

THE COMMISSION ON ADMINISTRATIVE JUSTICE

ANNUAL REPORT FY 2019/20



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

A society that upholds administrative justice and access to information.

MISSION

To enforce administrative justice and access to information in Kenya through complaints resolution and public education for efficient and effective service delivery.

CORE VALUES

Responsiveness, Independence,
Fairness, Transparency, Integrity

THE COMMISSION ON ADMINISTRATIVE JUSTICE

“Office of the Ombudsman”



Hata Mnyonge ana Haki

ANNUAL REPORT FOR 2019/20

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

ABBREVIATIONS and ACRONYMS

AGPO	Access to Government Procurement Opportunities
ATIA	Access to Information Act
CAJ	Commission on Administrative Justice
IAO	Information Access Officers
ICT	Information, Communication and Technology
IGAD	Intergovernmental Authority on Development
IOI	International Ombudsman Institute
MDAs	Ministries Government Departments and Agencies
NEMA	The National Environment Management Authority
TSC	Teachers Service Commission

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STATEMENT OF THE CHAIRPERSON

The Commission strives to enforce administrative justice and the right to access information in Kenya via a multifaceted approach: complaints handling, investigations, capacity building, advisory opinions, awareness creation, alternative dispute resolution and strategic litigation. This report covers a period of time when the Commission, like the rest of the country and indeed the world, was grappling with the Coronavirus (Covid-19) pandemic and its effects which were also felt in the sphere of public service delivery. Despite the pandemic, the Commission rose to the challenge of executing its mandate in such an unprecedented time and handled 10,356 complaints, 3,831 of which were new.

Dealing with complaints is the core business of the Commission. In the past year, the Coronavirus pandemic defined the role of the Commission in promoting transparency and accountable governance when a significant number of complaints lodged in 2020 touched on management of the pandemic, especially with regard to inability of citizens to access crucial information on the pandemic. The Commission issued a press release reiterating the importance of information disclosure in the time of an unprecedented health crisis and urged all public agencies allocated funds for mitigation and recovery measures to make proactive disclosures on the amounts allocated and the expenditures incurred.

Building on this, the Commission carried out eight specific investigations and innovated ways to continue the training programme of public officers on virtual platforms when Covid-19 safety protocols did not allow for physical meetings. This is just a snapshot of the activities of the Commission in a challenging year that also had staff work on rotational basis at the height of the pandemic. Nevertheless, I think it is fair to say that the Commission's secretariat, under the guidance of Commissioners, continued apace to redress maladministration and enforce access to information. Although much more remains to be done, the report of activities of the Commission in 2019/2020 provides a strong foundation to build on.

My sincere appreciation to all those who make the work of the Commission possible.



HON. FLORENCE KAJUJU, MBS

CHAIRPERSON OF THE COMMISSION

FOREWORD

Annual reporting is a legal requirement, aimed to uphold and promote transparency and accountability, as envisaged in the Constitution and other laws, that govern the management of public resources. It provides an opportunity for the Commission to be accountable to the public, in its endeavor to deliver services in line with its mandate. This report resonates with one of the key mandates of the Commission, under Article 35 of the Constitution and the Access to Information Act, 2016. This report covers the period 1st July 2019 to 30th June 2020.

In the year under review, the Commission continued to play its oversight and enforcement role, in line with the Commission on Administrative Justice Act, Access to inform Act and other relevant laws, where complaints related to administrative justice and access to information were addressed. I am pleased to report that the Commission utilised the resources at its disposal prudently, to accomplish the planned activities. As a result, the audited accounts have been granted an unqualified opinion by the Auditor-General. This affirms the resolve by Commission, to strengthen its governance and management control systems.

The Commission faced a number of challenges in the year, key among them the covid-19 pandemic, which hampered realization of some of the planned activities geared towards outreach and public education. The pandemic was also a threat to the human capital, which the Commission relies on to execute its mandate. In this regard, appropriate measures were taken to combat the pandemic, in line with the guidelines issued by the government.

I take this opportunity to thank the Commissioners for their able leadership and contribution, towards realisation of the achievements highlighted in the report. I also thank the Commission staff, through whom the Commission was able to deliver the much-needed services to the public. Last but not least, I recognize the excellent work by the team which selflessly worked to ensure timely compilation of this report.



LEONARD NGALUMA, MBS
COMMISSION SECRETARY/CEO

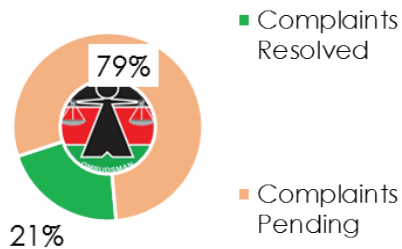
EXECUTIVE SUMMARY

Article 254(1) of the Constitution and Section 53(1) of the Commission on Administrative Justice Act No 23 of 2011 and Section 26(1) of the Access to information Act No. 31 of 2016 obligates the Commission to prepare and submit an Annual Report to Parliament and President.

The report highlights among others: description of the activities undertaken by the Commission, recommendations on legal and administrative measures to address specific concerns identified, financial statements and any other information relating to its functions that is deemed relevant.

This is the ninth Annual Report of the Commission on Administrative Justice. The report covers the steps that the Commission has taken in regard to the execution of its mandate in the financial year 2019/20. The Report is structured into eight chapters with each chapter addressing a specific thematic area. The first chapter gives background information on establishment and mandate, vision, mission and core values. The content of the subsequent chapters are highlighted below.

Resolution



Strengthening Complaints Management in the Public Sector

The Commission plays an important role in ensuring quality public service delivery. To this end, the Commission facilitates the setting up of, and strengthening of the complaint-handling infrastructure in the public sector. This is realised through training, monitoring of service delivery standards and provision of technical support.

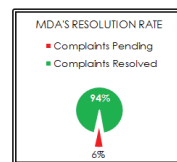
Promotion of Administrative Justice in the Public Sector

The Commission receives complaints against public institutions and officers on various service delivery challenges. During the period under review, the Commission received 3,831 new complaints, in addition to 6,525 complaints that were brought forward from the previous financial year. This totals to 10,356 complaints that were handled- Representing 8.17% increase from previous Financial Year

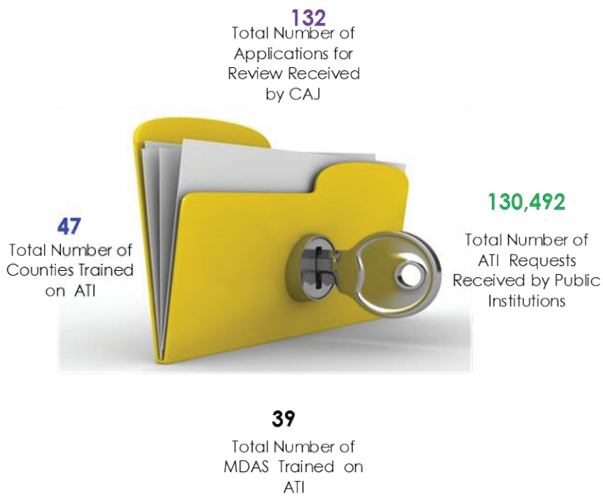
1,201 Public Officers trained at the National Level



241 Public Officers trained at the County Level



277 MDAs Certified

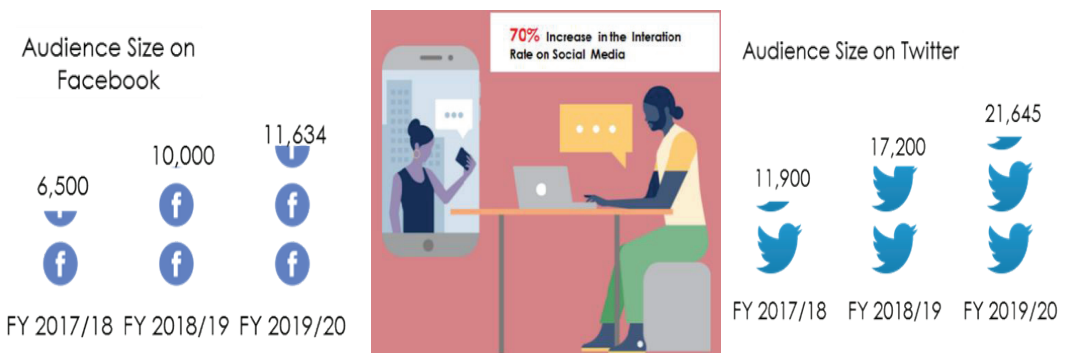


Access to Information

Article 35 of the Constitution and the Access to Information (ATI) Act, 2016 mandates the Commission to oversee and enforce the right of access to information. It requires the Commission to report to Parliament on implementation of the right of access to information. In this regard, the Commission undertook a number of initiatives to operationalise the law.

Public Education and Outreach

Public education and awareness remained a key area of focus for the Commission during the reporting period. Towards this end, the Commission undertook various initiatives despite the challenges posed by budgetary constraints and the Covid-19 pandemic.



Partnerships and linkages

During the reporting period, the Commission sustained its efforts in the promotion of good governance through local and international partnerships and linkages. These ranged from cooperation with other Ombudsman offices to joint initiatives with players in the administration of justice and engagements with development partners.



Governance, Human Resource Management and Finance

During the period under review, the Commission developed a second Strategic Plan, covering the period 2019-2023, which was officially launched on 13th February 2020. The Commission also strengthened its capacity to deliver on its mandate by sponsoring various staff members for training programmes.

Challenges

The Commission faced a number of challenges in the period under review, which hindered achievement of some of the planned activities. Some of the key challenges included the following;

- The Covid-19 pandemic disrupted normal operations given the public health protocols introduced to combat the disease.
- Financial constraints that were occasioned by the austerity measures which reduced the budgetary allocation for the Commission.
- Unresponsiveness by public institutions thereby hindering timely resolution of complaints.
- Insufficient legal framework in terms of enforcement of the decisions and recommendation of the Commission, and regulatory framework for access to information

Priorities Moving Forward

- 🌐 Implementation of the second strategic plan (2019-2023).
- 🌐 Strengthening policy, legal and regulatory framework.
- 🌐 Digitisation and automation of systems and processes.
- 🌐 Enhancement of resource mobilisation and partnerships.
- 🌐 Promotion of open governance through proactive disclosure of information.
- 🌐 Scale up outreach and awareness creation.
- 🌐 Decentralisation of Ombudsman services to enhance accessibility.

CHAPTER ONE

1.0. ESTABLISHMENT AND MANDATE

1.1. Introduction

The establishment of the Commission is anchored on Article 59(4), Chapter 15 of the Constitution and the Commission on Administrative Justice Act, Chapter 102A of the Laws of Kenya. The Commission has been in existence since September 2011 and It plays a key role in the promotion of good governance in Kenya.

1.2. Mandate

The Commission derives its mandate from the CAJ Act as well as Access to Information 2016 (ATI Act) 2016. The first mandate is the traditional work of an Ombudsman, which deals with maladministration and addresses grievances by the citizens against public institutions. Other statutes that give impetus to this mandate include Fair Administrative Action Act (No 4 of 2015). The second mandate is derived from the Access to Information Act (No 31 of 2016) which gives the Commission the mandate to enforce and oversee implementation of the right of access to information guaranteed under Article 35 of the Constitution.

1.3. Composition

The Commission is a collegiate Ombudsman institution and is composed of three Commissioners one of whom is the Chairperson. The Commissioners are:
Hon. Florence Kajuju – Chairperson
Mr. Washington Opiyo Sati – Vice Chairperson
Mrs. Lucy Ndungu – Commissioner in charge of access to information
The Commission executes its mandate through the Secretariat headed by the Commission Secretary/CEO, Mr. Leonard Ngaluma.

1.4. Scope

The scope of the Commission's work under the traditional Ombudsman mandate covers public institutions at the national and county levels. In addition, the ATI Act confers oversight and enforcement jurisdiction on access to information which applies to both public and private sectors.

1.5. Functions

The functions of the Commission under section 8 of the CAJ Act are to:

- I. investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in

- national and county governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice;
- II. investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;
- III. report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- IV. inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;
- V. facilitate the setting up of, and build complaint handling capacity in the sector of public service, public offices and state organs;
- VI. work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- VII. recommend compensation or other appropriate remedies;
- VIII. provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures; and
- IX. promote public awareness of policies and administrative procedures on matters relating to administrative justice.

Under section 21 of the ATI Act, the functions of the Commission are to:

- I. investigate violations of the provisions of the provisions of the Act;
- II. receive reports from public entities with respect to implementation of the Act and evaluating the use and disclosure of information;
- III. facilitate public awareness and develop programmes on the right to access information and the right to protection of personal data;
- IV. promote right of access to information in public entities;
- V. monitor state compliance with international obligations related to the right to access information and protection of personal data;
- VI. hear and determine complaints and review decisions arising from violations of the right to access information; and
- VII. promote protection of data.

1.6. Powers

The Commission has powers to:

- I. issue summons;
- II. require that statements be given under oath;
- III. compel production of documents;
- IV. conduct searches and seizures of documents with court orders;
- V. interview any person;

- VI. require the discovery and production of any information from any person;
- VII. adjudicate on matters relating to administrative justice and access to information; and
- VIII. requisition any public record or copy thereof from any public officer.

1.7. Execution of the Mandate

The Commission executes its mandate in varied ways including:

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

1.8. Key Result Areas

The Commission will focus on the following thematic areas in the implementation of the Strategic Plan:

- I. Resolution of Public Complaints;
- II. Oversight and Enforcement of Access to Information;
- III. Public Education, Awareness and Visibility; and
- IV. Institutional Strengthening and Capacity Building.

1.9. Vision, Mission and Core Values

1.9.1. Vision

A society that upholds administrative justice and access to information.

1.9.2. Mission

To enforce administrative justice and access to information in Kenya through complaints resolution and public education for efficient and effective service delivery.

1.9.3. Core Values

- Responsiveness
- Independence
- Fairness
- Transparency
- Integrity

CHAPTER TWO

2.0. PROMOTION OF ADMINISTRATIVE JUSTICE IN THE PUBLICSECTOR

This chapter highlights on the activities the Commission undertook in addressing maladministration in Kenya. Maladministration is a hindrance to efficient public service delivery and manifests itself in various ways including unfair treatment, unresponsive official conduct, delay, administrative injustice, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others.

2.1. Complaints Handling

2.1.1. Lodging a Complaint

The Commission receives complaints against public institutions and officers on various service delivery challenges. Such complaints 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.

In the period under review, the Commission received a significant number of complaints through the electronic platforms (website, social media handles, email and telephone). This was necessitated by the measures put in place to combat Covid-19 pandemic. It is worth noting that the Commission does not charge any fee for its services. Figure 1 presents various channels of lodging complaints.

Figure 1: Various Channels of Lodging Complaints.

