



REPUBLIC OF KENYA

# PUBLIC SERVICE COMMISSION

Evaluation Report on Public Service  
Compliance with Values and  
Principles in Articles 10 and 232 of the  
Constitution for the Year 2013-2014

DECEMBER 2014

## **VISION**

To be the lead service Commission in the provision,  
management and development of competent human  
resource in the Public Service.

## **MISSION**

To transform the Public Service to become  
professional, efficient and effective for the realisation  
of national development goals.

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## Foreword

It is four years since Kenya adopted a new Constitution in August 2010. Under the Constitution, the public service has specific obligations whose objective is to provide a solid base for the effective and efficient delivery of public services. One of these foundations is expressed in terms of the values and principles mentioned in Articles 10 and 232 of the Constitution. The evaluation on the extent to which the public service has complied with these values and principles provides a mechanism for confirming the progress realised in the fulfilment of the obligations.

Findings in this evaluation report show that, during the 2013/2014 Financial Year, considerable levels of compliance have been realised. Significant progress has been made on the requirement on governance, transparency and accountability. Performance contracts have continued to be enforced although more needs to be done. For instance, the evaluation has noted challenges in efforts to hold officers accountable in cases where public institutions have occasionally evaluated only a section of staff. In terms of accountability for administrative acts, officers who have occasioned loss of public funds have been surcharged, a move that is expected, in the long term, to create a culture of accountability in the public service. Overall, the accountability framework has moved the public service to significant levels of efficiency. Additionally, there has been continued progress in the realisation of good governance as attested to by comprehensive policy reviews in the public service and increased efforts in enforcing anti-

corruption measures. Available data show that a significant proportion of corruption cases referred to the Director of Public Prosecutions have been prosecuted. Besides, there is a growing emphasis on codes of conduct and ethics which are cardinal to good governance. We have witnessed increased levels of training on management and leadership that has also led to improvements in professionalism and high ethical standards in service.

Evaluation findings also show that the public service, is making much effort at increasing the uptake of Information and Communication Technologies in service delivery. This has led to prompt and impartial service delivery.

The evaluation confirms that the MDAs are making progress at ensuring the proportionate representation of Kenya's diverse communities in the public service in recruitment, appointments, training and promotions. Partly, this has been the case since the Public Service Commission issued guidelines on gender, ethnic and regional representation as well as minority groups and persons living with disabilities.

This report will go a long way in informing the National Government and Parliament on the progress so far made in fulfilling the requirement of Articles 10 and 232 of the constitution and improve areas of service delivery.

**Prof. Margaret Kobia, PhD, CBS.**  
**Chairperson**  
**PUBLIC SERVICE COMMISSION**

*Increased levels of training on management and leadership has led to improvements in professionalism and high ethical standards in service.*

# Preface

The Public Service Commission has a constitutional mandate to evaluate the extent to which public sector organisations have complied with the values and principles mentioned in Articles 10 and 232 of the Constitution and report to the President and Parliament. The evaluation covers the public service as defined in the Constitution, excluding offices mentioned in Article 234(3).

Evaluation findings on various ministries, departments and agencies are based on the data for the 2013/2014 Financial Year. Primary data and information used were availed either by individual public service institutions or by organisations that have oversight functions over the organisations. Secondary data were obtained from credible statistical reports and returns by institutions mandated to provide such information. Multiple sources of data were used in triangulation.

The study aggregated the values and principles into thematic areas that have been evaluated on the basis of relevant actionable indicators. The report provides credible baselines that will be used in the promotion of values and principles to address the challenges that have been identified.

Findings of this evaluation indicate an increased need for partnership with oversight institutions in the public service to provide credible data that are critical for an objective evaluation on compliance. By virtue of their functions, these institutions generate data or have accumulated data that are necessary for this evaluation. In other cases, the oversight institutions have a central role in enforcing compliance.

All institutions that provided the data are appreciated.

**Mrs. Alice A. Otwala, CBS**  
**Secretary/Chief Executive Officer**  
**PUBLIC SERVICE COMMISSION**

99

*The report provides credible baselines that will be used in the promotion of values and principles to address the challenges that have been identified*

99

# Contents

FOREWORD	ii
PREFACE	iii
CONTENTS	iv
TABLES	vi
FIGURES	vii
ABBREVIATIONS AND ACRONYMS	viii
EXECUTIVE SUMMARY	xiii
<b>1 INTRODUCTION AND BACKGROUND</b>	<b>1</b>
1-1 Introduction	1
1-2 Background	1
1-3 Rationale for Conducting the Evaluation	2
1-4 Objectives of the 2013/2014 Evaluation	2
1-5 Scope of the Evaluation	3
1-6 Structure of this Report	3
<b>2 THE VALUES AND PRINCIPLES UNDER EVALUATION</b>	<b>4</b>
2-1 Introduction	4
2-2 Public Service and Good Governance	4
2-3 Values and Principles in 2013/14 Evaluation	5
<b>3 EVALUATION DESIGN AND METHODOLOGY</b>	<b>12</b>
3-1 Evaluation Design	12
3-2 Methodology and Instrumentation	12
3-3 Data Analysis and Presentation	13
3-4 Ethical Considerations	13
3-5 Limitations of the Evaluation	14
<b>4 EVALUATION FINDINGS</b>	<b>15</b>
<b>4-1 Good Governance, Transparency And Accountability</b>	<b>15</b>
4-1-1 Review of Organisational Structures	15
4-1-2 Succession Management	16
4-1-3 Management Policy Review	16
4-1-4 Procurement in MDAs	18
4-1-5 Accountability	19
4-1-6 Transparency	22
<b>4-2 Professionalism and Ethics in the Public Service</b>	<b>23</b>
4-2-1 Code of Ethics for Public Officers	23
4-2-2 Training for Professionalism	24
4-2-3 Membership to Professional Bodies	25
4-2-4 Declaration of Income, Assets and Liabilities	25
<b>4-3 Provisioning for Diversity</b>	<b>27</b>
4-3-1 Diversity	27
4-3-2 Gender Representation	28
4-3-3 Ethnic Representation	28
4-3-4 Representation of Persons with Disabilities	28
4-3-5 Representation in Appointments	28
<b>4-4 Fair Competition and Merit in Appointments and Promotions</b>	<b>29</b>
4-4-1 Fair Competition and Merit	29
4-4-2 Advertisement of Job Vacancies	29
<b>4-5 Efficient, Effective and Economic Use of Resources Principle</b>	<b>30</b>
4-5-1 Alignment of Budget with Planning	30
4-5-2 Budget Absorption	30

4-5-3 Allocative Budget Efficiency and Utilisation	33
<b>4-6 Sustainable Development</b>	<b>36</b>
4-6-1 Fiscal and Debt Sustainability	36
4-6-2 Social Sustainability	38
4-6-3 Social Protection Fund Programmes	39
4-6-4 Environmental Sustainability	39
<b>4-7 Responsive, Prompt, Impartial and Equitable Service</b>	<b>40</b>
4-7-1 ICT Policy for the Public Service	40
4-7-2 Institutional ICT Policies and Automation Surveys	40
4-7-3 Provision of Service through ICT	41
4-7-4 Service Charters	41
4-7-5 Grievance Handling	41
4-7-6 Customer Satisfaction Levels	42
<b>4-8 Public Participation in Policy Formulation and Implementation</b>	<b>42</b>
4-8-1 Public Participation Policies	42
4-8-2 Participation in Public Forums	43
<b>4-9 Upholding Human Rights</b>	<b>44</b>
4-9-1 MDAs Reported for Human Rights Violation	44
4-9-2 Confirmed Violations	44
4-9-3 Administrative Justice	44
<b>4-10 Devolution and Sharing of Power</b>	<b>44</b>
4-10-1 Secondment of Staff from National Government	44
4-10-2 Technical Support to County Public Service	44
4-10-3 Establishment of Joint Committees	48
4-10-4 Training for Capacity Development	49
<b>5 CONCLUSION AND RECOMMENDATIONS</b>	<b>50</b>
<b>5-1 Conclusions</b>	<b>50</b>
5-1-1. Good governance, transparency and accountability	50
5-1-2 Professionalism and ethics in the Public Service	51
5-1-3 Provisioning for diversity in recruitment, promotions, training and opportunities for persons from marginalised communities and persons living with disabilities	51
5-1-4 Fair competition and merit in appointments and promotion	51
5-1-5 Efficiency, effectiveness and economic use of resources	51
5-1-6 Sustainable development	52
5-1-7 Responsive, prompt, impartial and equitable service	53
5-1-8 Participation in policy making and implementation	53
5-1-9 Upholding human rights in the public service	53
5-1-10. Devolution and sharing of power	53
<b>5.2 Recommendations</b>	<b>54</b>
5-2-1 Good governance, transparency and accountability	54
5-2-2 Professionalism and ethics in the public service	55
5-2-3 Provisioning for diversity	55
5-2-4 Efficiency, effectiveness and economic use of resources	56
5-2-5 Responsive, prompt, impartial and equitable service	56
5-2-6 Participation in policy making and implementation	56
<b>BIBLIOGRAPHY</b>	<b>57</b>
<b>APPENDICES</b>	<b>59</b>
<b>PSC MEMBERS AS AT 30TH JUNE 2014</b>	<b>79</b>
<b>LIST OF CONTRIBUTORS</b>	<b>80</b>

