

Twitter: @kenyasombudsman

Facebook: Ombudsman Kenya

---

#### 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](mailto:kisumu@ombudsman.go.ke)

#### Mombasa Branch Office

Haki House, 2nd Floor, Panal Freighters Lane  
Off Haile Selassie Avenue

P. O. Box 80979 - 80100, Mombasa

Tel: 041 2220468/ 041 22205841

Email: [mombasa@ombudsman.go.ke](mailto:mombasa@ombudsman.go.ke)

---

#### Eldoret Branch Office

Kerio Valley Development Authority (KVDA)  
Plaza, 7th Floor Oloo Street

P.O. Box 10326 - 30100, Eldoret

Tel: 020-8106515

Email: [Eldoret@ombudsman.go.ke](mailto:Eldoret@ombudsman.go.ke)

#### Isiolo Branch Office

County Area, Along Kiwandani Road,  
Near KRA Office

Tel: 020 2007671

Email: [isiolo@ombudsman.go.ke](mailto:isiolo@ombudsman.go.ke)