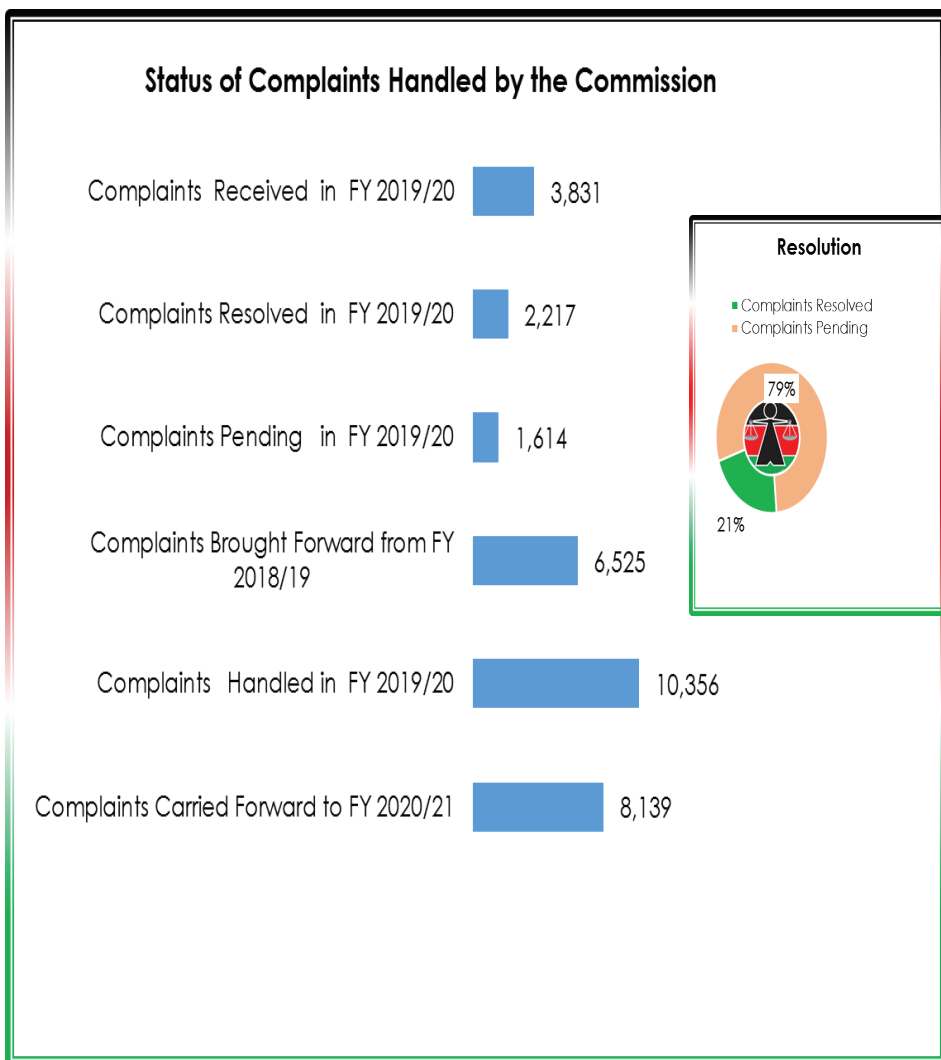


2.2. Cases Handled

2.2.1. Complaints Handled Directly

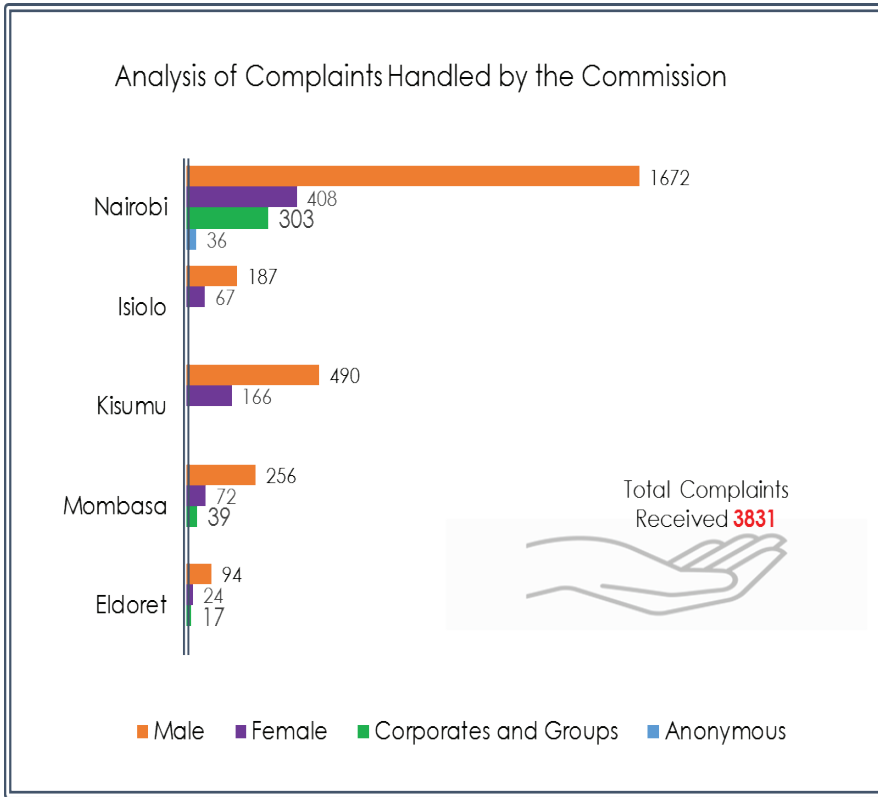
A total number of 3,831 complaints were received during the reporting period. An addition of 6,525 were brought forward from the previous financial year. Therefore, the Commission's total workload was 10,356. Out of this, 2,217 complaints were resolved - Representing a resolution rate of 21% as presented in figure 2.

Figure 2: Status of Complaints Handled by the Commission



The 3,831 complaints lodged directly by members of the public during the period under review, were received at the Commission's Headquarter and branch offices as presented in figure 3.

Figure 3: Analysis of Complaints Handled by the Commission



2.2.2. Classification of Complaints Handled

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

Figure 4 Complaints Handled by Service

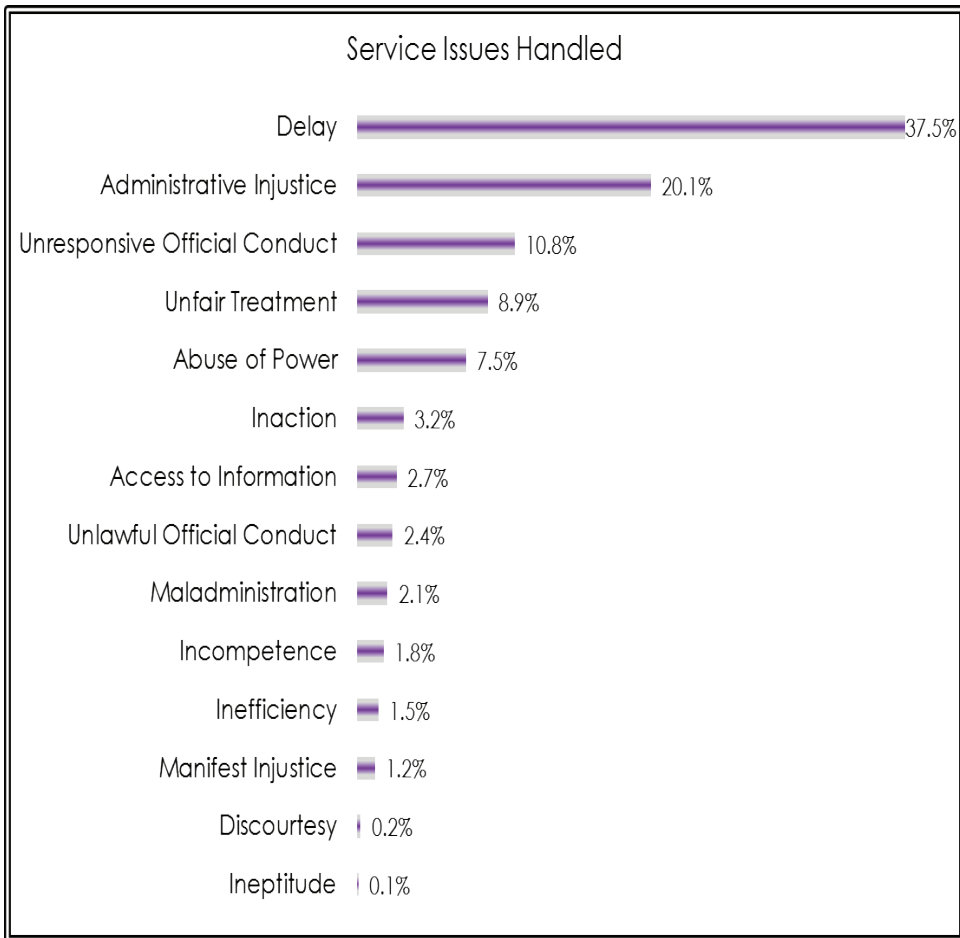
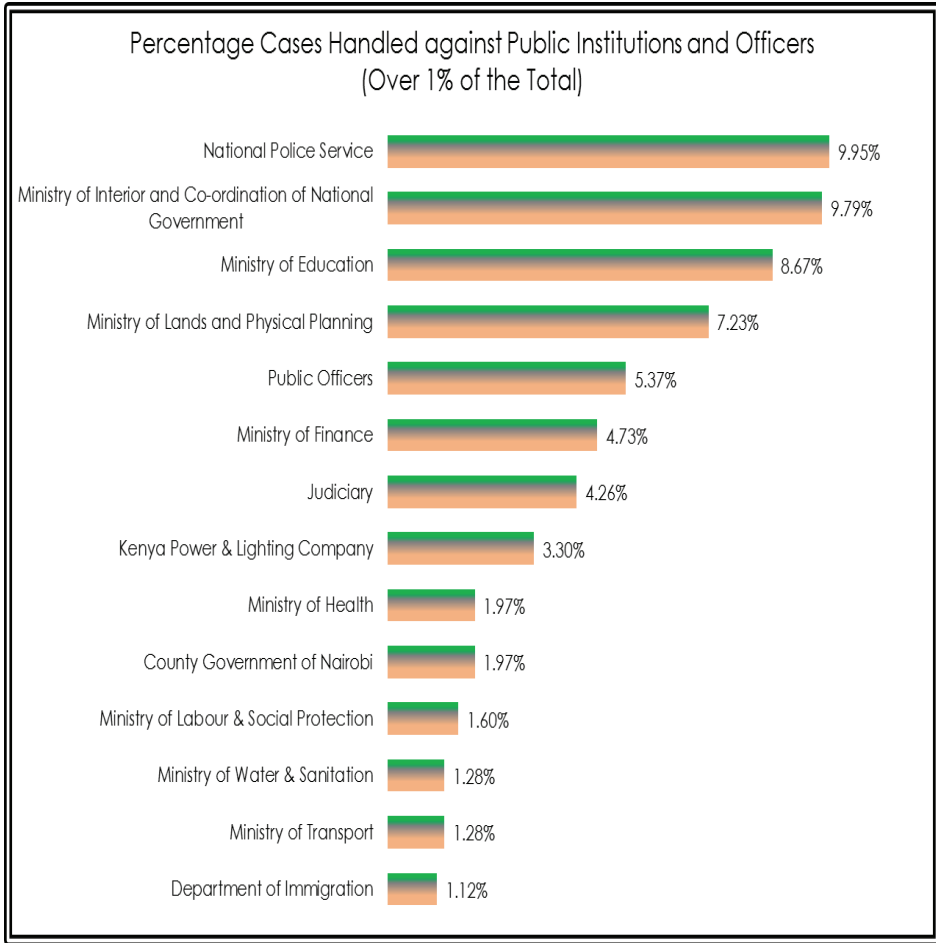


Figure 5: Classification of Complaints Based on Respondents



2.3. Success Stories and Sample Cases

2.3.1. Success Stories

40 Year Wait for Land Ownership Documents

This Complainant lodged a complaint with the Commission alleging inordinate delay by the Naivasha Land's office to issue him with an allotment letter.

According to the Complainant, a plot in Kiambogo Settlement Scheme in Nakuru County had been allocated to his late mother in 1977. Upon the demise of his mother in 1980, he began pursuing the allotment letter to be issued to him without any success. Although the complainant was occupying the land at the time, he was informed that the same land was registered in the name of a different person prompting him to seek the intervention of the Lands office to have the ownership issue resolved and an allotment letter issued to him. He felt aggrieved since despite pursuing the matter for almost forty years, the Lands officers were not taking any action.

The Commission took up the matter with the Land Adjudication and Settlement Officer in Naivasha who stated that he had not received the allotment letter from the head office, prompting the Commission to make a further follow up with the Director, Land Adjudication and Settlement in Nairobi who responded stating that they had issued Mr. Karime with an allotment letter and would be facilitating the transfer documents and title deed to the complainant.

A Case of the Missing DNA Results

This Complaint was lodged at the Commission alleging the inordinate delay by the Directorate of Criminal Investigations (DCI) in the release of DNA results.

According to the complainant, his wife delivered on 21st January 2018 through caesarian section at the Pumwani Hospital. However, he was called into the theatre and was presented with a stillborn baby whose body was very cold and the belly button had already dried up, hence inconsistent with a fresh delivery. Having suspected that the baby his wife had delivered might have been exchanged for the stillborn baby, he reported the matter to California Patrol Base but was informed that the matter was under the jurisdiction of the DCI.

The Complainant and his wife then went to the DCI on 19th February 2019 where their Deoxyribonucleic Acid (DNA) samples were taken with a promise that the results would be out in three weeks. However, one and half years later,

the DNA results had not been released, forcing the family to seek the intervention of the Commission. The Commission took up the matter with the Government Chemist leading to the release of the DNA results which confirmed that the Complainant and his wife were not the parents of the stillborn baby and consequently, they proceeded to court to seek justice.

College Fee Refund Case

The Complainant lodged a complaint at the Commission alleging that his brother had been admitted to Jaramogi Oginga Odinga University of Science and Technology (JOOUST) in August 2019 to undertake a Diploma course in Building and Civil Engineering and paid the fee of Kshs. 45,000. However, the registrar later informed him that the course had only attracted one student hence it could not be taught due to lack of quorum. He was requested to change to another course or apply for a refund of the fee he had paid. He applied for a refund but there was no prompt action from JOOUST despite several interventions from his relatives.

The Commission intervened by way of inquiry raised with the Vice Chancellor, which resulted in payment of the refund.

The Valuation Report Case

The Board of Management, Mazeras High school lodged a complaint concerning the adverse impact and damages on the school facilities occasioned by the mining operations undertaken by Hakika Transport Services at a quarry within the vicinity of the school. This matter had been brought to the attention of Ministry of Mining, NEMA(The National Environment Management Authority), Education and Public Works offices in Kwale County. The school indicated that the Sub County Public Works Officer, Kinango, had undertaken an assessment of the damage occasioned but had failed or declined to release a valuation report since 2017. The Commission sent inquiries to the PS, Public works and upon subsequent follow up, the school vide a letter dated 22nd July 2019, confirmed receipt of the valuation report and appreciated the commission's intervention. The valuation report will facilitate further action for compensation against the concerned company.

A Case of Police Inaction in the face of Malicious Damage to Property

This was a complaint regarding police inaction in a case of malicious damage to property reported at Diani police station. The complainant indicated that his land had been invaded by goons on several occasions who uprooted and destroyed the fence in a bid to use the plot as a playground and prevent him from developing it. Upon the Commission's intervention with the Internal Affairs Unit and National Police Service the complainant notified the Commission that the matter had been addressed.

Delayed Cash Bail Refund Case

The complainant alleged that there was delay by the Mombasa law court to refund cash bail of Kshs. 5,000 paid in a Mombasa Criminal Case. His efforts to follow up at the court's Registry bore no fruit since the court file was allegedly missing. Upon intervention by the Commission, the complainant through an email on 15th November 2019 confirmed receipt of the refund and expressed gratitude.

Delayed issuance of land title Deed

The complainants alleged that there was inordinate delay and/or refusal by the Lands Registrar- Kilifi to process and issue a title deed to them. The complainants had lodged an appeal to the Cabinet Secretary Ministry of Lands against the Land Adjudication & Settlement Officer's (LASO) decision to enter a restriction on the land parcel. Upon determination of the appeal, the Cabinet Secretary ordered the removal of the restriction and directed registration of the parcel of land. However, the Land registrar did not effect this decision hence the decision to lodge a complaint with the Commission.

The Commission took up the matter with the State Department of Lands and subsequently, the complainants confirmed receipt of the title deed.

Police Inaction in a Defilement Case

A complainant lodged a complaint against Bamba police station alleging failure by the police to arrest a suspect who was reported to have defiled a minor. The incident was reported on 4th January, 2019 at the station and statements were recorded. After the Commission intervened, the suspect was arrested and arraigned in court.

The Maize meal Case

A private company lodged a complaint alleging discrimination and frequent harassment by Kenya Bureau of Standards. The complaint stated that KEBS suspended its permit vide a letter dated 27th January 2020, and directed it to stop any further production and recall its maize meal brands from the market. This was despite the fact that the company had complied with and implemented a corrective action plan earlier recommended by KEBS following an earlier suspension in November 2019.

The Commission intervened and convened a meeting between KEBS officials and the Directors of the company where the complaint was investigated and it was found that the company had indeed complied with the recommendations of KEBS. Consequently, the suspension of permit was lifted and the company's products were reinstated to the market on 20th February 2020.