## Tables

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<b>Table 4-1.</b> Proportion of MDAs with Reviewed Organisational Structures	15
<b>Table 4-2.</b> Proportion of MDAs Reporting Surcharge Cases	19
<b>Table 4-3:</b> Summary Audit Results for 2012/2013 and 2011/2012	21
<b>Table 4-4.</b> Distribution of Officers Trained on Leadership and Management in 2013/14 FY	24
<b>Table 4-5.</b> Levels of Compliance with Declaration of Income, Assets and Liabilities for 2011 – 2013	26
<b>Table 4-6.</b> Channels used in Advertisement of Vacancies	29
<b>Table 4-7.</b> Distribution of Vision 2030 Flagship Projects Implementation	35
<b>Table 4-8.</b> Percentage Cash Transfer Disbursements for Vulnerable Groups	39
<b>Table 4-9.</b> MDAs by Availability and Use of Grievance Handling Procedures	41
<b>Table 4-10.</b> Status of Public Participation on Policy Formulation in MDAs	43
<b>Table 4-11.</b> MDAs Compliance Levels on the Requirement on Public Participation	43
<b>Table 4-12.</b> Technical Support by EACC to County Public Services	45
<b>Table 4-13.</b> Technical Support by CRA to County Public Services	46
<b>Table 4-14.</b> Technical Support by DPSM to County Public Services	47
<b>Table 4-15.</b> Technical Support by the Pensions Department/National Treasury to County Public Services	47
<b>Table 4-16</b> Establishment of Joint Committees	49

# Figures

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<b>Figure 4-1.</b> Distribution of Staff in MDAs by Age Group	16
<b>Figure 4-2:</b> Trends in Prosecution of Corruption Cases	20
<b>Figure 4-3.</b> Compliance Trends in the Declaration of Income, Assets and Liabilities	26
<b>Figure 4-4.</b> Absorption of Recurrent Budget in Ministries and Departments	31
<b>Figure 4-5.</b> Absorption of Recurrent Budget in Independent Commissions and Offices	31
<b>Figure 4-6.</b> Absorption of Development Budget in Ministries and Departments	32
<b>Figure 4-7.</b> Absorption of Development Budget in Independent Commissions and Offices	33
<b>Figure 4-8.</b> Target and Actual GDP Growth Rate Trends	37
<b>Figure 4-9.</b> Target and Actual Budget Deficit as % of GDP	37
<b>Figure 4-10.</b> Target and Actual Public Debt as % of GDP	38

## Abbreviations And Acronyms

<b>AD</b>	Assistant Director
<b>CAJ</b>	Commission on Administrative Justice
<b>CRA</b>	Commission on Revenue Allocation
<b>DD</b>	Deputy Director
<b>EACC</b>	Ethics and Anti-Corruption Commission
<b>GDP</b>	Gross Domestic Product
<b>HR</b>	Human Resource
<b>KNBS</b>	Kenya National Bureau of Statistics
<b>MDAs</b>	Ministries, Departments and Agencies
<b>MTP</b>	Medium Term Expenditure Framework
<b>NCIC</b>	National Cohesion and Integration Commission
<b>NCPWD</b>	National Council for Persons with Disabilities
<b>O&amp;M</b>	Operations and Maintenance
<b>PAC</b>	Public Accounts Committee
<b>PE</b>	Personnel Emoluments
<b>PIC</b>	Public Investments Committee
<b>PPOA</b>	Public Procurement Oversight Authority
<b>PSC</b>	Public Service Commission
<b>SCAC</b>	State Corporations Advisory Committee

# Executive Summary

The Public Service Commission is mandated under Article 234 (2) (h) of the Constitution to evaluate the extent to which ministries, departments and state corporations comply with the two sets of values and principles mentioned in Article 10 and Article 232, and report to the President and Parliament. The evaluation covers all the public service institutions under the jurisdiction of the Commission.

The evaluation for the year 2014 whose results are contained in this report clustered the values and principles into ten thematic areas, designed indicators for each and identified relevant data sources. The data and other information specific to individual organisations were obtained through a survey while other relevant information were obtained from oversight institutions, reports by the Public Service Commission (PSC), National Treasury, Controller of Budget, Auditor-General, and the Kenya National Bureau of Statistics (KNBS). Findings show significant levels of compliance:

**Good governance, transparency and accountability** were assessed on diverse dimensions, namely, the percentage of MDAs with reviewed organisation structures and succession management; management policy review; governance of State Corporations; procurement practices and breaches thereof; accountability; anti-corruption measures and transparency. On each dimension, positive results were reported save for accountability for public funds where the report of the Auditor General 2012/2013 reveals a situation that is far from the ideal. It is also evident from the high number of acquittals (77% acquittals) that reducing corruption through prosecution is difficult.

## 77%

high number of acquittals that reducing corruption through prosecution is difficult

## 26%

of MDAs that reported to have carried out corruption perception indices, this indicator is inconclusive

**Professionalism and ethics in the public service** were evaluated on the basis of four indicators, namely, code of conduct and ethics for officers in the public service; training for professionalism; membership to professional bodies and declaration of income, assets and liabilities. All these indicators recorded a high level of compliance.

## 75%

The lowest level of compliance on institutional code of ethics

## 95%

The highest level of compliance on declaration of income, assets and liabilities

**Provision for diversity** was assessed by indicators that exclusively focused on employment in the public sector. Accordingly, the four indicators that were used were: policy on diversity management; gender representation policy; ethnic representation and representation of persons with disabilities. Important achievements were reported on all these indicators, largely guided by the Public Service Commission (PSC) guidelines. In addition, some MDAs (45%) have domesticated their own diversity policies. Thus, the shift towards achieving desired diversity levels in the public service was significant. The representation in the public service of the various ethnic communities appears relatively proportional to the national population. However, the interpretation of these findings should be tempered by the ethnic proportions in the national population. A relatively more realistic impression is a scenario illustrated by the new appointments in 2013/2014, which reflected a fairer progression. The representation of the minorities and marginalised groups amongst the MDAs is 2 per cent of the reported workforce.

**Fair competition and merit in appointments and promotion** were assessed on the basis of two indicators - alignment of human resource policies to the Constitution and the degree of competitive recruitment. The evaluation revealed a high degree of compliance for both indicators.

# 84%

**participating MDAs that had their human resources policies aligned with the Constitution whilst job vacancies are advertised in diverse media**

Radio and television are the least preferred channels of advertisement, which may be disadvantageous for the blind, the deaf and persons in places without access to newspapers and internet connectivity.

**Efficiency, effectiveness and economic use of resources** were evaluated on the basis of, alignment of budget with planning; budget absorption rates, allocative budget efficiency and utilisation and realisation of performance targets.

**over 85% ministries and State departments**

**97% State corporations**

**have their budgets aligned with their strategic plans and corresponding performance contracts.**

Thus, a clear benchmark (activity based) drives public budgets. It also established that budget absorption rates for both recurrent and development exist with all the participating MDAs reporting lower absorption rates for development budgets relative to the recurrent budgets. Ministries, State departments, commissions and independent offices realised 87 per cent of their recurrent budgets. The development absorption rate for ministries and State departments was 52 per cent. Ministries and State departments fared relatively well on the development to recurrent budget (30:70) ratio requirement under Public Finance Management Act, with 14 out of 22 complying while 60 per cent of State corporations fell short. Similarly, ministries and State departments did much better with 20 out of 22 (91%) complying

on the personnel emolument to operations and maintenance (40:60) ratio but only 59 per cent of State corporations complied. Out of 29 commercial State corporations, 19 posted a net profit under the indicator of realisation of performance targets.

**Sustainable development** was evaluated on three dimensions - economic, social and environment (from the point of view of the impact of development projects implemented). The economic growth indicators reveal a marginal incremental growth during the period. At the same time, deficit as a percentage of GDP has widened, albeit marginally with the consequence of increasing public debt as a percentage of GDP. Considering that the GDP has been re-based and investment in Vision 2030's flagship projects, a more rigorous analysis beyond the scope of this study will be needed to arrive at a fair conclusion of the net effect on the economy.

**Responsive, prompt, impartial and equitable service** were evaluated on the basis of five proxy indicators, namely, existence of ICT policy for the public service, institutional ICT policies and automation surveys; provision of services through ICT; service charters and customer satisfaction surveys and grievance handling. All the indicators recorded positive progression towards compliance.

The evaluation established that the use of ICT is well entrenched in the public service and so is the practice of conducting annual satisfaction surveys. The provision of public services through Huduma Centres is one of the most innovative and highly effective use of ICT. However, while the overall use of ICT is high, it is evident that its application is not always guided by an ICT policy in some of MDAs covered in this evaluation.

### **Participation in policymaking and implementation**

were assessed on the basis of two proxy indicators - public participation policy guidelines and stakeholder forums. The evaluation reveals that four ministries and State departments and 30 State corporations have developed their own policies for public participation. Some MDAs (seven ministries, six State departments, 56 (60%) State corporations and one commission have held public forums for policy formulation and implementation. It should be noted, however, that there are many other forms of public participation that the study did not capture.

### **Upholding human rights in the public service**

was evaluated based on the information obtained from the Kenya National Commission on Human Rights. The number of cases of human rights violations was low and the level of redress fairly good.

**Devolution and sharing of power** were assessed on the basis of the extent of the transfer of devolved functions, resources, capacity building and technical support to county public services. The study reveals that the public service entities with the functions that touch on devolution made very significant contributions towards the implementation of these principles.

Overall, the level of compliance to the values and principles mentioned in Articles 10 and 232 of the Constitution is impressive. Given that the implementation of the Constitution is still in its early stages, there is no doubt that greater levels of compliance will be realised in the coming years. If implemented carefully, recommendations of this evaluation will galvanise compliance to the values and principles in the public service.



***His Excellency President Uhuru Kenyatta being introduced to Commissioners of Public Service Commission by Prof. Margaret Kobia, Chairperson PSC, during the launch of PSC policy documents at Kenya School Of Government in May, 2014.***

# INTRODUCTION AND BACKGROUND

## 1-1 Introduction

This report is the second in a series of annual evaluation activities meant to assess the extent to which the public service has complied with the Values and Principles in Articles 10 and 232 of the Constitution, which are key pillars of good governance in Kenya.