The Kesses Boda Bode Sacco Case

The complainants, who were motor cycle riders doing business in Eldoret town, alleged intimidation and harassment by Uasin Gishu County Enforcement officers in the enforcement of County By-Laws. They further alleged that the County Enforcement officers unlawfully impounded two motor cycles belonging to the SACCO members.

The Commission held a meeting with the Uasin Gishu County Director of Enforcement and an investigation was launched which revealed that the reasons for impounding the motor cycles were unlawful. As a result, the two motor cycles were released and the complainants were assured of equal treatment in enforcement of County by-laws.

The Fraudulent Death Case

The complainant alleged that he is a retired Kenya Defence Forces employee and had been receiving his pension dues since his retirement in 1993. In October 2018, he suddenly stopped receiving his pension dues and upon enquiring from the Pensions department, he was informed that a death

certificate had been filed in his pension file. He was requested to identify himself with documents which included a statement for verification in order to be paid his dues. Despite complying, he hadn't received any communication from the Pensions department.

The Commission followed up with the pensions department and on 30th January 2020, the complainant confirmed that he had received all his pension dues including arrears.

A Case of Delay in Payment of Court Award

The complainant had sued the state for false arrest, detention and malicious prosecution and was awarded Kshs. 417,560/= (Four Hundred Seventeen Thousand, Five Hundred and Sixty). Since the award was made, the state had not complied with the court order prompting the complainant to lodge a complaint with us.

The Commission intervened and the complainant confirmed to us that he had received the decretal sum.

Reinstatement by the Kenya Defence Forces

The complainant lodged a complaint with the Commission alleging that he was employed by the Kenya Defence Forces in 1984. He served until 2014 when he alleges that he was unfairly terminated from his job. He challenged the termination in court and the court ruled in his favour ordering the KDF to reinstate him to his former position. The KDF did not comply with the court order prompting the complainant seek the Commission's intervention.

The Commission obliged and on 27th March 2020, the KDF in writing agreed to reinstate the complainant to his job and the complainant confirmed the same.

A Case of Delay in Conducting Disciplinary Proceedings

The complainant lodged a complaint with the Commission alleging that the Ministry of Agriculture delayed to conclude his disciplinary proceedings against which he was on interdiction from employment. Upon the Commission's intervention, the disciplinary proceedings were duly concluded and the complainant reinstated to work and paid the accumulated half salary that had been deducted from his monthly pay for the period he was on interdiction.

The Dangerously Hanging Power Line Case

The complainant lodged a complaint with the Commission alleging that Kenya Power had failed to address precariously hanging power line at Nyawita Kanyakwar 'A' location since 2018.

Following the Commission's intervention, the lines were repaired by Kenya Power and are no longer a threat to the residents of the area.

The Fraudulent Beneficiary Case

The complainant lodged a complaint with the Commission alleging that NHIF had failed to amend details of beneficiaries to his NHIF card to indicate his spouse. He alleged that a stranger had been fraudulently indicated as a beneficiary in his medical cover but despite his complaints to NHIF, no action was taken.

Upon the Commission's intervention, investigations were initiated which confirmed that the latter had been fraudulently included as a beneficiary. Following this information, the spouse has since been restored as a beneficiary. Further, the employee who was found culpable in the fraudulent scheme was interdicted pending the outcome of further investigations initiated by DCI.

The Elderly Cash Transfer Program Case

The complainant lodged a complaint with the Commission alleging that the State Department of Social Protection had failed to address anomalies in the Elderly Cash Transfer Program for Kajulu West Location, Kisumu East Sub County. This failure led to a delay in the payment of arrears owed to the beneficiaries.

Following the Commission's intervention, the anomaly was addressed and the complainant subsequently confirmed that the beneficiaries were paid their dues.

The Unclaimed Financial Assets Case

The complainant lodged a complaint with the Commission alleging that the UFAA failed to settle dues owed to the estate of their relative amounting to Kshs. 280,909 (Two Hundred and Eighty Thousand, Nine Hundred and Nine) which was held at the Barclays Bank (as it then was) where she had a savings account.

Upon the Commission's intervention, the dues were duly remitted to the Public Trustee Office Kakamega for administration and consequently the same was paid to the beneficiaries of the deceased's estate.

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 the Complaint
1.	CAJ/KS M/KPLC /021/49/20-EL	Kenya Power	Inefficiency	A complaint on allegations that Kenya Power & Lighting Company has inflated his electricity bill and has failed to address the anomaly therein.
2.	CAJ/M.LAB/017/795 /20-EF	State Department for Social Protection	Unresponsive Official Conduct	The Complainant alleges that she is registered under the cash for the elderly program and that she used to receive monthly disbursements until December 2018 when the payments stopped. She made numerous attempts to find a solution at the Nyamira County offices but has been unsuccessful to-date.
3.	CAJ/KURA/006/146/2020-SC	Kenya Urban Roads Authority (KURA)	Ineptitude	The Complainant alleged that he is a resident of Kericho County and that the Respondent is constructing the Kericho By pass Phase I project. The excavations have caused the collection of a pool of stagnant water, which is both a health and environmental hazard to the area residents. The complainant has made several complaints in writing to KURA but no action has been taken.
4.	CAJ/KNBS/008/240/2020-SC	Kenya National Bureau of Statistics (KNBS)	Delay	The Complainant alleged that she was a census enumerator in 2019 based in Meru County and to date she has not been paid her dues despite completing the assignment and surrendering all the tools assigned to her. She has tried following up on the matter to no avail.

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint
5.	CAJ/MHEA/012/522/ 2020-SC	Ministry of Health	Unfair treatment	The Complainant alleged that she appealed to the Public Service Commission against her dismissal on grounds of misconduct from the Ministry of Health where she was an employee. She appealed on grounds that she had not been granted a fair hearing. Despite several follow-ups the complainant has not received feedback on the appeal.
6.	CAJ/PO/047/ 409/20-JMM	Nairobi Water Company Ltd	Abuse of Power	The Complainant alleged that the Managing Director of Nairobi Water is harassing and victimising employees especially those investigating the discharge of effluent into several rivers in Nairobi.
7.	CAJ/KPLC/021/435/2 0-JMM	Kenya Power and Lighting Company	Manifest Administrative Injustice	The Complainant alleges that he was an employee of Kenya Power and Lighting Company for 28 years until 1995 when he left on early retirement. He alleges that he has never been paid his retirement benefits despite having availed all the requisite documents for the processing of his pension benefits. He has made several follow-ups with KPLC without any success.
8.	CAJ/M.EDU/013/1933/20- JMM	Teachers Service Commission	Manifest Administrative Injustice	The Complainant alleges that he is a teacher with permanent disability. He was granted tax exemption in April 2016 and the same was subject to renewal in April 2021. The Teachers Service Commission withdrew his tax exemption in October 2019 without giving any reasons. When he made a follow-up, he was asked to surrender the original and copies relevant documents, which he did. He has since made several follow-ups with TSC without success.
9.	Own Motion CAJ/OM/7/17 1/20-HQ	Kenya Power and Lighting Company	Delay	An own motion complaint gathered from the Commission's social media pages regarding prolonged power outage in Nyadorera market in Siaya County due to a faulty transformer. An inquiry was initiated and the matter resolved.

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint
10.	CAJ/CG/MERU/111/19/20 20-EMM	County Government of Meru	Unfair Treatment	An allegation that Meru County clinical officers' statutory deductions have not been remitted as required under Employment Act, No. 11 of 2017 since March 2019. The officers were yet to be paid their February 2020 salaries. The complainants further claimed that the respondent has not properly trained them on how to handle the Covid-19 virus and that they are yet to be provided with personal protective equipment.
11.	CAJ/M.IGC/062/1159/ 20-EMM	National Registration of Persons	Delay and Manifest Administrative Injustice	An allegation that the Complainant applied for a national identity card and the same was issued on 2 nd April 1997. However, the complainant was later informed that the ID Card number resembled another. This has hindered the Complainant from accessing certain services such as M-pesa and NHIF. She has severally attempted to have the same rectified to no avail,
12.	CAJ/ISI/POL /015/116/20 -SG	National Police Service	Inaction	The Complainant alleges that his 17year old son was assaulted by some police officers. He reported the matter at the Isiolo Police station vide OB number 108/20/01/2020 but the police had not taken any action.
13.	Mudulle Community CAJ/062/1146/	Ministry of Interior and Coordination	Abuse of power	An allegation that the Chief of Aus Mudule Location, Tarbaji Sub-County, Wajir County, harasses, threatens and intimidates members of the public when they demand for better service delivery and proper implementation of community projects.
14.	CAJ/M.LAN/022/1963/19 -EMN	Ministry of Lands and Physical Planning	Administrative Injustice	The Complainant alleges that she is the legally registered owner of a parcel of land in Umoja Innercore. She had been paying land rates for the parcel until 2014 when she was advised to stop paying by the Director of Survey. Subsequently, a group of people encroached on her land and continues to occupy the same. She has followed up with the Ministry of Lands.

No.	Complaint Ref No.	Respondent	Classification	Summary of the Complaint
15.	CAJ/M.EDU/013/1859/19-SC	of University Technical Kenya	Unfair Treatment	The complaints who were students at the Technical university of Kenya pursuing Bachelor of Engineering, Electrical & Electronics alleged that they had not been enlisted in the 20 th December 2019 graduation list despite attaining the minimum requirements for graduating. They wrote letters to the Director of the Department regarding the matter, but failed to elicit a response, which led them to seek the Commission's intervention. The Commission intervened and they were allowed to graduate.

2.1.1. SAMPLE LETTERS of APPRECIATION

29/10/2019

COMMISSION ON ADMINISTRATIVE JUSTICE
29 OCT 2019
RECEIVED

KESSES BODA BODA SAVING AND CREDIT
Co-OPERATIVE SOCIETY

Dear Madam Salome.

The Chairman of Kesses Boda Boda and also
The Trocadere Main Stage Comend the
Commission on Administration Justice for
there good work. That ~~the~~ we have
seen the fruits of their work and
hope to see it go on without
stopping. good work

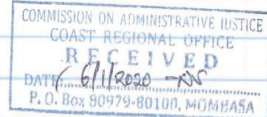
GOD BLESS YOU

Oscar Khamati Shikanga
Chairman
Kesses Boda Boda.

MR. HENRY MWANGOME,
P.O. BOX 875-80108,
KILIFI.

2
27th DEC, 2019.

THE COMMISSION ON ADMINISTRATIVE JUSTICE,
OFFICE OF THE OMBUDSMAN,
P. O. BOX 80979-80109,
MOMBASA.



DEAR SIR/MADAM,

RE: STATUS OF COMPLAINT BY HENRY MWANGOME - LAND
PARCEL NOS MWARAKATA/MTO MKUU/84, 92, 93, 95, 546.

I hereby draft this letter in respond to your letter dated on 14th October, 2019 regarding the above stated matter.

I am kindly informing you that the matter was well settled and I strongly feel your support towards it.

I can't hesitate to give back my thanks giving back to your office for the support you offered towards it.

Yours sincerely,
H. Mwangome.

MR. HENRY MWANGOME
0723576650

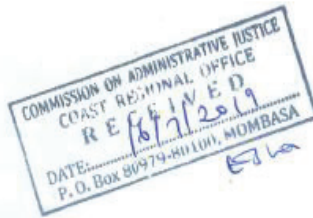
002/97

SALWA B. SALIM.

TEL 00726525793.

MALINDI

16th July 2019.



COMMISSION ON ADMINISTRATIVE JUSTICE
MOMBASA.

Dear Madam,

REF: COMPLAINT AGAINST DEPARTMENT OF
IMMIGRATION.

I brought a complaint regarding ~~the~~ the delay of my passport against the immigration office on the 1st of July²⁰¹⁹ I had to bring this complaint because the application took too long since February till date to get the passport.

I would like to thank this office for their assistance in obtaining my passport, and you may now close my complaint.

Yours faithfully,

Salwa.

Kiplimo Barnaba Paul,

C/O 0723245973

kiplimobarny@gmail.com

20th January 2020

The Chairperson,

Commission on Administration of Justice (CAJ),

ATTN:

Mrs Lucy Ndung'u HSC, EBS

Access to Information Commissioner

Dear Madam,

RE: APPRECIATION.

The above subject refers.

Greetings and a happy new year, 2020.

I make reference to my access to information case with the Kerio Valley Development Authority vide my letter (and other subsequent communications) dated 20th July 2019.

I am delighted to report back that despite the initial hostility from the respondent, I was ultimately provided with copies of most of the sought documents. I have since studied the documents and discovered numerous monstrous inadvertences and prejudices meted against me by the respondent. I will in due course formally forward the same to the Commission for further corrective action.

In the meantime, I would like to appreciate the Commission's resoluteness, diligence, persistence and unwavering support on my case and cause. You have indeed lived to your mission and pledge of securing justice to the weak and meek. It will not be an exaggeration if I say that without the Commission's efforts this progress would not have been realized.

I am greatly obligated to your collective and individual corporate and staff commitment by among others; 1. Hon. Kajuju Florence, Chairperson 2. Mrs. Lucy Ndung'u, Commissioner ATI 3. Commissions' staff especially Mr. Nzioka Simon and Mrs. Mduu

Kindly accept this note as a token of appreciation.

With thanks,



Kiplimo Barnaba Paul

RICHARD SIMON KUNGU.

P.O BOX 16-40106,

MIWAMI.

10TH JULY 2019

TO:

THE OFFICE OF OMBUDSMAN

P.O BOX 1967-40100

KISUMU, KENYA

Dear Sir/Madam



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

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

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

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

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

Much thanks and appreciation.

Yours in the love of Christ.

R.S. KUNGU (Rev)

07140339596

The Executive Officer ✓
 Commission on Administrative Justice
(Office of the Ombudsman)
 P.O. Box 20414- 00200
 NAIROBI, Kenya



The Principal Secretary
 Ministry of Transport **IH&U** Development
 State Dept of **H&U** Development
 P.O. BOX 30260-00100
 NAIROBI, Kenya

Dear **ALL**,

RE: COMPLAINT SETTLEMENT AND WITHDRAWAL NOTICE

This is to inform all interested and concerned PARTIES that the matter of compensation for maize crop damages by **Inifinity Development Ltd**, the Road Contractor, under project **MTHUD/KISIP/WKS/001B /2016/2017**, has been finally resolved through a negotiated agreement by both parties in dispute. IDL has also -

- (1). Restored the land survey beacons,
- (2) .Reconnected Water supply
- (3).Reconstructed Perimeter Fence and
- (4). Repaired the gateway culvert

In view of the foregoing, I **now** hereby formally withdraw all **liability** against Ministry of Transport, Infrastructure, Housing and Urban Development for the damages of maize crops and other property caused by **Inifinity Development Ltd.**, the Road Contractor, who responsible for the damages.

I thank all the PARTIES who have helped in solving my complaints, specifically the Commission on Administrative Justice (**Office of Ombudsman**) who worked tirelessly and persistently to ensure that justice has been done.

Yours sincerely,

MR. SAMUEL K. MAINGI
COMPLAINANT/LANDOWNER

2.1. Investigations

Investigations form an integral part of complaints management section **(8)** of the CAJ Act, 2011. Accordingly, the Commission carried out eight specific investigations during the period under review

Below are highlights of two investigations:

Alleged maladministration at Upper Hill School

The Commission undertook an investigation into allegations of irregular procurement, underpayment of staff and payroll falsification, misuse of funds and misconduct by the Principal.

The investigation revealed that the allegation of falsification of payroll was unfounded. However, it was found that non-teaching staff at the school were earning a lower salary than the approved civil servants' salary structure. The investigations further revealed that the principal and some officers were found culpable of irregular procurement of firewood and abuse of power by irregularly demoting and appointing some staff. In this regard, the Commission made recommendations and shared the report with the Office of the Director of Public Prosecution (ODPP) and other relevant agencies for further action.

The Commission further recommended that the Principal Secretary, Ministry of Education, Science and Technology should develop a guideline on the terms of employment for non-teaching staff for all schools in line with Employment Act and other relevant laws and take action against the Principal for irregularly recruiting Ms. Akol as cateress.

Finally, the Commission also recommended that the Board of Management of Upper Hill School should ensure that Ms. Alice A. Ouko resumes her duties as the Cateress in charge and reassign the new Cateress, Ms. Mary Akol other duties.

An Investigation into the 29th September 2019 Likoni Ferry Tragedy and Other Systemic Issues Affecting the Kenya Ferry Services

The Commission carried out an investigation into the 29th September, 2019, Likoni Channel tragedy in which a 35-year-old mother, Mrs. Mariam Kighenda, and her four-year-old daughter, Amanda Mutheu, were reported by various media outlets to have lost their lives after their car slid back and plunged into the Indian Ocean. According

to the reports, they were aboard MV Harambee Ferry on their way to Mombasa Island from Msambweni, Kwale County.

The investigation sought to find out the circumstances surrounding the tragedy, coordination of the search and retrieval of the car and its occupants, the role of relevant institutions in the provision of quality, safe and secure ferry services, and whether KFS was prepared to deal with such eventualities in future.

Upon Investigations, it was confirmed that the prows (flaps at the front and rear part of a vessel that restrain vehicles and passengers from falling into water) were not functional hence could not prevent the car from sliding back and plunging into the ocean. Additionally, the safety chain had not been fixed on both the entrance and exit of the vessel which could have possibly restrained the car from falling into the ocean. It was also noted that other vessels (MV Nyayo and MV Kilindini) also had defective prows. These vessels are thirty-years old and had surpassed the recommended 20-year lifespan, and had been decommissioned in 2007. Kenya Maritime Authority (KMA) had inspected the vessels and certified them as safe for navigation despite having the defective prows. It was also established that the KFS coxswains operating the vessels do not meet the minimum requirements stipulated in the Merchant Shipping (Training and Certification) Regulations, 2016 (Legal Notice No. 41 of 2016). It was established that KMA, as a regulator, had not been inspecting the coxswains to ensure that they meet the minimum qualifications and that they were competent to safely steer the vessels. Overallly it was established that the level of KFS's preparedness to deal with disasters of such nature was wanting.

The Commission recommended thorough inspection of the vessels with a view to decommissioning old and defective vessels and rehabilitating the ones in fair condition to acceptable maritime safety standards. The Commission also recommended that the family of the late Mariam Kighenda to be compensated in line with relevant laws.

CHAPTER THREE

3.0. STRENGTHENING COMPLAINTS MANAGEMENT IN THE PUBLIC SECTOR

The Commission plays an important role in ensuring quality public service delivery. To this end, the Commission facilitates the setting up of, and strengthening of the complaint-handling infrastructure in the public sector. This is realised through training, monitoring of service delivery standards and provision of technical support.

3.1. Capacity Building in the Public Sector

In the period under review, the Commission trained 1,201 officers drawn from 37 institutions. This was a significant decrease compared to previous period where 2,136 officers drawn from 218 institutions were trained. The drop was occasioned by the Covid-19 pandemic which led to the suspension of all training activities in the last quarter of the financial year. The trainings targeted complaints officers, senior managers and frontline officers.



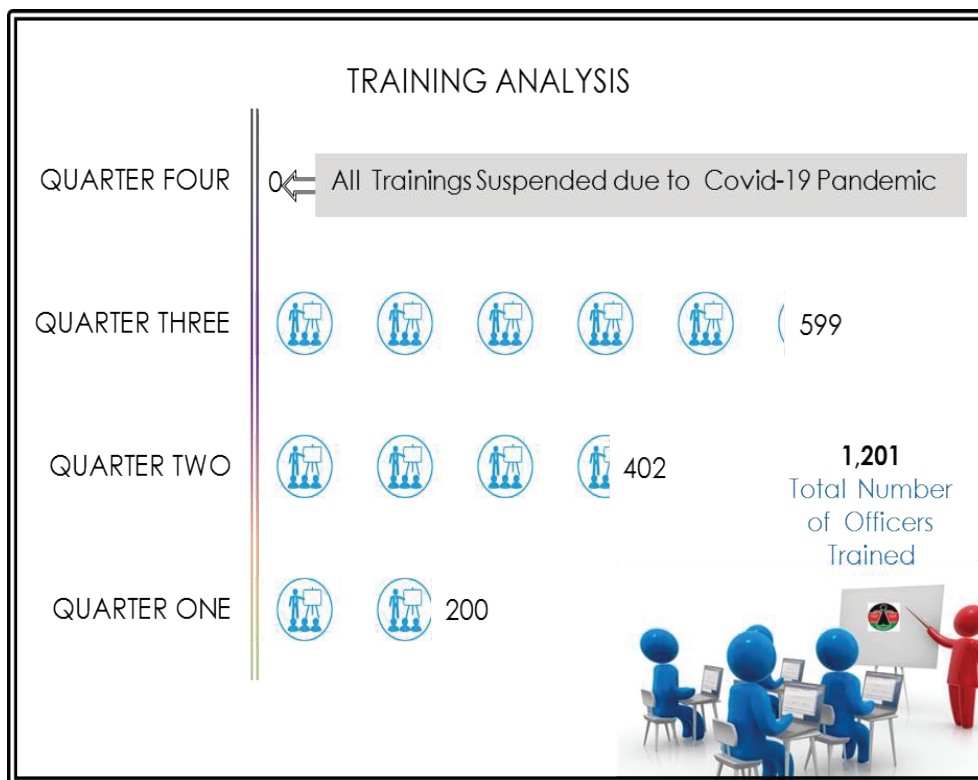
A Training Session Facilitated by the Commission

Table 2 presents the number of institutions and officers trained during the period under review. Figure 6 depicts the number of officers trained per quarter.

Table 2: Number of Institutions and Officers Trained

NO	Public Institutions	Number of Officers
1.	National Aids Control Council	29
2.	National Industrial Training Authority	9
3.	Egerton University	31
4.	Kenya Export Promotion & Branding Agency	67
5.	O'lessos Technical Training Institute	40
6.	Kenya Revenue Authority	29
7.	Masinde Muliro University of Science and Technology	61
8.	National Cereals and Produce Board	10
9.	Teachers Service Commission	51
10.	Kenya Medical Research Institute	73
11.	Commodities Fund	17
12.	Kenya Ports Authority	39
13.	The National Council for Law Reporting	10
14.	Kenya National Shipping Line	6
15.	Kenya Reinsurance Corporation	73
16.	TVET CDACC	7
17.	ICT Authority	50
18.	Kenya Rural Roads Authority	49
19.	Nairobi Centre for International Arbitration	22
20.	Kasarani Technical Vocational College	10
21.	National Transport and Safety Authority	11
22.	Energy and Petroleum Regulatory Authority	37
23.	Kabete National Polytechnic	19
24.	Kenya Medical Training College	72
25.	Kenya Law Reform Commission	11
26.	National Police Service, Internal Affairs Unit	111
27.	Ministry of Devolution and ASALs, State Department for Devolution	14
28.	Kenya Broadcasting Corporation	24
29.	University of Eldoret	11
30.	Kenya Cultural Centre	4
31.	National Irrigation Authority	33
32.	Communication Authority of Kenya	32
33.	Ministry of Foreign Affairs	18
34.	State Department for Fisheries, Aquaculture and Blue Economy	10
35.	Retirement Benefits Authority	27
36.	Kirinyaga University	30
37.	Ewaso Ng'iro North Development Authority	54
TOTAL		1,201

Figure 6: Quarterly Training Analysis



3.1.1. Resolution of Public Complaints Indicator

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

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

During the period under review, the Commission developed the ninth edition reporting guidelines for implementing the Indicator.

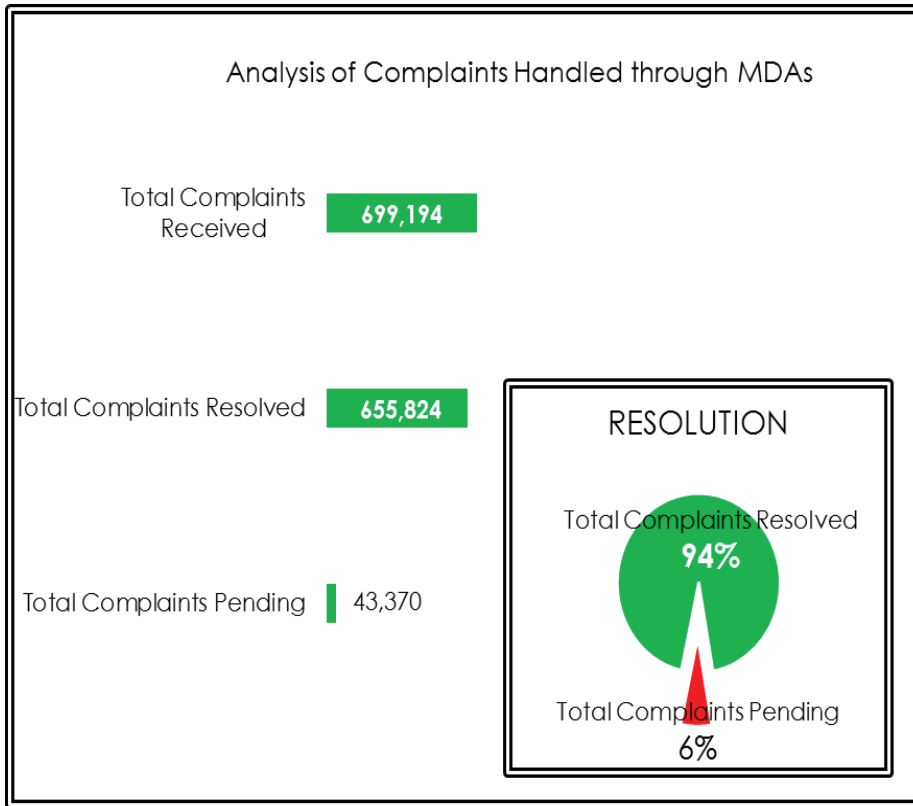
In assessing the level of compliance, the Commission checks whether a public entity has:

- i. resolved and reported on complaints handled to the Commission as per the guidelines,
- ii. built capacity for complaints handling officers and staff,
- iii. maintained a complaints register,
- iv. created awareness on complaints handling systems
- v. proactively disclosed all information to members of the public unless exempted under section six of the ATI Act, and
- vi. reported on access to information requests processed.

During the year, public institutions handled 699,194 complaints out of which 655,824 (93.79%) were resolved. Notably, complaints against Kenya Power accounted for over 90% of all the complaints lodged directly with public institutions. Other institutions which received significant number of complaints included, National Transport and Safety Authority (11,318), Kenya Trade Network Agency (3,183), Kenya Revenue Authority (2,596) and, Insurance Regulatory Authority (2,070).

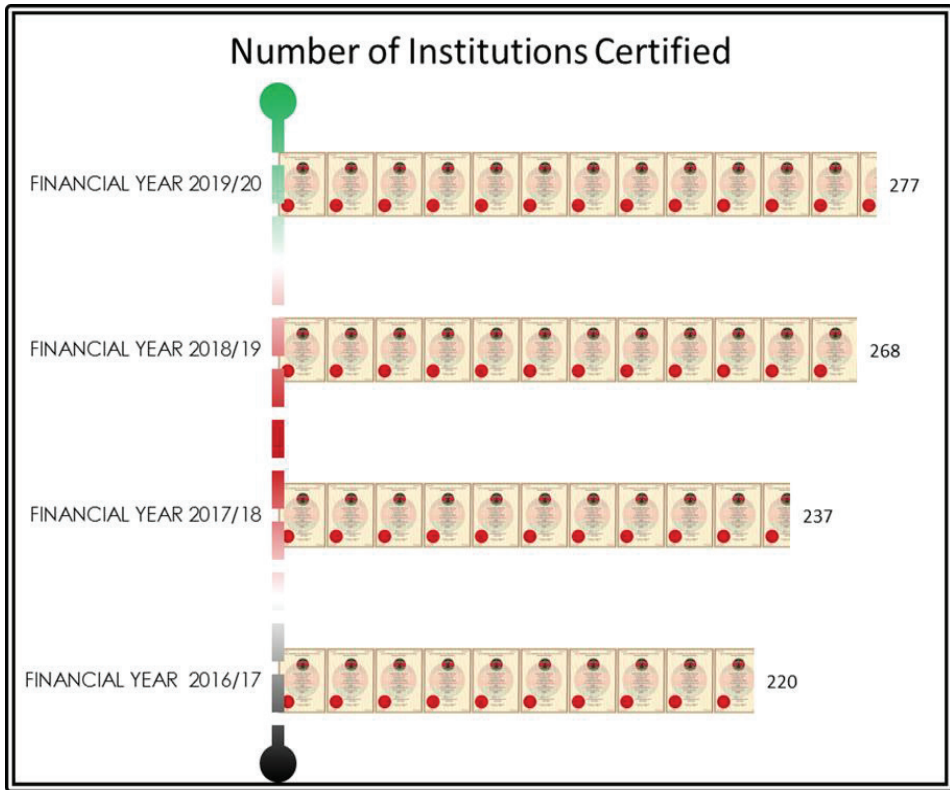
Figure 7 presents the analysis of complaints received by public institutions during the reporting period.

Figure 7: Analysis of Complaints Received by Public Institutions



A comparative analysis of the past four years indicates a steady rise in the number of public institutions complying with the indicator on resolution of public complaints and therefore certified. This can be attributed to the interventions by the Commission to strengthen the capacity of public institutions to manage complaints. Figure 8 presents an analysis of institutions certified.

Figure 8: Certification Analysis

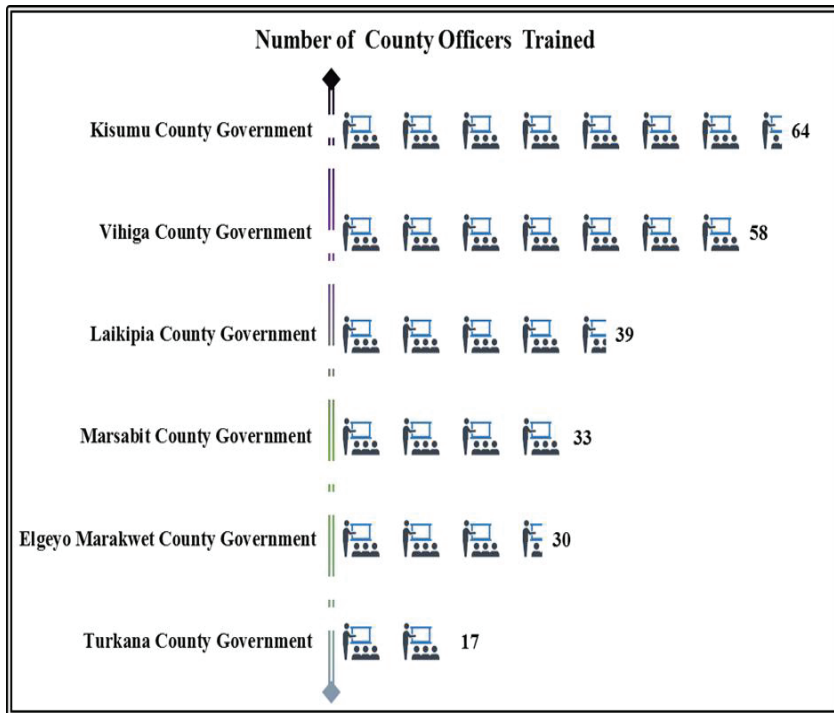


3.1.2. Support to County Governments

The Commission provided support to county governments with regard to strengthening complaints handling infrastructure. To this end, the Commission trained a total of 241 officers from six counties namely; Vihiga, Kisumu, Marsabit, Turkana and Elgeyo Marakwet. This was done in partnership with GIZ under the Strengthening Good Governance Programme.

Figure 9 depicts an analysis of county government training during the period under review.