The Public Service Commission (herein referred to as the Commission), under Article 234 (2)(h) of the Constitution, has a mandate to evaluate and report to the President and Parliament the extent to which the Values and Principles have been complied with. This report evaluates all the trends that were witnessed in Ministries, Departments and other Agencies in terms of implementing the National Values and Principles, all aimed at ensuring that every Kenyan child, woman and man reaps the dividends of democracy. The report groups the National Values and Principles into 10, all of which have been discussed in different sections. Based on the findings, this report makes recommendations on how adherence to the principles can be enhanced in subsequent years. This section of the report offers a background to the evaluation, including the rationale, objectives and scope of the study.

## 1-2 Background

Since Kenya enacted the current Constitution in 2010, the Commission has carried out a

number of activities as part of a wider plan to promote National Values and Principles of the Constitution. First, the Commission held workshops to sensitise principal secretaries, chairpersons of boards, secretaries and senior government officials on the Values and Principles. The objectives of these workshops included creating awareness on the need to promote and integrate values and principles in the operations of MDAs.

In 2011, the Commission carried out a baseline survey on the state of preparedness of the public service to implement the National Values and Principles. The baseline survey formed the preparatory work for the promotion and evaluation of compliance levels in the 2012/2013 financial year.

The 2012/2013 financial year's assessment report, the first to evaluate the extent to which the public service complied with the Values and Principles, largely focused on the preparedness of MDAs to implement the requirements of Articles 10 and 232 of the Constitution. Essentially, the report dealt with the structures put in place to help MDAs to comply with the Values and Principles.

Consequently, the 2013/2014 evaluation was not just a build-up on the 2012/2013 report but a deliberate attempt to find and present data that provides baseline information upon which future evaluations will build on. However, in cases where

absolute data was used for the evaluation, this report compares the two time periods and comments on progress (or lack of it) achieved.

### 1-3 Rationale for Conducting the Evaluation

As already mentioned, the Commission under Article 234 (2)(h) of the Constitution has a mandate to evaluate and report to the President and Parliament the extent to which the public service has complied with Values and Principles provided in Articles 10 and 232. These specific Values and Principles include:

- (a) high standards of professional ethics;
- (b) efficient, effective and economic use of resources;
- (c) responsive, prompt, effective, impartial and equitable provision of services;
- (d) involvement of the people in the process of policy making;
- (e) accountability for administrative acts;
- (f) transparency and provision to the public of timely, accurate information;
- (g) fair competition and merit as the basis of appointments and promotions, taking into account representation of Kenya's diverse communities and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service.

The purpose of this study was, therefore, to evaluate the public service's extent of compliance with the Values and Principles of various ministries, State departments and State Corporations. The evaluation provides a baseline and basis for development of intervention programmes.

### 1-4 Objectives of the 2013/2014 Evaluation

The overall goal of this evaluation was to determine levels of compliance of the public service to the Values and Principles of the Constitution, identify challenges facing MDAs in compliance and establish baseline data to be used in the development of programmes for intervention.

Specific objectives of this study were drawn from the 10 thematic areas identified. These included establishing the extent of compliance as relates to:

## 10 thematic areas identified

- i. Devolution and sharing of power;
- ii. Good governance, integrity, transparency and accountability;
- iii. Diversity in the public service;
- iv. Fair competition and merits in appointments, training and promotions;
- v. Efficiency and effectiveness;
- vi. Sustainable development practices in the public service management;
- vii. Responsiveness, promptness, impartiality and equity in service delivery;

- viii. Participation of the people in policy making and implementation;
- ix. Professionalism and ethics in the public service; and
- x. Human rights

### 1-5 Scope of the Evaluation

This study covers all public service entities that are under the jurisdiction of the Commission as per the Constitution.

# 249

## total MDAs under the Commission studied

- ❖ The Presidency
- ❖ Office of the Attorney General
- ❖ Department of Justice
- ❖ Independent Commissions and Offices
- ❖ Statutory Commissions and Authorities, Ministries and State Corporations.

The Teachers Service Commission, Parliamentary Service Commission, Judicial Service Commission, and the National Police

Service Commission are not covered under this study because the Constitution has exempted them from such an evaluation.

In a deliberate effort to ensure adequate representation, both census and sample survey designs were used in conducting the evaluation. A total of nine ministries, 16 State Departments, five Independent Commissions and 138 State Corporations were covered under this evaluation. Data were collected in the month of October although the evaluation covered the 2013/2014 financial year.

### 1-6 Structure of this Report

# 5 total chapters

- ① Introduction and background of the evaluation

Rationale for undertaking the 2013/2014 evaluation, the objectives and scope of the study

- ② summarises the Values and Principles whose extent of compliance was evaluated

- ③ Methodology of the Assignment

- ④ Evaluation Findings

- ⑤ Conclusion and Recommendations arising from the Findings

# 2 THE VALUES AND PRINCIPLES UNDER EVALUATION

## 2-1 Introduction

This chapter reviews the 10 thematic areas that underpinned this evaluation of the extent to which the public service has complied with the:

- a) National Values and Principles of Governance in Article 10 of the Constitution of Kenya; and
- b) Values and Principles of the Public Service in Article 232 of the Constitution of Kenya.

The Constitution stresses the importance of the National Values and Principles of governance mentioned in Articles 10 and 232 as the foundation of Kenya as a democratic State. The Values and Principles are binding to all State organs, State officers, public officers and all persons whenever any of them applies, or interprets, the Constitution; enacts, applies or interprets any law; or makes or implements public policy decisions.

The Values and Principles as provided for include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability and sustainable development.

Since most of the Values and Principles in the two Articles of the Constitution are related with one another, this evaluation found it difficult to develop mutually exclusive action indicators to measure compliance of

each of them. Arising from this challenge, the 2013/2014 evaluation team resolved to develop indicators based on 10 broad thematic areas under which relevant data were collected and analysed before recommendations were drawn. The 10 thematic areas adopted for this evaluation include:

- Devolution and sharing of power;
- Professionalism and ethics in the public service;
- Fair competition and merit in appointments and promotion;
- Good governance, transparency and accountability;
- Efficiency and effectiveness;
- Responsive, prompt, impartial and equitable service;
- Provisioning for diversity;
- Sustainable development;
- Participation in policy making and implementation;
- Upholding of human rights in the public service.

Based on the thematic areas, the evaluation team developed result indicators to help assess the progress made in each area, before drawing conclusions.

## 2-2 Public Service and Good Governance

The Constitution defines the Public Service as the collectivity of all individuals other than State officers performing a function within a State Organ. This comprises public offices that perform functions of (or provide service on behalf of) the national or county



governments whether on commercial basis or not. The rationale for establishment of the public service is to achieve national development goals, mainly enhancing or maintaining the well-being of citizens, rather than generating profits.

In general, and in accordance with set objectives,

### THE PUBLIC SERVICE:

①

Has a coordinating and leadership role aimed at drawing support from, and fostering consensus, among all sectors and society;

②

Possesses power to regulate entities operating in specified sectors of the economy to safeguard and promote the interests of citizens, residents, consumers, business and other stakeholders and to achieve sustainable benefits; and

③

Undertakes activities on socio-benefit basis, rather than pure profit purposes, given that they exercise sovereign powers drawn from the Executive. Arising from the exercise of sovereign power, pursuit of social policies may require that equality and fairness be given greater weight than financial performance; while in employment, affirmative action may appear to dislodge merit and the competition principle.

Because of the nature and character of the public service, the Government and stakeholders are interested in confirming whether planned outputs are delivered and development goals achieved in an efficient, economic, effective, and equitable manner. The Government and stakeholders are also interested in the capacity of the public service to perform well financially and remain stable each year. These interests oblige the public

service to adopt good governance.

### 2-3 Values and Principles in 2013/14 Evaluation

As stated earlier, this evaluation came up with indicators that were used to measure the extent of compliance with the Values and Principles of governance within the public service in the 2013/2014 financial year. The following section outlines some of these themes and the evaluation indicators:

### a) Good Governance, transparency and accountability

The extent of compliance with this key thematic area was largely evaluated under the three facets of governance, transparency and accountability. Good governance as a concept refers to checks and balances in exercise of power and authority in the allocation of, and use of, resources, and the manner in which organisations are directed, controlled and held to account. This comprises arrangements put in place to ensure that intended outcomes for stakeholders are defined and achieved. The vehicles for good governance, which have been used as indicators in this study, include organisational structures, processes, practices, customs, ethics, values, policies, laws, procedures, systems and institutions for directing and controlling.

Transparency and accountability are elements of good governance. The principle of transparency lays the requirement for adequate disclosure to the public through provision of information that enables the public to easily make meaningful analysis and sense of the activities, financial and non-financial aspects of public service performance. Reasonable levels of transparency are achieved through publication of audited financial statements, other key documents and public participation. The principle of accountability centres on the obligation of the public service to disclose results in a transparent manner, account to the public for the activities and results, and accept judgment, rewards or punishment. Accountability can be measured at both organisational and individual level. The afore-mentioned elements of good governance provided a basis upon which this study developed indicators to assess the extent to which it has been practised.

Good governance as a concept refers to checks and balances in exercise of power and authority in allocation of and use of resources, and the manner in which organizations are directed, controlled and held to account.



Allocation  
of and use of  
Resource



Power  
and  
Authority

## The vehicles for good governance

### INDICATORS

- ☞ Organisational structures,
- ☞ Processes ☞ Practices
- ☞ Customs ☞ Ethics
- ☞ values ☞ policies
- ☞ laws, ☞ procedures,
- ☞ Systems and institutions for directing and controlling.

## **b) Professionalism and Ethics in the Public Service**

Professionalism and ethics as a principle derives from the need for neutrality, impartiality, integrity and competence of the public service in support of the State. To promote professionalism in the public service, merit is normally established as a foundation for all human resource management actions. To evaluate this thematic area, levels of implementation of codes of ethics, training for ethics and training for competence, management and leadership, all of which contribute significantly to the development of professionalism and ethics were used as indicators.

This evaluation, therefore, provides a build-up onto the 2012/2013 report that noted the Commission's sustained effort in ensuring that the civil service embraced professionalism and ethics. The previous report also noted the public service's emphasis on leadership and management training and the effort made to encourage civil servants to join professional bodies. Additionally, indicators under this thematic area focus on the number of officers trained on leadership and management, number of officers who are members of professional bodies, codes of ethics, training for ethics and declaration of income, assets and liabilities.

It is instructive to note that, currently, the Commission issues a general code of conduct and ethics for the public service. This is issued under Parts Two and Three of the Public Officer Ethics Act Cap. 183. The code issued by the Commission is applicable to all public officers for which PSC is designated

*This evaluation uses existence of codes of ethics, training for professionalism, leadership and management training for ethics as key indicators of assessing this thematic area.*

as the responsible Commission by the Act.

The public service has a policy on training that requires all public officers to be accorded an opportunity to attend five days of training in a year. Public entities are also required to set aside funds for training and staff development. In ministries and departments, the policy has established committees that oversee training. Independent Commissions and Offices and State Corporations manage human resource development within provisions of their general terms and conditions of service.

## **c) Provisioning for Diversity**

The concept of diversity in this evaluation is used with reference to fulfilment of the requirements for the two thirds gender representation, employment of persons with disability, employment of minority and marginalised groups, and representation of Kenya's ethnic groups in the public service.

### Article 232 (1) (g), (h) and (i)

requires fair competition and merit as the basis of appointments and promotions, while at the same time providing adequate and equal opportunities at all levels of public service for men and women, members of all ethnic groups and persons with disability.

### Article 27

provides the right to equal opportunities and

**Article 56 (c)** requires that affirmative action programmes be put in place to ensure minorities and marginalised groups are provided with special opportunities to access employment.

With regard to gender, **Article 27 (8)** of the Constitution provides that neither gender should take more than two thirds

of employment opportunities in a public entity. With regard to employment of persons with disability, the requirement is to offer them five per cent of employment opportunities.

It should be noted that the principles of diversity apply in a progressive manner in accordance with the wording of **Article 232 (1) (i)**. They, therefore, do not apply in retrospect. Definite levels of representation of women and men, persons with disabilities and ethnic groups existed prior to August 2010

#### d) Fair Competition and Merit in Appointments and Promotions

Fair competition and merit are the bedrock of professionalism in the public service. Public officers appointed on merit are more confident in delivery of their functions and are more likely to assume professional position on ethical issues, thus giving credibility to the offices they hold. Article 232 on Values and Principles of Public Service, under Clause 1 (g), provides that fair competition and merit shall be the basis for appointments and promotions.

The ideal situation is where vacancies in the public service are advertised and merit interviews conducted. Currently, recruitment and promotion is guided by policy developed and enforced by the responsible organisations. The Commission is the responsible authority in the case of civil servants. In State Corporations, Boards of Directors are responsible for recruitment and employment, while in

*The evaluation considered the existence of gender representation policies, ethnic representation in the public service and representation of minorities and marginalised communities as some of the key indicators of assessing compliance with this theme.*

99

the case of Constitutional Commissions and Independent Offices, the governing bodies established by legislation assume the responsibility.

99

*In evaluating this thematic area, the study assessed the mode of recruitment and channels used by public service entities.*

99

### **e) Efficient, Effective and Economic Use of Resources**

The 2012/2013 report considered the systems and structures put in place to ensure efficient, effective and economic use of resources. The report confirmed that adequate policies, systems and structures had been put in place and were working. As a result, the next important element for the 2013/2014 study was to evaluate efficiency and effectiveness that is expected to arise from efficacy of the policies, structures and systems.

A key pre-requisite for MDAs to perform efficiently, effectively and economically is the link between strategic planning, budget, performance management and service delivery. National planning in Kenya is at three levels, which are interlinked and inform budgeting and performance management - long, medium and short term.

Long term planning is guided by Vision 2030 while Strategic Plans serve as medium term roadmaps. Annual Plans and Budgets act as short term guides. The linkage between planning and budget is premised on the Medium Term Expenditure Framework (MTEF) through which budgets are programme-based. This is a paradigm shift from incremental input-based budgeting

to output/outcome-based budgeting that has clear performance indicators based on strategic plans.

This evaluation assessed the level to which the public service had aligned their budgets with planning, budget absorption, development to recurrent ratio, personnel emoluments to operations and maintenance ratio as some of the indicators to measure efficient, effective and economic use of resources.

### **f) Sustainable Development**

This evaluation looks at the principle of sustainable development from three dimensions - economic, environmental and social dimensions. Indeed, for a development model to be sustainable, it must satisfy requirements for economic and environmental sustainability, and social justice.

Section 58 (1) of the Environmental Management Co-ordination Act No. 8 of 1999 requires that any person wishing to start a project shall submit a project report to the National Environmental Management Authority (NEMA) before proceeding with any undertaking. The law requires that an impact assessment must be carried out for any project that may have an impact on the environment and the report be submitted to the NEMA. The Authority has power to stop projects on account of negative impact on the environment.

Fiscal discipline, in terms of prudence in management of government deficit and the country's debt portfolio, are used to measure economic sustainability. The evaluation also assessed social justice through the extent to which the public service had ensured equitability in the distribution of projects that generate key ingredients for broad-based inclusive economic growth and development.

Stoppage of ongoing projects that did not comply to NEMA regulations was an indicator of compliance with environmental sustainability.

**g) Responsive, Prompt, Impartial and Equitable Service**

This principle is important at ensuring that public officers stick to ethics and professionalism. At the time of conducting this evaluation, the Government had initiated the process of coming up with a proposed legislation to bring the Values and Principles in Article 232 into effect. The aim of the proposed legislation was to ensure that public services were provided promptly, effectively, impartially, and equitably. Other elements of the principle are within provisions of the Leadership and Integrity Act 2012.

To evaluate this thematic area, this study used the uptake of ICT in service delivery, documentation of service charters, grievance handling procedures and levels of customer satisfaction as indicators of responsiveness, promptness, impartiality and equity in provision of service.

**h) Public Participation in Policy Formulation and Implementation**

Public participation in policy making and implementation is mentioned in both Articles 10 and 232 of the Constitution. Article 10 refers to participation of the people in the making or implementation of public policy decisions, while Article 232 refers to involvement of the people in policy making.

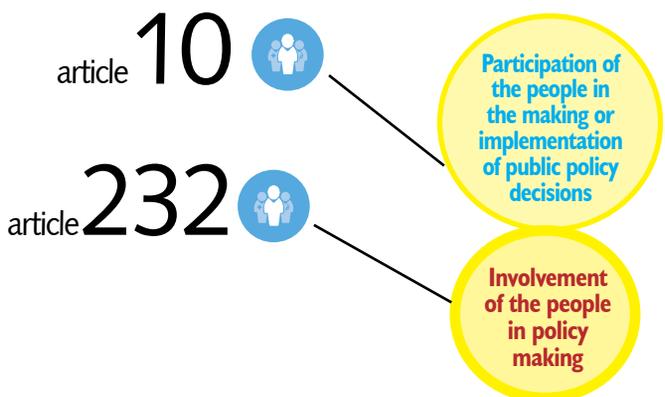
Participation is considered one of the milestones of democratic



*Evaluation of this theme assessed whether MDAs had developed policies for public participation, or if they held stakeholder forums whenever fundamental policy decisions were being made, typical being strategic planning processes.*



government. This is because participatory democracy provides a mechanism of involving people in the governing processes. Public involvement is a means to ensure that citizens have a direct voice in decisions. In this way, citizens play an invaluable role in ensuring that their public officials act and pursue goals that serve their interests. Therefore, the involvement of the public in policy-making and implementation is meant to strengthen and deepen democratic governance. It is through active public participation that evidence-based policy-making and responsive service delivery can take place. Throughout the world, public participation is seen as a means to, among other things, development and effective service delivery, improved governance and increased democracy and ensuring relevance of development plans. It is also a means to encourage community members to take responsibility for services and promote



community actions. Public participation also can empower the public to take more control of their lives and livelihoods.

### **i) Upholding Human Rights**

In August 2010, Kenya adopted a human-rights-based approach to development and made it a requirement for all public officers and other persons implementing or formulating public policy and legislation to promote and respect human rights. In this case, therefore, all government programmes, policies and actions should further the realisation of human rights. The public service must, therefore, be held accountable for observance of human rights.

The Bill of Rights in the Constitution holds that all Kenyans have equal entitlements as stipulated in the law. Since most of the rights are interrelated and interdependent, there is always a danger that violation of one (right) may trigger a chain of deprivations either in the short or long term. The realisation or deprivation of human rights is at the very core of the survival of the country's nationhood and democracy.

### **j) Devolution and Sharing of Power**

Devolution and sharing of power is a principle that is critical to promotion of democracy, respect for diversity, ensuring equitable sharing of resources, promotion of accountability and decentralisation of power, authority and resources. Article 6 of the Constitution provides that national and county levels of government are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation.



*To assess the extent to which requirements under this thematic area had been complied with, this evaluation used the development of grievance handling procedures, cases of human rights violations and confirmed human rights violations as indicators.*



The provisions for the setting up of the structures for intergovernmental relations, such as joint committees and authorities, are found in Article 189 and the enabling legislation is the Intergovernmental Relations Act, 2012. The Act establishes the Summit, the Council of Governors and other committees and authorities necessary for proper working of both governments.

As it were, most functions were devolved to county governments during the 2013/2014, a period which is covered under this evaluation. During this period, public service entities were obliged to provide support to enable the services that used to be provided by the "Central Government" to continue without disruption.

This evaluation used the number of staff seconded to counties, technical support offered to counties, training for capacity development and establishment of joint committees as indicators of assessment of this thematic area.