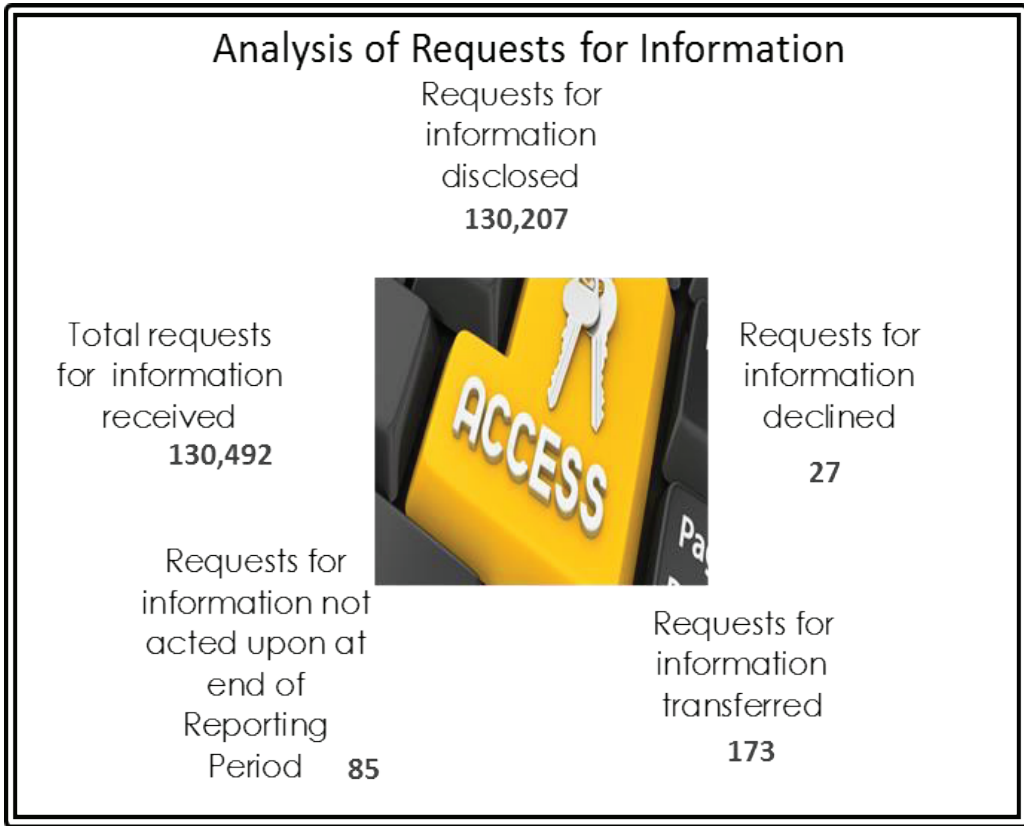
Figure 9: Analysis of County Government Training



3.1.3. Reporting by Public Entities on ATI

Following the mainstreaming of issues on access to information into existing into Performance Contracting framework, where public entities report to CAJ on resolution of public complaints, the Commission developed Guidelines for public entities within the 9th edition of “Reporting Framework” for the financial year 2019/2020. A total of 130,492 requests for information were received and processed by various MDAs (Ministries Government Departments and Agencies). This was a significant increase compared to the previous 2018/19 financial year where only 4607 requests were processed.

Figure 10: Analysis of Requests for Information



CHAPTER FOUR

4.0. ACCESS TO INFORMATION

4.1. Introduction

The Commission is mandated to oversee and enforce the right of access to information in Kenya pursuant to Article 35 of the Constitution and the Access to Information (ATI) Act, 2016. The Commission is required to report to Parliament on implementation of the right of access to information. In this regard, the Commission undertook a number of initiatives to operationalise the law. Some of the specific areas of focus under the reporting period were the establishment of a regulatory framework, handling of appeals on access to information, building the capacity of public institutions and sensitisation on the access to information law.

4.2. Operationalisation of the ATI Act

1.1. Development of ATI Act Regulations

The process of developing ATI regulations commenced in the financial year 2018/19 whereof by the end of that year, the first ATI draft regulations were in place. In the reporting period, the draft was subjected to two stakeholder reviews and subsequently adopted by members of the Taskforce for the Drafting of ATI Regulations on 21st April, 2020. The final draft regulations were forwarded to the Cabinet Secretary, Ministry of Information Communication and Technology, Innovation and Youth Affairs for further processing.

1.2. Establishment of ATI Infrastructure

Pursuant to the enabling legislation, a total of forty-six (46) County officers were conferred delegated powers of Information Access Officers (IAO) in 46 County Executives. Likewise, 36 County Assemblies have exercised the power of delegation of IAO functions to nominated officers. The requirement of publishing and publication of the contact details of IAOs has been complied with and most institutions have made disclosures on their websites. Several national Government institutions and a number of County Governments have also established Committees for implementation of the Act.

4.3. Review of Public and Private Entities Decisions under the Act:

4.3.1. Applications for Review to the Commission

The Commission received a total of 132 applications for review of decisions by entities under the Access to Information Act. A total of 126 applications representing 95.45% were successfully resolved whereof the concerned entities provided the requested information. The majority of the applications for review received by the Commission representing 91.46% were classified as a decision refusing to grant access to information under section 14 (1)(a) of the Act. These were mostly characterized by general lack of a response from the requested institutions. The Commission received four (4) applications for review on Refusal to correct/update/annotate records of personal information under S. 14 (1) (h)]. There were four (4) applications representing 4.88% addressing the issue of public entities obligations on proactive disclosure as provided for by sections 5 and 14(3) of the Act.

4.3.2. Sample Successful Resolutions

i. Failure to Supply Requested Documents on Voluntary Retirement Scheme By KVDA

This was an application by several persons who had been retired by the Kerio Valley Development Authority (KVDA) under the Voluntary Retirements Scheme. The Applicants alleged that the terms of their retirement differed from what had been negotiated and agreed with the management. This was because their final terminal benefits had been greatly reduced and some of them omitted from the final list of beneficiaries. The applicants requested to be granted access to the documents submitted by KVDA Board to the National Treasury for processing of their benefits. The information request to KVDA was not granted, hence the appeal application before CAJ. Upon inquiry, KVDA expressed reservations in disclosing some of the requested documents. However, CAJ issued a ruling directing KVDA to provide the documents requested upon redaction of the confidential information. The applicants were granted the documents and expressed satisfaction.

ii. Failure to Avail Information by KeNHA on a Proposed Road in Kilifi County

The Applicant, a law firm, alleged that its client who was the lawful owner of a parcel of land known as KILIFI/KINUNG'UNA/278 in Kilifi County had been denied access to information concerning a proposed road which would pass through the parcel of land. The information requested was on; the gazetted parcels of land to be affected, the total area that would be affected, the proposed mode of compensation, the public participation process undertaken as well as the Environmental Impact Assessment and social audits reports. The Applicant alleged that there was no response to the request for information from the Kenya National Highways Authority (KeNHA), hence the appeal to the Commission. The Commission inquired into the matter and made a ruling that KeNHA should fully disclose the requested information, which was done.

iii. Failure to Supply Certified Copies of Land Control Board Proceedings

The Commission received an application alleging failure to facilitate access to information and documents of Kiambu Sub-County Land Control Board's proceedings. The applicant had requested for certified copies of applications tendered to the Board, the booking receipts thereof and certified copies of consents issued in the month of October 2018. The Commission inquired into the matter and made an Order under section 23(2)(a) of the Access to Information Act ordering the Deputy County Commissioner to facilitate access to the requested information within Seven (7) days.

4.3.3. Enforcement of Commission's ATI decisions

An analysis of the applications for review revealed that 87% Respondents released information withheld by them upon receiving an initial letter of inquiry from CAJ. This meant that most applications for review were closed at the point such information was provided. Many of the correspondences by CAJ thus form 'decisions on release of information' especially after both parties have given their perspectives in relation to the request. In some instances, CAJ utilized its powers granted by ATIA as well as the CAJ Act such as through the issuance of Summons to elicit response from some of the Respondents. These measures were utilized in five instances under the access to information framework and the results were that the Respondents complied by responding to our inquiry and by releasing information withheld.

Further, the Commission issued six (6) orders to various institutions under section 23(2) of ATIA, 2016. This section empowers the Commission to *order; the release of any information withheld unlawfully; a recommendation for the payment of compensation; or any other lawful remedy or redress.*

These institutions included the Ministry of Health, Banking Insurance and Finance Union, Bunyala Sub-County Agricultural Office, the Officer Commanding Police Station- Riruta Police Station and the Nairobi Women's Hospital.

4.4. Public Education and Awareness on ATI

The emerging trend in good governance the world over is adopting an open governance practice. Open governance empowers members of the public to participate in policy formulation and implementation. As such, to ensure full understanding of the obligations imposed by the Act, it is incumbent upon the Commission to train and sensitise all officers charged with implementing the Act.

To this end, the Commission trained and sensitised 1,337 officers drawn from 39 institutions on access to information. In addition, the Commission trained Information Access Officers in all the forty-seven counties. Further, county-specific trainings were carried out in six Counties namely; Vihiga, Kisumu, Laikipia, Elgeyo Marakwet, and Kitui.

4.5. Implementation of the ATI Act by Public Entities

4.5.1. Proactive Disclosure of Information

Proactive disclosure entails the making of information available without being prompted and is also referred to as active transparency. All public entities are required to release information to the public, without the necessity of formal applications. The affirmative disclosure obligation not only requires public entities to proactively disclose information but also to update that information at the beginning of every year. This provides an excellent opportunity to satisfy the public demand for routine information while reducing the administrative burden associated with processing information requests. Additionally, proactive disclosure increases transparency hence public confidence in public entities. The Act provides that public entities are not obliged to supply information that is reasonably accessible by other means. Therefore, information already

proactively disclosed should not be the subject of information requests. In essence the Act envisages a complementary relationship between active and passive disclosure.

Further to this, the Commission undertook a raft of measures including training and capacity development of public officers on the obligation, regular monitoring and spots-checks, appropriate researches and information audits, monitoring of information releases as well as review of public entities' reports on proactive disclosure. Resulting from the foregoing, the Commission issued guidance to 14 public entities on modalities for compliance with proactive disclosure of information.

4.6. County ATI Laws

While the Act applies to both the National and County Governments, the County Government Act places specific obligations on county governments with regard to the right to information. Section 96 of the County Government Act addresses itself to access to information held by county governments and requires them to pass legislation to guarantee access to information. A number of counties such as Kisumu, Kwale, Embu, and Makueni have already enacted access to information laws and it is expected that other counties will follow suit. The Commission provides technical support to the Counties in the development and implementation of their ATI laws.

As part of this technical support, the Commission, in the reporting period, developed a '*Model Law on Access to Information for County Governments*'. This model law will act as a guide on the minimum standards for their laws thus ensuring uniformity and that the spirit of the national law is maintained.

4.7. Monitoring of International ATI Treaty Obligations and Compliance

The Access to Information Act, 2016 requires CAJ to monitor and report on Kenya's compliance with international treaty obligations relating to freedom of and right of access to information. At the international level, United Nations Education Scientific and Cultural Organisation (UNESCO) monitors the implementation of the Right to Information (RTI) as part of the realization of

Sustainable Development Goals (SDGs) in particular SDG 16.2.10 which ensures public access to information and protection of fundamental freedoms in accordance with national legislation and International Agreements. The reporting mechanism requires both quantitative and qualitative computation of data generated from a national perspective on the implementation process of the right to information. The report should establish the constitutional, statutory and/or policy guarantees for public information and the extent to which such national guarantees reflect international agreements. UNESCO expects its reporting states and territories to file their reports annually.

During the reporting period, the Commission submitted its second report to UNESCO on Kenya's compliance with international treaty obligations relating to freedom of and right of access to information.

CHAPTER FIVE

5.0. PUBLIC EDUCATION AND OUTREACH

5.1. Introduction

Public education and awareness remained a key area of focus for the Commission during the reporting period. This was not only because Strategic Objective 3 (Enhancing Public Awareness and Participation in Matters of Administrative Justice) focuses on this, but also because a survey by Infotrack undertaken a year earlier revealed only 28 per cent of Kenyans were aware of the Commission. Further, the additional role of oversight on access to information conferred on the Commission by the ATI Act in 2016 necessitated the scaling up of public awareness efforts.

Towards this end, the Commission undertook various initiatives despite the challenges posed by budgetary constraints and the Covid-19 pandemic.

5.2. County Visits

The Commission undertook outreach activities in Isiolo and Samburu counties. The visits provided a platform to create awareness, address complaints and offer advisory services. During these visits, the Commission reached out to over 500 members of the public, disseminated information, education and communication materials, and created awareness through local radio stations.



Participants follow proceedings during a public forum in Isiolo Town.

5.3. Media Engagement

Social media is increasingly becoming an important medium of interaction between organisations and their clients. Its interactive nature provides a platform for citizens to access services and demand accountability from institutions. In this regard, the Commission engaged the public through its website (www.ombudsman.go.ke) and social media platforms. During the reporting period, many Kenyans made enquiries and reported cases through the Commission's Facebook page "Ombudsman Kenya", and Twitter handle "@Kenya ombudsman".. It is worth noting that the Commission's audience size on Twitter grew from 17,200 to 21,645, and from 10,000 to 11,634 on Facebook. In the same period, the interaction rate increased by about 70 percent on both Twitter and Facebook. From the issues highlighted on social media, the Commission took up and handled 14 matters on its own motion.

5.4. Ombudsman Mashinani

Ombudsman Mashinani is an initiative that entails taking Ombudsman services to the grassroots. To actualise this, The Commission leveraged on its partnership with GIZ's Strengthening Good Governance Programme to enhance public awareness. Some of the partner organisations that the Commission worked with included; Kawangware Youth Paralegal Trust, Consumer Grassroots Association,

Catholic Justice and Peace Commission, and Centre for Enhanced Democracy and Good Governance. As a result of these partnerships, the Commission carried out public education in Rongai town (Kajiado County), and Gatina, Kabiro, and Riruta Satellite wards (Nairobi County) where over 1,100 people were reached. The Commission took part in training of 80 social accountability auditors in Kabarnet and Nyahururu in Baringo and Laikipia counties, respectively.



Participants during a community forum in Kabiro Ward

5.5. International Day for Universal Access to Information

The International Day of Universal Access to Information (IDUAI) is celebrated annually on 28th September since 2016, in line with UNESCO resolution 38 C/Resolution 57 of November 2015. The theme of 2019 IDUAI was “Leaving No One Behind!”

The Commission participated in build-up activities including radio interviews and online engagement (tweet chats). The climax of the celebrations was a walk dubbed 'Integrity Walk' and exhibition organised in partnership with Transparency International Kenya and other institutions.



CAJ team during the IDUAL celebrations in 2019.

5.6. Awareness creation during the Eighth Annual Congress of the Constitutional Commissions and Holders of Independent Offices

The Commission participated in the Eighth Annual Congress of the Constitutional Commissions and Holders of Independent Offices (CCIOs) held in Kericho Green Stadium in October 2019. The Congress brought together chairpersons and commissioners of constitutional commissions, holders of independent offices, representatives from the respective secretariats, development partners and members of the public. The theme of the congress was "Promoting Accountability and Citizens' Access to Quality Public Services."

The key objectives of the congress were to assess the progress made in the implementation of the Constitution, share the successes and challenges in carrying out the respective mandates of CCIOs.

During the congress, the Commission exhibited and engaged over 600 members of the public on its mandate.



Members of the public sampling IEC materials and publications at the Commission's stand at Kericho Green Stadium

5.7. Information Education and Communication Materials

During the reporting period, the Commission produced and disseminated various information, education and communication materials on diverse thematic areas to augment awareness creation efforts. These included posters and fliers on the rights of persons in custody, brochures on access to information, and brochures on the most frequently asked questions.

6.0. PARTNERSHIPS AND LINKAGES

6.1. Introduction

During the reporting period, the Commission sustained its efforts in the promotion of good governance through local and international partnerships and linkages. These ranged from cooperation with other Ombudsman offices to joint initiatives with players in the administration of justice and engagements with development partners.

6.2. Stakeholder Engagements

The Commission has a mandate to promote constitutionalism and the rule of law jointly with other Constitutional Commissions and Independent Offices. In this regard, the Commission was invited to present its views to the Building Bridges Initiatives Taskforce. Consequently,

Having reviewed the BBI Taskforce Report, the Commission submitted its recommendations, which included; measures to strengthen responsiveness and accountability, and entrenchment of alternative dispute resolution mechanisms in public service.

6.3. International Conferences and Delegations

i). International Conferences

The Commission further enhanced its brand and capacity in the areas of administrative justice and access to information through international collaborations. In the reporting period, the Commission through its Chairperson attended the 2nd International Ombudsman conference in Istanbul, Turkey held on the theme “Principles of Good Administration.” The annual conference brings together ombudsman from all over the world, members of the academia and other stakeholders to share experiences and learn best practices on the role of the ombudsman.