# 3

## EVALUATION METHODOLOGY

### 3-1 Evaluation Design

This evaluation was guided by Tyler's objectives model of evaluation. In this model, an entity's successes or failure is determined by the extent to which it achieves or fails to achieve its objectives. Accordingly, the MDAs were evaluated to determine their compliance to the 10 values and principles of the public service.

As a country-wide study focusing on the extent to which MDAs have operated in line with the values and principles enshrined in the Constitution, the evaluation employed qualitative and quantitative approaches. These approaches were designed to capture relevant primary and secondary data.

### 3-2 Methodology and Instrumentation

The research team perused several websites for both state and non-state actors in order to corroborate the information with other sources like newspaper articles, government ministries' deliberations and annual reports from various sectors that addressed governance issues in Kenya.

From the onset, the evaluation was designed as a census study, meaning that it targeted all MDAs under the purview of the PSC, but which have not been exempted by the Constitution from such an evaluation. A census, but not a sample, was preferred for two reasons. First, the unit of analysis was to be the individual MDAs, yet, at the

time it was not easy to choose a sample for the research team's inability to anticipate nature and likelihoods of response levels with precision since the Government was, at the time, in the processes of reforming most MDAs with a view to merging some while abolishing others. Two, the research team held that it was reasonable to target all the MDAs with a view to generating amounts of data that could help the PSC to develop baseline data for each MDA. Once comprehensive data were captured, a rich data-bank would be developed from which future studies will draw for various reviews and further evaluation.

One main, but comprehensive, questionnaire was sent out to all the 249 MDAs targeted in this evaluation under the census framework. This survey found it necessary to identify some special (sample) MDAs from where additional data was collected. Accordingly, some 29 MDA-specific questionnaires were developed and sent to selected MDAs where specific data, were collected. Data were collected between October 23rd to October 31st 2014 using 15 trained research assistants who reported to the technical team of researchers comprising internal and external evaluators. The questionnaires were first emailed to the respective MDAs before Research Assistants physically visited the chief executives/accounting officers of the organisations to respond to any emerging concerns and collect the completed instruments.

The study also examined a number of local

and international literature including reports and legal documents that aided the process of generating primary and secondary data. Specifically, the study reviewed legislation and policies including the Constitution of Kenya (2010), National Cohesion and Integration Act (NCI Act) and the Devolved Government Act (2012), among others (see Bibliography).

### 3-3 Data Analysis and Presentation

Dully filled in questionnaires were returned from the field either in hard copy by Research Assistants or emailed to the Evaluation (Research) Team by email. Most of the questionnaires were also accompanied by additional documents that provided proof that individual MDAs had provided accurate data. Questionnaires received by email were printed and assembled together with those that had come in hard copy format. Once assembled, the Research Team carried out a data authentication and cleaning exercise to check on accuracy and completeness of questionnaire information returned.

After sorting out of the questionnaires, a tally was carried out to ascertain the MDAs that had responded. It emerged that 168 MDAs responded to the main questionnaires. These included nine Ministries, 16 State departments, five Independent Commissions, and 138 State Corporations. It is, nevertheless, important to note that triangulation of sources and data were achieved using the document analysis guide which enabled the collection of data for all MDAs from major oversight institutions and reports provided by such institutions. These included the Office of the Auditor General, Controller of Budget, and KNBS, among

others. This enabled the evaluation to capture financial and human resource data for the entire public service. The response rate from the main questionnaire alone was 68 per cent, considered representative given the short time (seven days) within which the data collection exercise was carried out (see Appendix I for all organisations that responded). Other data were collected from the institution-specific questionnaires and documents from oversight organisations.

After the data cleaning exercise, the questionnaires were presented for (data) entry to allow for analysis. Once the questionnaires had been authenticated, data entry clerks coded and captured the responses into computers through the Statistical Package for Social Sciences (SPSS) analysis software.

During analysis, descriptive procedures were used to analyse the quantitative data while interpretive approaches were used to analyse qualitative data. Results were presented using tables, graphs, charts and narratives. Qualitative data were presented using narrative and interpretive assertions organised into themes (thematic analysis) based on the values and principles covered under this study.

### 3-4 Ethical Considerations

The research team developed a comprehensive justification/rationale document to assuage fears and excite interest to receive consent for participation by the respondents. Two important considerations were made, which included confidentiality of identities of the individual participants guaranteeing their anonymity, and the promise for validation once all the data had been collected and analysed.

### 3-5 Limitations of the Evaluation

The evaluation process was limited by the following factors:

**Census statistics:** The official and most recent demographic statistics can be found from the 2009 Kenya Population and Housing Census. Such statistics, if used in 2014, would not reflect the reality of population dynamics. This, therefore, may have affected the evaluation of the parameters of the public service such as the proportionality of different ethnic groups in employment.

**Merging of State corporations:** There were difficulties during the data collection stage after the research team discovered instances where some State corporations earmarked for the study had either been merged or wound up by the Government.

**Absence of centralised disaggregated data for State corporations:** The evaluation was affected by lack of centralised data on the human resource

and financial information in State corporations, Constitutional Commissions and Independent Offices. There was also an absence of systematic data in oversight institutions and it took the organisations a long time to assemble the information required. There were MDAs that had not computerised human resource data while others did not keep disaggregated data along the lines of evaluation. Consequently, such organisations required a longer time to organise data manually, which slowed the process of data analysis.

**Communication Challenges:**

Communication with the target population was also affected by telephone and internet connectivity. Indeed, it was noted that a significant number of officers, especially in ministries and State departments, were using personal e-mail addresses due to unreliability of official e-mail.

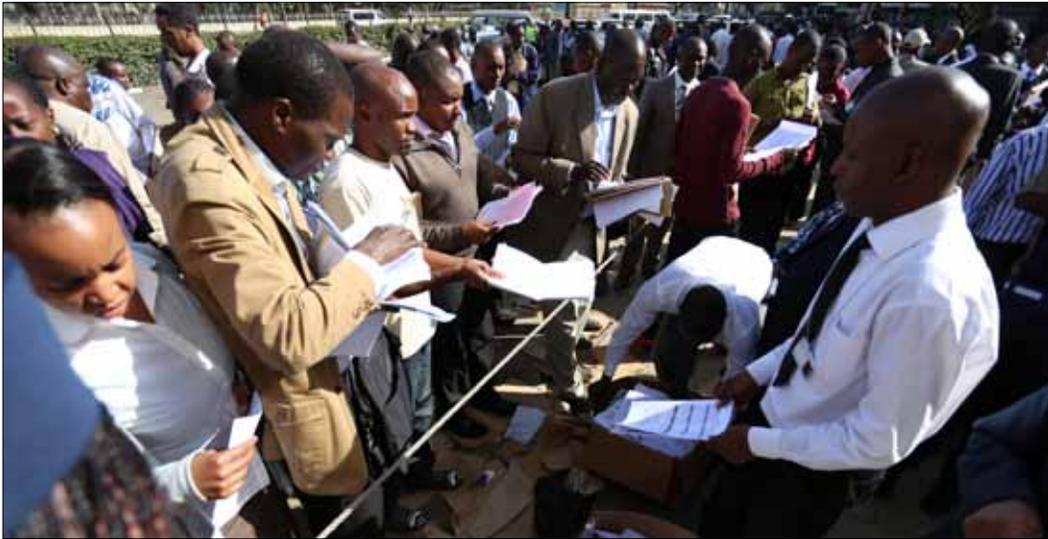
**Constitutional and legal challenges:**

There were instances where MDAs were not clear on the jurisdiction of the Commission regarding the evaluation on compliance with the values and principles. This posed difficulties in the process of collecting data.

## 4

## EVALUATION FINDINGS

## 4-1 Good Governance, Transparency and Accountability



**Hundreds of Kenyans making their last minute rush to submit their income tax returns for 2013 outside Kenya Revenue Authority headquarters in Nairobi.**

Good governance, transparency and accountability in the public service are pillars of development and professionalism in serving the public. Accordingly, the public service was evaluated to determine the extent of compliance to these variables. The detailed findings are reported in the following sections.

#### 4-1-1 Review of Organisational Structures

This evaluation focused on the past five years to determine the frequency with which MDAs reviewed their organisational structures. The findings are presented in Table 4-1:

**Table 4-1. Proportion of MDAs with Reviewed Organisational Structures**

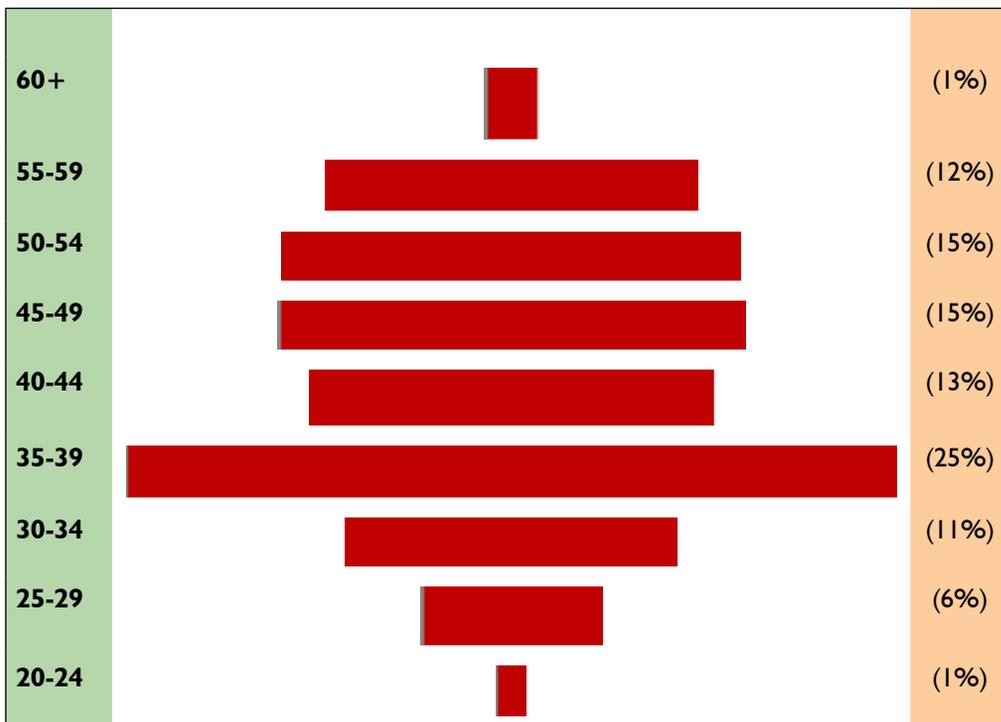
Year	Ministry/State Departments	State Corporations	Independent Commissions / Offices
2010	0.0%	7.8%	0.0%
2011	0.0%	14.3%	0.0%
2012	0.0%	28.6%	0.0%
2013	41.7%	31.2%	33.3%
2014	100%	18.2%	31.7%

Source: Evaluation 2014

### 4-1-2 Succession Management

Data from the participating MDAs on the age distribution of public servants indicate that 56 per cent of the officers are below the age of 45 (Figure 4-1). Thus, notwithstanding the frequent freezes on employment in the wider public service, the age profile of the workforce would still leave room for effective succession management plans across most segments of the service.

**Figure 4-1. Distribution of Staff in MDAs by Age Group**



Source: Evaluation 2014

### 4-1-3 Management Policy Review

Findings of this evaluation reveal that in the post-2013 general elections period, extensive review and reorganisation of the public service had been achieved. The evaluation established that key policies had been accordingly reviewed as reported in the following sub-sections.

### (a) Ministries and Departments

#### i. Delegation and Decentralisation

In response to increased demand for accountability on Cabinet Secretaries, the Commission reviewed policy guidelines for the management of public officers in Ministries and State departments, expanding delegated powers from Job

Group “L” to Job Group “P”. In addition to increased delegation, the human resource function was decentralised to ministries and departments. This empowered Authorised Officers to effectively manage and control staff in their respective ministries and state departments.

## **ii. Oversight of National Government Function at County Level**

The National Government Coordination at the county level was empowered to oversight services provided by the National Government at the county level. All Heads of Departments (HODs) or directors at the county level, besides being responsible for the achievement of their ministerial performance targets, are required to develop and deposit performance targets at the office of the County Commissioner (CC). The CCs are required to, in consideration of National Government’s priorities and development agenda, develop a monitoring and evaluation framework to report on a regular basis the extent to which ministries at the County level are meeting their targets. This has empowered the Commissioners to monitor National Government development projects and programmes at the County level in all the sectors.

## **iii. Guidelines on Management of Staff Seconded to Counties**

The devolution of functions to County Governments in October 2013 necessitated secondment of staff performing devolved functions to the regional Governments. There was a realisation that effective transition to devolved system of governance required clarity on management of the seconded staff. To this end, policy guidelines were developed and issued to address promotions, transfers, discipline, training, pensions, allowances and protection of the seconded staff. This ensured continuity of service delivery and

a reasonably firm foundation for County public services, which were given disciplinary powers over the seconded staff, except with regard to removal and reduction in ranks. Mechanisms, procedures and structures for appeals were also established.

## **(b) Governance in State Corporations**

### **(i) Policy, Legal and Institutional Framework**

The performance of State corporations as a matter of on-going concern in an environment of resource scarcity and mounting needs was evaluated under this study. Findings show that during the 2013/2014 Financial Year, the Government reviewed the policy, legal and institutional framework to improve governance in the sector and remove duplication and overlaps in oversight as well as in the mandates of State corporations. The review culminated in a code of governance for the sector and a draft Bill to provide for better governance and management of the sector.

### **(ii) Boards of State Corporations**

In Accordance with Section 15(1) of the State Corporations Act Cap 446, the number of State corporations with the required number of board members (functional boards) was evaluated. The findings reveal that during the period under review, 85 percent of State Corporations had functional Boards of Directors and substantively appointed Chief Executive Officers (CEOs).

Lack of functional Boards in 15 percent of State corporations was attributed to the proposed reforms in the agencies and the anticipation that new (Boards of) Directors would be appointed under a new policy regime (see Appendix II). The reforms took longer than expected since their implementation required a repeal (and enactment) of legislation and establishment

of oversight and regulatory institutions. With regard to training and induction, 86 percent of the State corporations surveyed reported that their Boards of Directors were inducted and trained in corporate governance.

Out of the 115 State corporations that responded to have functional Boards, evaluation of performance of the teams was undertaken in only 34.7 per cent of them. This presents a challenge in accountability of the Boards as there would ordinarily be no reference point in determining how a Board has performed its roles.

#### **4-1-4 Procurement in MDAs**

##### **(a) Adoption of E-procurement**

This study revealed that there was no policy requiring MDAs to adopt e-procurement in the 2013/2014 financial year. Data on self-reporting by MDAs indicated that only 12 (5%) MDAs across the categories studied had adopted e-procurement. The Public Procurement Oversight Authority (PPOA) could not, however, validate the self-reporting results. The Authority only indicated that no MDA had adopted e-procurement.

##### **(b) Compliance to Procurement Regulations**

During the period reviewed, PPOA investigated procurement cases in 146 MDAs, representing about 59 per cent of the public service. Out of the 146 MDAs that were investigated, only 12 (5%) were confirmed to have violated the Public Procurement and Disposal Act and had their procurements nullified.

##### **(c) Breaches of Procurement Laws**

Although the level of compliance with procurement requirements was high among

MDAs, the PPOA listed the most frequent breaches of public procurement regulations that affected procurement in the public service as including:

- (a) Failure to use standard tender documents
- (b) Tailor-made specifications
- (c) Failure to give bidders reasons for termination of tenders or failure to report termination to PPOA
- (d) Disregard of required forms of communication
- (e) Failure to include evaluation criteria in tender documents
- (f) Introduction of new tender evaluation criteria
- (g) Unfair disqualification at either preliminary or technical evaluation stage
- (h) Failure to notify all bidders at the same time
- (i) Failure to provide evaluation summary
- (j) Exclusion of critical information from tender documents to allow fair competition
- (k) Irregularities in submission and receipt of tender documents;
- (l) Waiver of mandatory requirements

Other breaches noted by the PPOA were in the evaluation of Request for Proposals where, the agency reported, there was rampant violation of evaluation criteria including failure to invite bidders who qualify in technical evaluation to witness opening of financial proposals, and failure to read technical scores during the opening exercise of bids. Incidents of manipulation of technical scores to influence ranking were also reported as frequent breaches.

## 4-1-5 Accountability

### (a) MDAs Meeting all Performance Contracting Targets

In the 2013/2014 Financial Year, there were 288 MDAs in the National Government public service that signed performance contracts. Out of this number, none achieved all the targets. However, there were isolated cases where all targets in core functions were achieved. This was in four ministries, 55 State corporations and six other national government agencies, which together represent 22.6 per cent of the MDAs. The intended plan that good performance will be recognised has been implemented in the public sector where best performing MDAs are rewarded. The employees of the best performing MDAs are similarly rewarded. However, there are no sanctions for poor performance.

### (b) Accountability for Performance at Operational Level

#### (i) Levels of Staff Performance Appraisal

Data availed by the Commission on

ministries and departments established that out of 77,129 officers, only 25,886 (33.6%) were assessed and that only 15 per cent of ministries/departments carried out performance appraisals for all their staff. The remaining 85 per cent of ministries and departments appraised a section of staff or none. Details are provided at Appendix III.

In the category of State Corporations, statistics collected as part of this study showed that the 138 of them had 69,196 employees. Out of these, 38,884 (56.2%) had their performance appraised. The responses to this data item from Independent Commissions and Offices was so low that it could not be used for evaluation.

### (c) Accountability for Administrative Acts

#### (i) Surcharge Cases in MDAs

There were a few cases of surcharge in ministries, departments and State corporations during the year as reflected in Table 4-2.

**Table 4-2. Proportion of MDAs Reporting Surcharge Cases**

Indicator	Ministries	State Departments	State Corporations
Proportion of MDAs with surcharge cases in 2013/2014	42.9%	50.0%	17.4%
Total Surcharge amount (Kshs.)	439,352	1,320,296.70	9,133,302

Source: Evaluation 2014

Low levels of surcharge cases reflect good governance if low incidents of loss of public funds arise from actions of employees. This dimension, however, is only verifiable through forensic audits where losses or financial improprieties are identified.

## (d) Anti-Corruption Measures

### (i) Corruption Perception Surveys

Out of the 168 participating MDAs, 26 per cent reported to have carried out corruption perception surveys. Cross validation with the Ethics and Anti-Corruption Commission (EACC), however, showed that only 32 out of the entire population of 249 MDAs (13%) had carried out corruption perception surveys. Out of the 32 MDAs, only 10 (31.3%) had a Corruption Perception Index rating of between 0 and 3, (where 0 indicates zero corruption). The remaining 68.7 per cent of the 32 MDAs had a rating of 4 and above.