The Chairperson also represented the Commission at the 11th International Conference on Ombuds Institutions for Armed Forces in Sarajevo, Bosnia under the theme “Building Resilient and Sustainable Ombuds Institutions”. The Chairperson made a presentation on Linking Security and Development through Sustainable Development Goal No. 16 that aspires for peace, justice and strong institutions.

ii). Foreign Delegations

In the period under review, the Commission hosted delegations from Cameroon and Burundi, which visited with the aim of learning and sharing experiences on implementation of their respective mandates. Specifically, the delegations were: the Cameroon National Commission on Human Rights and Freedom (CNCHRF), and the Office of the Ombudsman from Burundi.

6.4. Collaborations with Ombuds Institutions

The Commission, as an active member of the international ombudsman community, attended the 1st International Ombudsman Exhibition held in Abuja, Nigeria, on 2nd September 2019. The event, whose theme was “Extending the Ombud Frontiers: Better Governance, Enhanced Performance”, brought together over 250 participants representing national and specialty Ombuds and grievance-handling offices from 38 countries. The institutions shared experiences and show-cased their contributions towards better governance and improved performance in government. Through such regional and international collaborations, the Commission aims at contributing to and benefiting from best practices in the execution of the mandate of ombudsman. The Commission's participation in the exhibition strengthened its existing partnerships and established new links with other players in the administration of justice for enhanced implementation of its mandate.

6.5. Constitutional Commissions and Independent Offices Congress

The Chairperson and Commissioners participated in the Eighth Annual Congress of the Constitutional Commissions and Holders of Independent Offices (CCIOs) held in Kericho County in October 2019. The theme of the congress was “Promoting Accountability and Citizens' Access to Quality Public Services.” The key objectives of the congress were to assess the progress made in the implementation of the Constitution, share the successes and challenges in carrying out the respective mandates of CCIOs.

6.6. Study Visit to India on ATI



The Commission forged a partnership with the Commonwealth Human Rights Initiative (CHRI) and Katiba Institute to enhance collaborative efforts in the promotion of the right to access information. Consequently, CHRI invited the Commission for a study tour in New Delhi, India, from 19th to 26th August 2019.

The main objective of the learning programme was to provide the delegation with an opportunity to interact with the right to information practitioners from government, civil society and media in addition to meeting the serving and former Information Commissioners.

The learning programme involved CAJ Commissioners and staff, National Assembly's Committee Chairpersons of Delegated Legislation, Justice & Legal Affairs, Information Communication & Technology, Health, and Energy. A representative from the Open Government Partnership also participated.

CHAPTER SEVEN

7.0. Governance, Human Resource Management, Finance and General Administration

7.1. Governance

The Commission continues to achieve major milestones under the Commissioners who assumed office on 2nd August 2018. One of the key achievements in the period under review, was the development of the second Strategic Plan, covering the period 2019-2023, which was officially launched on 13th February 2020. The Plan articulates the Commissioners' vision which is the route map for the next five years. The Commission also developed a new organisational structure that is compatible with the strategies articulated in the Plan. In this regard, six departments and three independent units were established as follows: -

Departments:

- 1) Complaints, Investigations and Legal
- 2) Access to Information
- 3) Public Education, Advocacy and Corporate Communications
- 4) Strategy, Research and Compliance
- 5) Corporate Services

Independent Units:

- 1) Resource Mobilisation
- 2) Supply Chain Management
- 3) Internal Audit and Risk Management

The new structure was necessary to facilitate effective implementation of the Plan.

7.2. Corporate Affairs

The year under review witnessed a global challenge brought about by the Covid-19 pandemic and the Commission was not spared either. The pandemic disrupted the working environment and necessitated adoption of new ways of doing business in what has come to be known as the "new normal". Corona virus was and still is a big threat to human resource given its mode of transmission which is highly contagious. To respond to these challenges, the Commission moved swiftly and adopted the established public health protocols to combat the pandemic. Among the measures taken were; debarment of physical screening of complainants, provision of personal protective equipment and introduced flexi

hours and/or working from home. A robust performance management system was established, to ensure to mitigate on the challenges that came with the new working order, necessitated by the challenges posed by covid-19 pandemic. Despite the challenges, the Commission managed to strengthen its human resource capacity as follows: -

7.3. Strengthening Human Resource Capacity

The commission places a premium on imparting the necessary skills and knowledge, through training. To realise this objective, the Commission sponsored staff members for various training programmes.

Figure11 shows the number of officers trained and the training programmes undertaken. It is worthwhile to note that the Commission was unable to fully implement the training plan for the period under review, due to the challenges associated with the covid-19 pandemic. That notwithstanding, the Commission leveraged on on-line courses to equip its staff with the requisite skills. A total of KES5,559,982 was utilised to facilitate the trainings.

Figure 11: Analysis of Number of Officers Trained



A total of six training courses were approved and paid for but postponed due to Covid-19 Restrictions.

7.4. Staff Welfare

The Commission endeavors to enhance staff welfare, as part of retention and motivation for better performance and productivity. Towards this end, the Commission fully operationalised staff mortgage and car loan scheme, which will and employees achieve their personal goals as they pursue those of the Commission. The mortgage schemes resonate well with the Government's "**Big Four**" plan, of which housing is one of the pillars. Details of the disbursement are provided for in the financial statements.

7.5. Strengthening Administrative Support

Following the development and official launch of the second Strategic Plan, the Commission embarked on reviewing the organisational structure in order to align it with the strategies adopted and enable the Commission execute its mandate effectively. This necessitated carrying out a job evaluation exercise that culminated in appropriate placement and deployment of staff in the five departments and units. The new organisational structure outlines the optimal staffing levels, job descriptions and specifications. The document will go a long way in strengthening the human resource capacity of the Commission and forms the basis of career progression guidelines and schemes of service for various cadres.

7.6. Decentralisation of Ombudsman Services

The Commission is cognisant of the need to take its services closer to the people as envisaged in the Constitution and the devolved system of governance. In this regard, the Commission managed to secure office premises in Garissa and Laikipia counties. These offices will be operationalised in the 2020/21 financial year, bringing the number of branch offices to six. The offices will not only serve the two counties but also adjacent ones. The Commission is determined to establish more branch offices in due course subject to availability of resources.

7.7. Financial Management

7.7.1. Resource Allocation and Utilisation

The Commission was mainly funded from the Exchequer in which it was initially allocated KES 565,040,000. However, the amount was reduced to KES 541,773,471 in the Revised Estimates in line with the austerity measures instituted by the Government in response to the Covid-19 pandemic. Out of this amount, the Commission expended KES 523,318,999 to implement planned activities for the period. This signifies 97 per cent absorption rate as compared to the previous year which stood at 95 per cent. Table 3 presents a summary of expenditure by economic classification

Table 3: A summary of expenditure by economic classification

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	565,040,000	(23,266,529)	541,773,471	525,936,473	15,836,998	97%
TOTAL	565,040,000	(23,266,529)	541,773,471	525,936,473	15,836,998	97%
PAYMENTS						
Compensation of Employees	297,010,000	2,200,000	299,210,000	297,089,144	2,120,856	99%
Use of goods and services	179,749,000	(24,396,194)	155,352,806	140,496,690	14,856,116	90%
Social Security Benefits	13,681,000	4,800,000	18,481,000	18,305,444	175,556	99%
Acquisition of Assets	74,600,000	(5,870,335)	68,729,665	66,930,398	1,799,267	97%
TOTAL	565,040,000	(23,266,529)	541,773,471	522,821,676	18,951,795	97%
Surplus/Deficit				3,114,797	(3,114,797)	

7.7.2. Procurement of Goods and Services

The Commission's total procurement budget for the financial year 2019-2020 was KES 157,968,007. During the period under review, the Commission procured goods, works and services from various suppliers worth KES 124,578,476.36; this

represents 79 per cent utilisation of the procurement budget. It is important to note that, KES 14,757,879.50 (12%) of the total awarded contracts was to the special category of women, youth and people with disabilities in line with the government policy on Access to Government Procurement Opportunities (AGPO).

It is also worthwhile to note that the highest proportion of the total procured goods, works and services amounting to KES 109,820,596.86 (88%) was utilised on rent, insurance, purchase of motor vehicles, conference and accommodation, legal fees and purchase of fuel, which fall outside the special category. This explains why it was not possible for the Commission to comply with the 30 per cent AGPO threshold.

7.7.3. Pending Bills

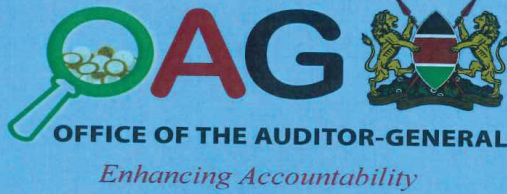
The Commission carried forward pending bills amounting to KES 2,174,250.80 in the period under review, as follows: -

Table 4: List of Pending Bills for 2019/20 Financial Year

NO	SUPPLIER	Amount in Kshs
1	M/s World Mate Travel & Tours	16,975.00
2	M/s Raydoll Tours & Travel	125,865.00
3	M/s Africa Touch Safaris	18,615.00
4	M/s Ngurumah Tours & Travel	6,500.00
5	M/s Silver Bird Travel	14,840.00
6	M/s Azman Tours & Travel	11,580.00
7	M/s Thamani Concierge Ltd	43,900.00
8	M/s Premier Safaris	28,200.00
9	M/s Skycorp Technologies	6,660.00
10	M/s Juska General Supplies	35,420.00
11	M/s Postal Corporation	733,785.78
12	M/s Toyota Kenya	65,511.00
14	M/s CIC General Insurance	39,370.91
15	M/s Communication Authority	400,000.00
16	M/s Telkom Kenya	297,761.91
17	M/s Direct O. Auctioneer	5,517.60
18	KENATCO Taxis	323,748.60
	TOTALS	2,174,250.80

The bills mainly accrued due to the budgetary reduction instituted by the government, which affected running contracts. Some of the bills were as a result of late submission of invoices and therefore could not be processed within the period under review. The Commission will endeavour to settle the bills as a first charge on the 2020/2021 Financial Year's budgetary allocation.

REPUBLIC OF KENYA



REPORT

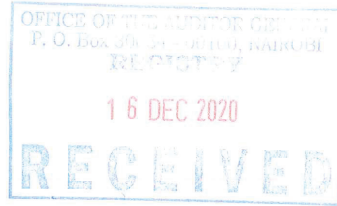
OF

THE AUDITOR-GENERAL

ON

**THE COMMISSION ON ADMINISTRATIVE
JUSTICE**

**FOR THE YEAR ENDED
30 JUNE, 2020**



THE COMMISSION ON ADMINISTRATIVE JUSTICE
(OFFICE OF THE OMBUDSMAN)



Hafa Mnyonge ana Haki

REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2020

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



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1. KEY COMMISSION INFORMATION AND MANAGEMENT

(a) The Commission members

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

NO.	NAME	DESIGNATION
1.	Hon. Florence Kajuju, MBS	Chairperson
2.	Mr. Washington O. Safi	Vice Chairperson
3.	Mrs. Lucy Ndung'u, EBS	Access to Information Commissioner

(b) Senior Management staff

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

NO.	NAME	DESIGNATION
1	Mr. Leonard Ngaluma, MBS	Commission Secretary/CEO
2.	Mr. Daniel Karomo	Director, Corporate Services
3.	Mr. Vincent Chahale	Director, Legal and Advisory Services
4.	Mr. Ismail Maaruf	Director, Compliance and Risk
5.	Mr. Micah Nguli	Director, Research and Investigations
6.	Ms. Phoebe Nadupoi	Director, Advocacy and Communications
7.	Mr. Edward Okello	Director, Office of the Chairperson
8.	Ms. Christine Omollo	Manager, Human Resource and Administration
9.	Ms. Viola Achola	Manager, Legal and Advisory Services
10	Mr. Sammy Cheboi	Manager, Advocacy and Communications
11.	Mr. Amos Musundi	Internal Audit Manager
12.	Mr. Benard Nyariki	Finance Manager
13.	Ms. Damaris Mburu	Supply Chain Manager
14.	Mr. Moses Mnawe	Chief Information Communication and Technology (ICT) Officer

(c) Background information

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

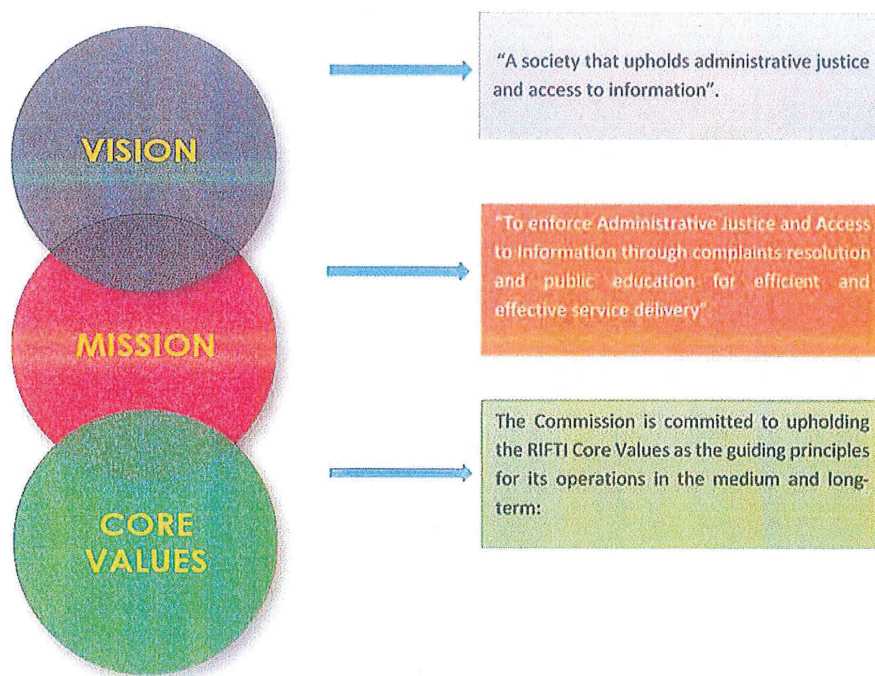
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Constitution of Kenya. It is operationalized by the Commission on Administrative Justice Act, 2011 that provides for its *modus operandi*, functions and powers.

(d)Mandate

The Commission's mandate is anchored under Article 59(4), Commission on Administrative Justice Act, 2011 which is the establishing act and Access to Information Act, 2016. Under the establishing Act, the Commission's mandate entails addressing maladministration (improper administration) in the public sector. In this regard, the Commission is empowered to investigate complaints on delay, abuse of power, improper, unlawful or oppressive conduct, administrative injustice, unfair treatment, and manifest injustice or discourtesy. The second mandate is on overseeing and enforcing implementation of the Access to Information Act, 2016.

In order to execute these broad mandates, the Commission is guided principles and ideals, that are articulated through its Vision, Mission and Core values, as indicated below: -



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The Commission commits itself to align its programmes to the expectations of all stakeholders and react in a timely manner to attain the highest standards in service delivery.



The Commission will not entertain any external interference and exercise courage in the conduct of its business in full conformity to the Act.



The Commission will be impartial in its operations by treating the public and other stakeholders without any form of discrimination whatsoever.



The Commission will be honest and open in the execution of its programmes and operations as an integral pillar of good corporate governance.



The Commission will uphold strong moral principles in the execution of its mandate and conduct itself in a manner that meets the set ethical standards to develop and nurture an enabling culture.

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(e) Key Strategic Objectives

In the period under review, the Commission focused on four Key Result Areas (KRAs), towards the achievement of its mandate and service delivery to stakeholders. The result areas were:

- a) Resolution of Public Complaints;
- b) Oversight and Enforcement of Access to Information;
- c) Public Education, Awareness and Visibility; and
- d) Institutional Strengthening and Capacity Building.

(f) Strategic Programmes

The Commission utilized the limited resources allocated in the year under review prudently, to carry out activities geared towards realization of its programmes as follows: -

1. Resolution of Public Complaints and determination of Access to Information Applications
2. Outreach and awareness creation on matters administrative justice and access to information;
3. Decentralization of Ombudsman services
4. Strengthening public institution's capacity to handle complaints
5. Promotion of Good Governance and the rule of Law,
6. Operationalization of Access to Information Act, 2016
7. Strengthening Commission's internal capacity

(g) Key Strategic Priorities

1. Enhance responsiveness in the public service;
2. Enhance public sector capacity to handle complaints
3. Public Awareness creation on matters of administrative justice and access to information
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.