The study found that the EACC no longer required MDAs to carry out annual corruption perception surveys. This was confirmed by data from the Performance Contracting Secretariat, which showed that the last corruption perception surveys were

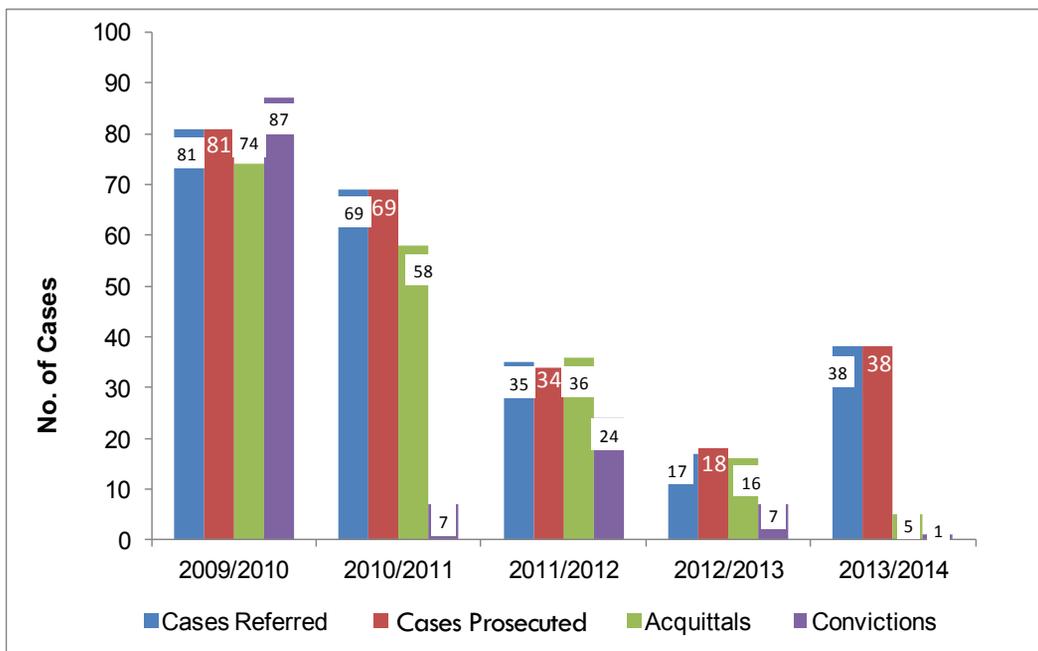
carried out in the 2012/2013 Financial Year.

### (ii) Prosecution of Corruption Cases

A four-year trend analysis dating back to 2009 shows that the EACC and Director of Public Prosecutions (DPP) managed to have nearly all the cases referred to the DPP prosecuted. However, despite the high number of prosecutions, there were an equally high number of acquittals as shown in Figure 4-2. On average, 77.0 per cent of the persons prosecuted for corruption between 2009 and 2013 have been acquitted. Generally, the high number of cases reported, prosecuted or acquitted has been coming down over the years, with the highest numbers recorded in 2009/10 Financial Year.

Embezzlement of funds was the most common type of corruption prosecuted. There was nevertheless a general trend

**Figure 4-2: Trends in Prosecution of Corruption Cases Source: Office of Director of Public Prosecutions, 2014**



Source: Office of Director of Public Prosecutions, 2014

decline of prosecutions. A verbatim narration obtained from the DPP's office as part of this evaluation reported that the high number of acquittals arose from:

- i. Uncooperative, compromised, sympathetic accomplice witnesses, mainly due to the fact that they (witnesses) might have been colleagues and workmates of the accused;
- ii. Failure to get original documents in cases where the accused was a custodian of the documents;
- iii. Lack of witnesses and (or exhibits) arising from death or relocation of witnesses or loss of original documents.

Other challenges in prosecution of corruption cases included delays in finalisation of cases and applications for constitutional and judicial reviews. The delays could result in crystallisation of ii and iii above, thus compromising the fight against corruption.

Although the evaluation found that the offices of the DPP and EACC were working closely, there existed a cultural and systemic challenge facing the two organisations. For example, public officers

at times failed to witness against corrupt colleagues, or those implicated end up scuttling available evidence. There are also delays in determination of cases, which has implications on witnesses and evidence.

## (e) Accountability for Public Funds

### (i) Audit Queries

A summary of audit results analysed under this study shows that there is a challenge in accountability for public funds. Although there is a small improvement relative to audit results for the 2011/2012 Financial Year, there was an increase in number of financial statements with disclaimer opinion while the high number of statements with adverse and qualified opinion reflects a weakness.

During the 2012/2013 Financial Year, a total of 343 financial statements were submitted to the Auditor General for audit. The audit results show that out of the 343 statements on expenditure, only 12 per cent had a clean (unqualified) audit opinion, while the remaining 88 per cent had issues that led to qualified, adverse and disclaimer opinions. A summary of audit results is presented in Table 4-3.

**Table 4-3: Summary Audit Results for 2012/2013 and 2011/2012**

Audit Opinions	Financial Year			
	2012/2013		2011/2012	
	No. of Statements	Percent (%)	No. of Statements	Percent (%)
Unqualified	41	12%	15	6%
Qualified	172	50%	130	51%
Adverse	45	13%	24	10%
Disclaimer	85	25%	83	33%
Total	343	100%	252	100%

Source: Report of the Auditor-General 2012/2013

### **ii). Clean Financial Statements (unqualified opinion)**

Unqualified opinion is issued where the Auditor General is satisfied with the financial statements, meaning an absence of audit issues.

Submissions by the Office of the Auditor General to the Commission in August 2014 show that about 64 per cent of the clean financial statements were from State Corporations while about 15 per cent were from ministries/departments. Six per cent were from Constitutional Commissions, while about one per cent were from Independent Offices.

### **(iii). Qualified Opinion**

Qualified opinion arises from unexplained discrepancies and omissions from the accounts.

From the submissions of the Office of the Auditor General, about 45 per cent of financial statements with qualified opinion were from ministries/departments, 46 per cent were from State Corporations, and four per cent were from Constitutional Commissions. Only one financial statement from Independent Offices attracted qualified opinion.

### **(iv). Adverse Opinion**

This opinion results from material misstatements, unexplained discrepancies and omission from the accounts. Using submissions by the Office of the Auditor General, about 93 per cent of financial statements with adverse opinions were from ministries and departments. About 11 per cent were from State Corporations, while one statement was from a Constitutional Commission.

### **(v). Disclaimer Opinion**

The Auditor General, usually, issues a disclaimer where there are various material, unexplained discrepancies, and omissions, lack of documentation to support some of the figures and where accounting officers fail to provide evidence, information and explanation that are considered necessary for the purpose of the audit.

Under this evaluation, disaggregation of statements with adverse opinion was facilitated by submissions from the Office of the Auditor General. It was found that about 96 per cent of financial statements with disclaimer opinion were from ministries/departments, one statement from a Constitutional Commission, and four per cent from State Corporations.

### **(f) Implementation of PAC and PIC Recommendations**

Findings of this evaluation indicated that there were isolated cases where MDAs had acted on recommendations of Public Accounts Committee (PAC) and Public Investment Committee (PIC) on financial statements of the 2012/2013 Financial Year. However, a report by the Office of the Auditor General indicated that MDAs were, at the time of conducting this evaluation, undergoing interrogation by Parliamentary Committees. It is noteworthy that a delay in approval of audited accounts has implications for implementation of recommendations and hence accountability.

### **4-1-6 Transparency**

Level of Transparency and Public Participation: Although there was no oversight data to act as evidence that audited accounts had been disclosed to the public, evaluation data from individual MDAs showed that there

were higher levels of public participation. There was documentary evidence for public participation in 88 per cent of ministries, 60 per cent of departments, 48 per cent of participating State Corporations and 25 per cent of Independent Commissions and Offices involved.

## 4-2 Professionalism and Ethics in the Public Service

Professionalism and ethics as pillars of integrity in the public service were evaluated as a variable of employee compliance in this evaluation. The results obtained are presented as follows:

### 4-2-1 Code of Ethics for Public Officers

The evaluation findings on the status of legal provisions regarding professionalism and ethics indicate that the Code of Conduct and Ethics for officers in the public service was reviewed to incorporate requirements of the Leadership and Integrity Act 2012. The revised code lays a foundation for compliance with the Values and Principles in Articles 232 of the Constitution. The revised code requires public officers to:

- a) carry out duties of the office in a manner that maintains public confidence in the integrity of the public office;
- b) treat the public and other officers with courtesy and respect;
- c) avoid discriminating against any person;
- d) maintain high standards of performance and level of professionalism;
- e) ensure efficient, effective and economic use of resources;
- f) ensure public participation in the process

- of policy making and implementation;
- g) provide services promptly, effectively, impartially and equitably;
- h) be accountable for his or her own administrative acts;
- i) ensure transparency and provision of timely and accurate information to the public;
- j) maintain an appropriate standard of dress and personal hygiene;
- k) discharge any responsibilities in a professional manner; and
- l) if the public officer is a member of a professional body, he/she should observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the Constitution, the Leadership and Integrity Act, 2012, the Public Officer Ethics Act, 2003 and this Code.

The code shall be enforced through the public service disciplinary mechanism, and other legal means as necessary.

**Institutional Codes of Ethics and Conduct:** The findings obtained on this item indicate that out of the 168 MDAs covered under this evaluation, 115 of them in the category of State corporations (89.1 per cent) and three in the category of Independent Commissions and Offices had developed institutional codes of ethics. Ordinarily, the Commission issues a general code of conduct and ethics for the public service under Parts Two and Three of the Public Officer Ethics Act Cap. 183. The code issued by the Commission is applicable to all public officers for which PSC is designated as the responsible institution by the law.

## 4-2-2 Training for Professionalism

### (a) Policy and Budget for Capacity Development

Evaluation findings show that during the 2013/2014 Financial Year, 152 (93.8%) MDAs covered had provisions for training in their budgets. Ministries and departments had a training budget of over Kshs. 60 million, while the training budget for State corporations was over Kshs. 2 billion. Independent Commissions and Independent Offices had a budget of over Kshs. 100 million. This reflects good investment in human resource development and training, which is critical to the development of professionalism.

### (b) Leadership and Management Training

Professionalism increases with quality of leadership, which among other things sets the tone and direction of service delivery.

During the period under review, there was considerable effort to provide leadership and managerial training as shown in Table 4-4.