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(h) Key Management:

The Commission's day-to-day management team is comprised of the Commission Secretary who is the Chief Executive Officer and six Directors each in charge of a directorate as indicated below;

SENIOR MANAGEMENT



Leonard Ngaluma, MBS
Commission Secretary/CEO



Daniel Karomo
Director, Corporate Services



Edward Okello
Director and Special Advisor to the Chairperson



Ismael Maaruf
Director, Compliance & Risk



Micah Nguli
Director, Research & Investigation



Phoebe Nadupoi
Director, Advocacy & Communications



Vincent Chahale Director, Legal & Advisory

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(i) Fiduciary Management

The key management officers who held office during the financial year ended 30th June 2020 and who had direct fiduciary responsibility were:

No.	Designation	Name
1.	Accounting Officer	Mr. Leonard Ngaluma, MBS
2.	Director, Corporate Services	Mr. Daniel Karomo
3.	Finance Manager	Mr. Benard Nyariki
4.	Human Resource Manager	Ms. Christine Omollo

(j) Fiduciary Oversight Arrangements

Composition of the Corporate Governance Committees

The Commission has put in place various Committees, through which it oversees the Secretariat. Apart from the Audit Committee which is chaired by a member who is not an employee of the Commission, the Committees are chaired by the Commissioners. These Committees include: -

1. Finance, Administration and Human Resource committee
2. Complaints, Investigations and Access to Information committee
3. Programmes and Strategy committee
4. Audit and Risk committee

At the Secretariat level, four Committees offer technical advice and oversee operations and functions of the Secretariat as follows: -

1. The Senior Management Committee
2. Financial Management Standing Committee
3. Human Resource Management and Advisory Committee
4. Occupational Health and Safety Committee

The membership to these Committees are drawn from all directorates, where members possess diverse of skills and competencies that enrich decision-making. The appointment is made by the Accounting Officer in writing, where the terms of reference for the Committee and individual obligations are clearly stipulated. Tailored induction training is provided to newly appointed members, to prepare them on their role. Committee members exercise discharge their mandate independently.

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(k) Audit Committee Activities

The Commission is cognizant of the provisions under Section 73(5) of the Public Finance Management Act, 2012 which requires every national government public entity to establish an audit committee, whose composition and functions shall be as prescribed by the regulations. In this regard, the Commission has an Audit Committee in place. The Committee is charged with the responsibility to advise on risk management and ensure that the Commission upholds appropriate financial management, accounting and reporting standards.

The Committee monitors the effectiveness of the internal control systems and regularly receives reports from the internal and external auditors.

The membership of the Audit Committee for the period under review is as follows:

- | | |
|-----------------------------------|---------------|
| 1. David Mwangi Gichimu | - Chairperson |
| 2. Sarah Barasa | - Member |
| 3. John O Matagaro | - Member |
| 4. Commissioner Lucy Ndung'u, EBS | - Member |
| 5. Amos Musundi | - Secretary |

(l) Senior Management Committee

The Committee is chaired by the Commission Secretary/CEO, and it comprises the six Directors and seven heads of Department. It makes recommendations on major decisions that have impact on the office operations. The role and functions of the Management Committee include:

- i. Planning – establishing and reviewing strategic and annual operational plans for the Commission.
- ii. Decision making – Deliberating on key policy and administrative issues and makes decisions and/recommendations to the Commission as applicable.
- iii. Management – Overseeing the harmonious implementation of the annual work plans, staff supervision and compliance with the Commission's performance management system.
- iv. Legal – ensuring that Commission complies with the legal framework while discharging its mandate.
- v. Financial – ensuring prudent management of financial resources and statutory reporting standards are adhered to.

In execution of its functions, the Management Committee may appoint sub-committees on a-need- basis.

(m) Human Resource Management Advisory Committee Activities

The Human Resources Management Advisory Committee advises the Commission Secretary/CEO on human resource matters that touch on skills development, performance management, staff motivation and disciplinary matters among others. Membership to this committee comprises of six directors who head the six

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directorates of the Commission, and the Human Resource Management and Administration Manager, who is the Secretary. The members are: -

- | | | |
|-------------------------|---|-------------|
| 1. Mr. Daniel Karomo | - | Chairperson |
| 2. Mr. Micah Nguli | - | Vice-person |
| 3. Mr. Edward Okello | - | Member |
| 4. Ms. Phoebe Nadupoi | - | Member |
| 5. Mr. Ismail Maaruf | - | Member |
| 6. Mr. Vincent Chahale | - | Member |
| 7. Mr. Christine Omollo | - | Secretary |

(n) Commission Headquarters

The head-office of the Commission on Administrative Justice is domiciled at the West End Towers, along Waiyaki way in West-lands, Nairobi City County. Its contact address is as indicated below:-

West End Towers, 2nd Floor, Waiyaki way
P.O. Box 20414-00200 Nairobi, Kenya
Telephone - +254 -20-2270000/0800221349 (Toll free)
Email: info@ombudsman.go.ke (for general enquiries)
complain@ombusman.go.ke (for complaints)
Website: www.ombudsman.go.ke

(o) Commission Bankers

1. Central Bank of Kenya
Haile Selassie Avenue
P.O. Box 60000 - 00200
Nairobi, Kenya
2. Cooperative Bank of Kenya
Westland Branch
P.O Box 66589-00800
Nairobi, Kenya

(p) Independent Auditors

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

(q) Principal Legal Adviser

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

2. FOREWORD BY THE CHAIRPERSON

The Commission is pleased to present the ninth edition of the Commission on Administrative Justice annual report for the 2019/2020 financial year. The report documents the work of the Commission during this period and makes recommendations for the promotion of administrative justice and the right of access to information in Kenya.

During this period, the Commission initiated various programmes and strategies to ensure effective complaints management and proactive disclosure of information at both levels of government. The Commission strengthened collaboration frameworks with various MDAs and Counties towards a consultative process of resolution of complaints through the Corporate Complaints Handling mechanism. The Commission also developed a County Model law on the Access to Information Act which will assist counties in domesticating the ATI law as required under section 96(3) of the County Governments Act, No. 17 of 2012. To further operationalize the Access to Information Act, 2016 the Commission established a partnership with the Media Council of Kenya out of which an ATI Manual for Journalists was developed. A Memorandum of Understanding with the Media Council has also been prepared highlighting the areas of partnership including advocacy, capacity building and awareness creation for members of the public signed. In the next financial year, the Commission will disseminate the model law and will train the county officers as well as offer technical support in the development of their County ATI laws. Noting that access to information is fundamental in the fight against corruption and maladministration, the Commission will also push for the enactment of the ATI Regulations which were developed in the last financial year.

Other measures the Commission undertook internally during the period under review included the formulation of a new strategic direction in consultation with all its stakeholders which was aimed at improving the quality of service delivery to the people of Kenya. The CAJ second Strategic Plan (2019-2023) was launched on 13th February 2020. In the new Plan, the Commission adopted new vision and mission statements as well as core values namely responsiveness, independence, fairness, transparency and integrity which will guide its operations in the next five years. In its mission, the Commission has set out *“To enforce administrative justice and access to information through complaints resolution and public education for efficient and effective service delivery”* in fulfilment of the vision of creating *“A society that upholds administrative justice and access to information”*. In this strategic plan period, the Commission is focusing on four strategic themes namely: Resolution of Public Complaints; Oversight and Enforcement of Access to Information;

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Public Education, Awareness and Visibility; and Institutional Strengthening and Capacity Building. The Commission further adopted a new Organizational Structure and will be working on Career Progression Guidelines, a Complaints Management Manual and reviewing the Human Resource Manual in the new fiscal year. These activities are geared towards attracting the relevant skills for optimum performance and execution of the Commission's mandate.

The Commission is also keen on making its services easily accessible. This will be effected through the automation of the complaints handling processes and decentralization to the Counties by opening additional regional offices and increasing presence in Huduma centres across the country.

We acknowledge the support from the Government and other partners and hope that this support will be sustained towards the realization of the true meaning of administrative justice and access to information as espoused in the Constitution.

We affirm the Commission's commitment to ensure effective and efficient service delivery and enforcement of the right of access to information in the Country.



HON. FLORENCE KAJUJU, MBS
CHAIRPERSON OF THE COMMISSION

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3. STATEMENT OF PERFORMANCE VERSUS THE COMMISSION'S PRE-DETERMINED OBJECTIVES

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting officer when preparing financial statements of each National Government entity in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board includes a statement of the national government entity's performance against predetermined objectives.

The key strategic objectives of the Commission on Administrative justice 2019-2023 plan are to:

- a) Strengthen public service systems, processes, procedures and practices.
- b) Strengthen complaints handling capacity in the public sector.
- c) Promote disclosure of information within public and private sector.
- d) Strengthen the framework on access to information.
- e) Enhance awareness and understanding of the Commission's mandate
- f) Strengthen the capacity of the Commission to effectively deliver on its mandate.
- g) To mobilize adequate resources.

Progress on attainment of Strategic development objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

Commission's Programme	Objective	Outcome	Indicator	Performance
Promotion of Administrative Justice	To address maladministration and promote the right to access to information.	Effective public service delivery and accountability.	% of public complaints resolved and access to information applications processed	In FY 2019/20 we resolved 74% public complaints and processed 88% of applications on access to information.

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4. STATEMENT OF COMMISSION MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the accounting officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

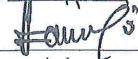
The Accounting Officer in charge of the Commission on Administrative Justice is responsible for the preparation and presentation of the entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2020. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the Commission on Administrative Justice accepts responsibility for the entity's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Commission's financial statements give a true and fair view of the state of the entity's transactions during the financial year ended June 30, 2020, and of the entity's financial position as at that date. The Accounting Officer charge of the Commission on Administrative Justice further confirms the completeness of the accounting records maintained for the Commission, which have been relied upon in the preparation of the entity's financial statements as well as the adequacy of the systems of internal financial control.

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

Approval of the financial statements

The Commission's financial statements were approved and signed by the Accounting Officer on 09/12/2020 2020.



Commission Secretary/CEO
Leonard Ngaluma



Director, Corporate Services
Daniel Karomo

REPUBLIC OF KENYA

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NAIROBI

REPORT OF THE AUDITOR-GENERAL ON THE COMMISSION ON ADMINISTRATIVE JUSTICE FOR THE YEAR ENDED 30 JUNE, 2020

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Commission on Administrative Justice set out on pages 14 to 30, which comprise the statement of assets and liabilities as at 30 June, 2020, and the statement of receipts and payments, statement of cash flows and summary statements of appropriation recurrent 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, 2020, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Commission on Administrative Justice Act, 2011 and the Public Finance Management Act, 2012.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Commission on Administrative Justice Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. I have determined that there are no Key Audit Matters to communicate in my report.

Other Matter

Pending Bills

As disclosed in Note 29.1 to the financial statements, the Commission had pending bills totalling Kshs.2,174,251 as at 30 June, 2020 that were not settled during the year 2019/2020 but were instead carried forward to 2020/2021. Failure to settle bills during the year to which they relate adversely affects the provisions of the subsequent year as they form a first charge.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

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

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

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

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and governance were maintained in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and those Charged with Governance for the Financial Statements

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

In preparing the financial statements, Management is responsible for assessing the Commission's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Commission or cease operations.

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

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

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

Auditor-General's Responsibilities for the Audit

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

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities,

financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective manner, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

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

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

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

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- 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 applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to

the date of my audit report. However, future events or conditions may cause the Commission to cease sustaining its services.

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

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

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


Nancy Gathungu
AUDITOR-GENERAL

Nairobi

20 April, 2021



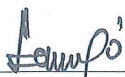
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6. STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2019-2020 Kshs	2018-2019 Kshs
RECEIPTS			
Exchequer releases	1	525,936,473	481,922,280
Other Receipts		-	-
TOTAL RECEIPTS		525,936,473	481,922,280
PAYMENTS			
Compensation of Employees	2	297,089,145	234,243,592
Use of goods and services	3	140,496,690	136,410,042
Social Security Benefits	4	18,305,444	42,087,252
Acquisition of Assets	5	66,930,398	54,013,442
TOTAL PAYMENTS		522,821,676	466,754,327
SURPLUS/DEFICIT		3,114,797	15,167,953

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission's financial statements were approved on 09/07/20 2020 and signed by:


 Commission Secretary/CEO
 Leonard Ngaluma, MBS



 Director, Corporate Services
 Daniel Karomo

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7. STATEMENT OF ASSETS AND LIABILITIES

	Note	2019-2020 Kshs	2018-2019 Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	6A	103,723,074	40,454,261
Cash Balances	6B	568,396	196,445
Total Cash and cash equivalent		104,291,470	40,650,706
Accounts receivable - Salary advances	7	23,445	47,500
TOTAL FINANCIAL ASSETS		104,314,915	40,698,206
FINANCIAL LIABILITIES			
Accounts Payables – Deposits and retentions	8	100,956,172	25,118,836
NET FINANCIAL ASSETS		3,358,743	15,579,370
REPRESENTED BY			
Fund balance b/fwd	9	15,579,371	17,500,228
Prior year adjustment	10	(15,335,425)	(17,088,810)
Surplus/Deficit for the year		3,114,797	15,167,953
NET FINANCIAL POSITION		3,358,742	15,579,370

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission's financial statements were approved on 09/12/20 2020 and signed by:


 Commission Secretary/CEO
 Leonard Ngaluma, MBS



 Director, Corporate Services
 Daniel Karomo

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8. STATEMENT OF CASH FLOWS

		2019-2020 Kshs	2018 -2019 Kshs
Receipts for operating income			
Exchequer Releases	1	525,936,473	481,922,280
Other Revenues		-	-
		525,936,473	481,922,280
Payments for operating expenses			
Compensation of Employees	2	297,089,145	234,243,592
Use of goods and services	3	140,496,690	136,410,042
Social Security Benefits	4	18,305,444	42,087,252
		455,891,278	412,740,885
Adjusted for:			
Changes in receivables		24,055	(47,500)
Changes in payables		75,837,336	4,492,962
Adjustments during the year		(15,335,425)	(17,088,810)
Net cash flow from operating activities		130,571,161	56,538,047
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	5	(66,930,398)	(54,013,442)
Net cash flows from Investing Activities		(66,930,398)	(54,013,442)
CASHFLOW FROM BORROWING ACTIVITIES			
Proceeds from Domestic Borrowings		-	-
Proceeds from Foreign Borrowings		-	-
Repayment of principal on Domestic and Foreign borrowing		-	-
Net cash flow from financing activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		63,640,763	2,524,605
Cash and cash equivalent at BEGINNING of the year		40,650,706	38,126,101
Cash and cash equivalent at END of the year		104,291,469	40,650,706

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission's financial statements were approved on 09/12/20 2020 and signed by:


 Commissioner/Secretary/CEO
 Leonard Ngaluma, MBS


 Director, Corporate Services
 Daniel Karomo

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9. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT BUDGET

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 %
RECEIPTS						
Exchequer releases	565,040,000	(23,266,529)	541,773,471	525,936,473	15,836,998	97%
TOTAL	565,040,000	(23,266,529)	541,773,471	525,936,473	15,836,998	97%
PAYMENTS						
Compensation of Employees	297,010,000	2,200,000	299,210,000	297,089,144	2,120,856	99%
Use of goods and services	179,749,000	(24,396,194)	155,352,806	140,496,690	14,856,116	90%
Social Security Benefits	13,681,000	4,800,000	18,481,000	18,305,444	175,556	99%
Acquisition of Assets	74,600,000	(5,870,335)	68,729,665	66,930,398	1,799,267	97%
TOTAL	565,040,000	(23,266,529)	541,773,471	522,821,676	18,951,795	97%
Surplus/ Deficit				3,114,797	(3,114,797)	

Note:

(a) The changes between the original and final budget are as a result of reduction in funding by the exchequer to the tune of Ksh. 23,266,529 thus adjustment of the budget was necessary.

The Commission's financial statements were approved on 09/12/2020 and signed by:


Commissionary Secretary/CEO
Leonard Ngaluma, MBS


Director, Corporate Services
Daniel Karomo

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10. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget	Adjustments	Final Budget	Actual on	Budget
	2019/20FY	2019/20FY	2019/20FY	comparable	utilization
	Kshs	Kshs	Kshs	basis	difference
				30 th June 2020	Kshs
Programme 1					
Sub-programme 1	397,438,143	(15,616,135)	381,822,008	369,870,690	11,951,318
Sub-programme 2	140,894,492	(5,408,556)	135,485,936	130,295,073	5,190,863
Sub-programme 3	26,707,365	(2,241,838)	24,465,527	22,655,914	1,809,613
Programme 2					
Sub-programme 1	-	-	-	-	-
Sub-programme 2	-	-	-	-	-
Sub-programme 3	-	-	-	-	-
Total	565,040,000	(23,266,529)	541,773,471	522,821,677	18,951,794

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

The Commission's financial statements were approved on 09/06/20 2020 and signed by:


 Commission Secretary/CEO
 Leonard Nguluma, MBS


 Director, Corporate Services
 Daniel Karomo

11. SIGNIFICANT ACCOUNTING POLICIES

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

1. Statement of Compliance and Basis of Preparation

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

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

2. Reporting Entity

The financial statements are for the Commission on Administrative Justice. The financial statements encompass the reporting entity as specified under section 81 of the PFM Act 2012. The Commission did not have any development project to implement during the reporting period.

3. Reporting Currency

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

4. Significant Accounting Policies

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

a) Recognition of Receipts

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

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- **Transfers from the Exchequer**

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

- **External Assistance**

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

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

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

During the year ended 30th June 2020, there were no instances of non-compliance with terms and conditions which have resulted in cancellation of external assistance loans.

- **Other receipts**

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

b) Recognition of payments

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

- **Compensation of Employees**

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

- **Use of Goods and Services**

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

- **Interest on Borrowing**

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

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- **Repayment of Borrowing (Principal Amount)**
The repayment of principal amount of borrowing is recognized as payment in the period in which the repayment is made.

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

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

5. In-kind contributions

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

6. Third Party Payments

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

7. Cash and Cash Equivalents

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

Restriction on Cash

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

Amounts maintained in deposit bank accounts are restricted for use in

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refunding third party deposits. As at 30th June 2020, this amounted to KShs. 950,172 compared to KShs. 25,118,836 in prior period as indicated on note 8.

There were no other restrictions on cash during the year.

8. Accounts Receivable

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

9. Accounts Payable

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

10. Pending Bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the Entity at the end of the year. When the pending bills are finally settled, such payments are included in the Statement of Receipts and Payments in the year in which the payments are made.

11. Budget

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament on June 2019 for the period 1st July 2019 to 30th June 2020 as required by Law and there were two supplementary adjustments to the original budget during the year.

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

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

12. Comparative Figures

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

13. Subsequent Events

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended 30th June 2020.

14. Errors

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

During the year, there was a prior year adjustment relating to recurrent bank account balances that were swept back to exchequer at the beginning of the financial year amounting to Ksh. 15,335,425. This adjustment affects the statement of Assets and Liabilities as it results to reduction of fund balances brought forward as disclosed under note 10 explaining the nature and amounts.

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12. NOTES TO THE FINANCIAL STATEMENTS

1 EXCHEQUER RELEASES

Description	2019-2020 Kshs	2018-2019 Kshs
Total Exchequer Releases for quarter 1	109,098,848	87,558,330
Total Exchequer Releases for quarter 2	154,450,897	113,505,100
Total Exchequer Releases for quarter 3	146,204,608	128,087,500
Total Exchequer Releases for quarter 4	116,182,120	152,771,350
Total	525,936,473	481,922,280

During the reporting period, the Commission was to receive exchequer of Ksh. 541,773,471; however, the Commission received Ksh. 525,936,473 only falling short by Ksh. 15,836,998 during the financial year.

2 COMPENSATION OF EMPLOYEES

	2019-2020 Kshs	2018-2019 Kshs
Basic salaries of permanent employees	201,530,390	177,637,451
Basic wages of temporary employees	8,214,344	7,116,863
Personal allowances paid as part of salary	55,839,889	48,566,958
Employer Contributions Compulsory national social security schemes	31,504,521	922,320
Total	297,089,145	234,243,592

3 USE OF GOODS AND SERVICES

	2019-2020 Kshs	2018-2019 Kshs
Utilities, supplies and services	2,079,221	2,237,841
Communication, supplies and services	5,881,506	9,813,474
Domestic travel and subsistence	15,862,048	14,079,101
Foreign travel and subsistence	6,557,953	6,116,911
Printing, advertising and information supplies & services	2,955,978	3,595,521
Rentals of produced assets	46,361,535	45,163,689

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Training expenses	5,559,982	6,854,989
Hospitality supplies and services	6,051,873	6,580,083
Insurance costs	21,373,443	20,779,991
Specialized materials and services	34,920	482,223
Office and general supplies and services	6,821,699	4,535,204
Fuel Oil and Lubricants	4,136,100	3,953,000
Other operating expenses	10,288,698	5,438,926
Routine maintenance – vehicles and other transport equipment	4,500,897	4,571,698
Routine maintenance – other assets	2,030,837	2,207,392
Total	140,496,690	136,410,042

4 SOCIAL SECURITY BENEFITS

Explanation	2019-2020	2018-2019
	Kshs	Kshs
Government pension and retirement benefits	18,305,444	42,087,252
Total	18,305,444	42,087,252

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

5 ACQUISITION OF ASSETS

Non-Financial Assets	2019-2020	2018-2019
	Kshs	Kshs
Refurbishment of Buildings	-	1,727,962
Purchase of Vehicles and Other Transport Equipment	15,752,638	-
Purchase of Office Furniture and General Equipment	1,177,760	2,285,480
Sub-total	16,930,398	4,013,442
Financial Assets		
Domestic Loans to Individuals and Households	50,000,000	50,000,000
Sub-total	50,000,000	50,000,000
Total	66,930,398	54,013,442

Financial assets relate to the budget provision for staff mortgage and car

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loans. The funds for this purpose were deposited with Cooperative Bank of Kenya, Westland branch who are the fund managers for the Commission's staff Mortgage and Car loan scheme.

6A: Bank Accounts

Name of Bank, Account No. & currency	Amount in bank account & currency	Indicate whether recurrent, Development, deposit e.t.c	Exc rate (if in foreign currency)	2019-2020 Kshs	2018-2019 Kshs
Central Bank of Kenya, Account No. 1000181524	KES	Recurrent	N/A	2,766,902	15,335,425
Central Bank of Kenya, Account No. 1000182377	KES	Deposit	N/A	950,172	25,118,836
Cooperative Bank of Kenya Account No.01141588083600	KES	Deposit	N/A	100,006,000	-
Total				103,723,074	40,454,261

6B: CASH IN HAND

	2019-2020 Kshs	2018-2019 Kshs
Cash in Hand – Held in domestic currency	568,396	196,445
Cash in Hand – Held in foreign currency	-	-
Total	568,396	196,445

Cash in hand should also be analyzed as follows:

	2019-2020 Kshs	2018-2019 Kshs
Location 1 – Head office, West End Towers	568,396	196,445
Location 2 – Kisumu office	-	-
Location 3 – Mombasa office	-	-
Total	568,396	196,445

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

7: ACCOUNTS RECEIVABLE - OUTSTANDING IMPREST AND SALARY ADVANCES

Description	2019-2020	2018-2019
	Kshs	Kshs
Government Imprests	-	-
Salary advances	23,445	47,500
Clearance accounts	-	-
Total	23,445	47,500

The Commission had accounts receivable of KSh. 23,445 as at 30th June 2020. This relates to unrecovered salary advance for a staff member which was outstanding as at the close of the financial year as tabulated below:

Breakdown of outstanding salary advance

Name of the Officer	Date salary advance taken	Amount Taken	Amount recovered	Balance
		Kshs	Kshs	Kshs
Nora Moraa Nyangwono	15/10/2019	93,807	70,362	23,445
Total				23,445

8. ACCOUNTS PAYABLE

Description	2019-2020	2018-2019
	Kshs	Kshs
Retention	637,566	4,774,725
Deposits	100,318,606	20,344,111
Total	100,956,172	25,118,836

These are contractors' retention moneys and deposit moneys held in the deposit accounts for release when due.

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9. FUND BALANCE BROUGHT FORWARD

Description	2019-2020	2018-2019
	Kshs	Kshs
Bank accounts	40,454,261	37,714,683
Cash in hand	196,445	411,418
Accounts Receivables	47,500	-
Accounts Payables	(23,118,836)	(20,625,873)
Total	15,579,370	17,500,228

These are the fund balances that were brought forward from the 2018/19 financial year. The recurrent account bank balances were however taken back by exchequer as shown in note 10 below.

10. PRIOR YEAR ADJUSTMENTS

	Balance b/f FY 2018/2019 as per Financial statements	Adjustments	Adjusted Balance b/f FY 2018/2019
Description of the error	Kshs	Kshs	Kshs
Bank account Balances	40,454,261	(15,335,425)	25,118,836
Cash in hand	196,445	-	196,445
Accounts Payables	(25,118,836)	-	(25,118,836)
Receivables	47,500	-	47,500
Others (specify)	-	-	-
	15,579,370	(15,335,425)	243,945

The prior year adjustment relates to recurrent bank account balances that were swept back to exchequer at the beginning of the financial year amounting to Ksh. 15,335,425. This adjustment affects the statement of Assets and Liabilities as it results to reduction of fund balances brought forward.

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27. CHANGES IN RECEIVABLES

Description of the error	2019 - 2020	2018 - 2019
	KShs	KShs
Outstanding salary advance as at 1 st July (a)	47,500	-
Salary advances issued during the year (b)	93,807	285,000
Salary advances recovered during the Year (c)	117,862	237,500
Outstanding salary advance as at 30 th June (d)= a+b-c	23,445	47,500

28. CHANGES IN ACCOUNTS PAYABLES – DEPOSITS AND RETENTIONS

Description of the error	2019 - 2020	2018 - 2019
	KShs	KShs
Deposit and Retentions as at 1 st July (a)	25,118,836	20,625,873
Deposit and Retentions held during the year (b)	100,154,500	12,835,782
Deposit and Retentions paid during the Year (c)	24,317,164	8,342,820
Deposit and Retentions as at 30 th June d= a+b-c	100,956,172	25,118,836

29. OTHER IMPORTANT DISCLOSURES

29.1: PENDING ACCOUNTS PAYABLE (See Annex 1)

Description	Balance b/f FY 2018/2019	Additions for the period	Paid during the year	Balance c/f FY 2019/2020
	Kshs	Kshs	Kshs	Kshs
Construction of buildings	-	-	-	-
Construction of civil works	-	-	-	-
Supply of goods	-	-	-	-
Supply of services	529,269	2,174,251	(529,269)	2,174,251
Total	529,269	2,174,251	(529,269)	2,174,251

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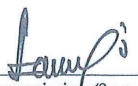
13. PROGRESS ON FOLLOW UP OF PRIOR YEAR AUDITOR'S RECOMMENDATIONS

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: (Date the issue to be resolved)

Note:

The Commission got an unqualified (clean) audit opinion and therefore no audit observations for the prior year.

 09/12/2020
 Commission Secretary/CEO
 Leonard Ngaluma, MBS


 Director, Corporate Services
 Daniel Karomo

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14. ANNEXURES

ANNEX 1 - ANALYSIS OF PENDING ACCOUNTS PAYABLE

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2020	Outstanding Balance 2019	Comments
	A	B	c	d=a-c		
Sub-Total						
Supply of services						
1. World Mate Travel & Tours	16,975		-	16,975	-	
2. Raydoll Tours & Travel	125,865		-	125,865	-	
3. Africa Touch Safaris	18,615		-	18,615	-	
4. Ngurunah Tours & Travel	6,500		-	6,500	-	
5. Silver Bird Travel	14,840		-	14,840	-	
6. Azman Tours & Travel	11,580		-	11,580	-	
7. Thamani Congierge Ltd	43,900		-	43,900	-	
8. Premier Safaris	28,200		-	28,200	-	
9. Skycrop Technologies	6,660		-	6,660	-	
10. Juska General Supplies	35,420		-	35,420	-	
11. Postal Corporation	733,786		-	733,786	-	
12. Toyota Kenya	65,511		-	65,511	-	
13. CIC General Insurance	39,371		-	39,371	-	
14. Communication Authority	400,000		-	400,000	-	
15. Telkom Kenya	297,762		-	297,762	326,300	
16. Direct O Auctioneers	5,518		-	5,518	-	
17. Kenatco Taxis Ltd	323,749		-	323,749	121,954	
Sub-Total	2,174,251			2,174,251		
Grand Total						

Note:

The pending bills were on services rendered to the Commission and were incurred mainly due to the budgetary cuts effected during the 2019/20 period, which affected running contracts for hire of transport services, air ticketing services, postal services and repair of motor vehicles which had already commenced by the time the budgetary cuts were effected.

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ANNEX 2 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost b/f/ (Kshs) 2018/2019	Additions during the year (Kshs)	Disposals during the year (Kshs)	Transfers in/(out) during the year	Historical Cost c/f (Kshs) 2019/2020
Land	-	-	-	-	-
Buildings and structures	43,047,591	40,000,000	-	-	83,047,591
Transport equipment	55,186,296	25,752,638	-	-	80,938,934
Office equipment, furniture and fittings	17,429,637	1,177,760	18,850	-	18,588,547
ICT Equipment	16,961,931	-	15,250	-	16,946,681
Machinery and Equipment	6,518,633	-	-	-	6,518,633
Biological assets	-	-	-	-	-
Infrastructure Assets- Roads, Rails	-	-	-	-	-
Heritage and cultural assets	-	-	-	-	-
Intangible assets	-	-	-	-	-
Work in Progress	-	-	-	-	-
Total	139,144,088	66,930,398	34,100	-	206,040,386

CHAPTER EIGHT

8.0. CHALLENGES AND RECOMMENDATIONS

8.1. Challenges

The Commission faced a number of challenges in the period under review, which hindered achievement of some of the planned activities. Some of the major challenges include the following:

- i. The Covid-19 pandemic disrupted normal operations given the public health protocols introduced to combat the disease. This necessitated scaling down of staff and suspension of physical interaction with complainants, which ultimately affected complaints management and outreach activities.
- ii. Financial constraints that were occasioned by the austerity measures which reduced the budgetary allocation for the Commission substantially adversely affected the following areas:
 - a) Decentralisation of Ombudsman services given that the Commission could not operationalise the offices identified in Laikipia County, since the relevant budget line for refurbishment was reduced; and
 - b) Pending bills for services that were already procured under running contracts and will therefore be paid for in the subsequent budgetary allocation.
- iii. The manual records management system used by most public institutions inhibits efficiency in the retrieval and sharing of information.
- iv. Unresponsiveness by public institutions thereby hindering timely resolution of complaints
- v. Insufficient legal framework in terms of enforcement of the decisions and recommendation of the Commission, and regulatory framework for access to information.

8.2. Recommendations

- 1) There is need for a policy framework that governs the optimal service delivery within the context of a pandemic.
- 2) There is need for adequate budgetary allocation and consultations with relevant stakeholders before austerity measures aimed at reducing the allocations can be imposed.
- 3) Public institutions should endeavour to comply with section 17 (3) of the ATI Act which requires them to computerise their records to facilitate access to information.
- 4) There is need for the relevant institutions to fast-track strengthening of the legal and regulatory framework to enhance the Commission's effectiveness.

8.3. Priorities Moving Forward

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

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

COMMISSIONERS



Hon. Florence Kajuju, MBS
Chairperson



Mr. Washington O. Sati
Vice Chairperson



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

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Leonard Ngaluma, MBS
Commission Secretary/CEO



Daniel Karomo
Director, Corporate Services



Edward Okello
Director and Special Advisor to the Chairperson



Ismael Maaruf
Director, Compliance & Risk



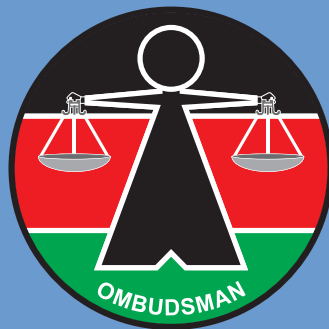
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