The results show that a total of 5,343 officers were trained on leadership and management during the year under review. A majority of the staff trained, 3,738 (70.0%) hailed from State corporations while only 1,605 (30.0%) were from the ministries, departments and independent commissions and offices.

### (c) Levels of Training on Ethics

The findings obtained regarding the levels of training on ethics indicate that MDAs on their own trained 9,415 (9%) of the 106,724 officers. The number of staff trained on ethics is thus generally low and may not be sufficient to keep the debate on ethics alive in the public service and there is, therefore, a need to improve. Training is nevertheless a continuous process hence this is a steady trend in compliance.

**Table 4-4. Distribution of Officers Trained on Leadership and Management in 2013/14 FY**

Type of Training	Ministries	Departments	State Corporations	Independent Commissions / Offices	Total
Leadership Training	99	207	1,310	64	1,680
Management Training	174	618	2,428	443	3,663
Total	273	825	3,738	507	5,343

Source: Evaluation 2014

### **4-2-3 Membership to Professional Bodies**

Among the participating MDAs, there were 5,945 officers who belonged to professional bodies or associations, representing 5.6 per cent of the officers. Out of the 5,954 officers, 32.1 per cent work in ministries and departments, 58 per cent in State corporations while 10.1 per cent were in independent commissions and offices.

The results show that a significant proportion of MDAs provide support to the officers who are members of professional bodies to pursue development required in their areas of practice. Thus, 93.5 per cent of ministries, 93.3 per cent of State corporations and 93.8 per cent of independent commissions and offices provide support to their officers.

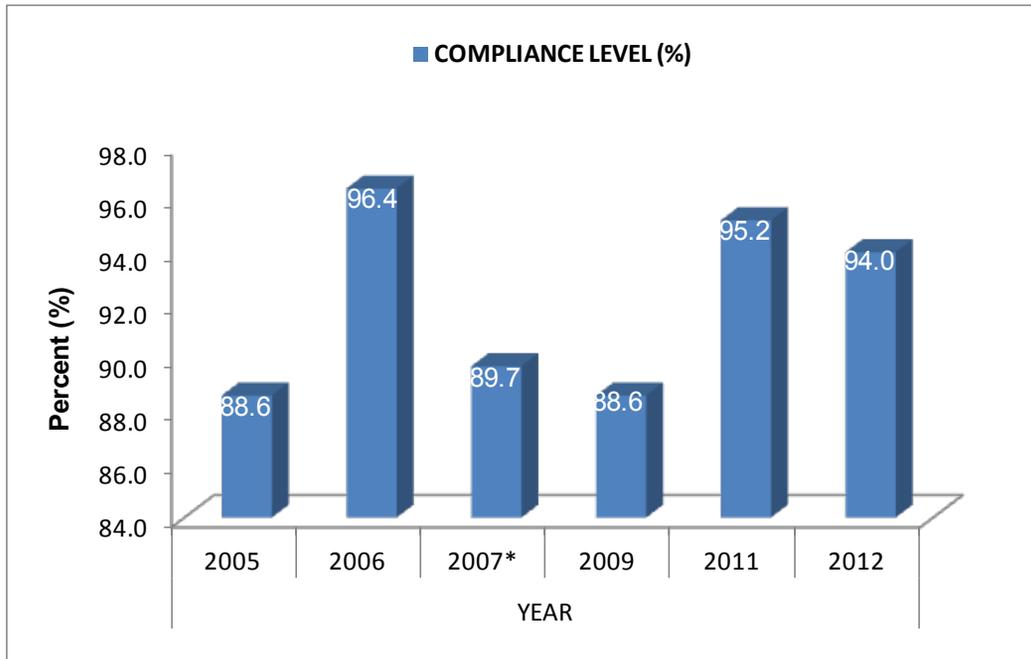
This evaluation found that there is a big proportion of public officers 100,779 (94.4 per cent) who are not members of professional bodies. This presents an opportunity for the public service to encourage such officers to join professional bodies in their areas of education and training. However, there are cadres such as economists, statisticians and other development professionals and administrators that may lack relevant registered bodies to which they can register.

### **4-2-4 Declaration of Income, Assets and Liabilities**

Part IV of the Public Officers Ethics Act Cap. 183 requires public officers to declare their income, assets and liabilities at entry, every two years and at exit period. The two-year declaration is done by 31st October of the declaration year, with the window closing on 31st January of the New Year.

The evaluation data obtained from the 2012/2013 report shows improvement in compliance levels from 88.6 per cent in 2009 to 95.2 per cent in 2011. During the period under review, 238,429 officers were in the payroll of ministries, departments and State corporations who were required to submit declarations under the Act. The level of compliance was found to be at 94.0 per cent, presenting a drop of about 1.2 per cent. The drop in compliance level was linked to the secondment of officers to County Governments' public service and lack of clarity as to where affected officers were to submit declarations. Figure 4-3 shows the trend in compliance levels over the last six years.

**Figure 4-3. Compliance Trends in the Declaration of Income, Assets and Liabilities**



\* Duration for reporting changed from one to two years.

Source: Evaluation 2014

Levels of compliance are also noted to vary between ministries and State corporations. Compliance is relatively higher in ministries and state departments, which achieved

95.8 per cent compliance levels compared to State corporations and other agencies which achieved 90.3 per cent as shown in Figure 4-4.

**Table 4-5. Levels of Compliance with Declaration of Income, Assets and Liabilities for 2011 – 2013**

Type of MDA	No. of Officers on Payroll	No. of Officers who Complied	No. of Officers who did not Comply	Compliance Levels (%)
State Corporations and other Government Agencies	86,060	78,128	7,932	90.8
Ministries & Departments	152,369	146,035	6,334	95.8
Total	238,429	224,163	14,266	94.0

Source: Evaluation 2014

Data in Table 4-5 show that compliance for State corporations and Government agencies was at 90.8 per cent levels. The findings also indicate a 95.8 per cent compliance levels for ministries and state departments. It can thus be noted that the item on declaration of incomes has been achieved to a large extent in the public service.

When the evaluation sought to find out reasons as to why there were some levels of non-compliance to the requirement to declare incomes, it emerged that there were instances where officers were on duty outside the country when the declarations are made. Other public officers were on secondment or had been transferred. There were also cases where officers were on sick leave or were not aware of the exercise. In other instances, the officers were newly employed, while others were away on leave. Others just declined to make the declarations. However, there was no clear evidence of actions taken to officers who did not comply with the requirement to declare incomes.

### 4-3 Provisioning for Diversity

Diversity management in the public service is a crucial constitutional requirement intended to enhance fairness and equitable distribution of opportunities. This variable was evaluated for compliance and the findings are reported in the following sections.

#### 4-3-1 Diversity

The evaluation confirmed the existence of policy guidelines that guide recruitment under delegated powers and the Commission in appointment decisions.

In addition to the Commission's guidelines, MDAs have put in place policies to aid compliance with the requirements of Article 232 (1) (h) and (i). These include four ministries and three state departments, 75 State corporations and two Constitutional Commissions.



### **4-3-2 Gender Representation**

In the 2012/2013 Financial Year, 30 per cent of staff in the public service were female while 70 percent were male. In terms of the “two thirds” requirement, the male gender exceeded the threshold. The situation has slightly improved with the representation of women increasing to 36 percent, with men at 60 per cent in the 2013/2014 Financial Year. The same ratio is noted in the appointments made in the 2013/2014 Financial Year (see Appendix IV). Therefore, representation of women and men meets the Constitutional threshold.

The evaluation based on hierarchical levels occupied by either gender would have provided more vital data and a deeper analysis. This, however, proved difficult as the public service does not have a uniform grading or structure. There is, therefore, a need to develop a common banding structure to facilitate deeper analysis whether dealing with gender, ethnicity or other considerations required under this principle.

### **4-3-3 Ethnic Representation**

The public service guidelines for recruitment require that they include Kenya’s diverse communities and ethnic groups. The first guidelines were issued in 2005, followed by other guidelines in 2011. The effect of the guidelines over the last five years in the civil service has been better levels of ethnic representation as shown in Appendix V. Taking the size of Kenya’s ethnic groups in the national population into account, the Kikuyu, Kalenjin, Kisii and Embu have a fairly large representation relative to their population. On the other hand, the representation of the Kenyan Somali, Luhya, Turkana and the Maasai is relatively low. The

other ethnic groups are fairly represented.

The ethnic groups reflected in this evaluation do not correspond 100 per cent to the population of community affiliations in the 2009 National Population and Housing Census. This creates the impression that some groups are not represented appropriately.

The evaluation found that there were 2,573 employees who were classified under minorities and marginalised groups among the MDAs that reported workforce of 106,724 staff. The representation of these groups, at two per cent, is considered low although the Constitution does not provide a threshold.

### **4-3-4 Representation of Persons with Disabilities**

The evaluation findings indicate that there were 1,082 (1%) persons with disability in a population of 106,724 employees reported to be in service among the MDAs covered. In the appointments made in the 2013/2014 Financial Year, there were only 31 (1%) persons with disability in a group of 2,211 new appointments. Comparatively, this proportion does not meet the threshold of five per cent representation as required by the Constitution.

### **4-3-5 Representation in Appointments**

Appointments in the 2013/2014 Financial Year, based on the data available, are provided in Appendix IV. The appointments reflect a fair distribution of opportunities when the representation of ethnic groups in the national population is taken into account. This is attributable to the great emphasis put on the principle by the Commission and other appointing organisations in the public service.

## 4-4 Fair Competition and Merit in Appointments and Promotions

Levels of compliance with fair competition and merit in appointments and promotions in the public service were evaluated on the basis of two indicators - fair completion and merit and advertisement of job vacancies.

### 4-4-1 Fair Competition and Merit

This evaluation established that 84.2 per cent of participating MDAs had aligned their human resource policies with the requirements of the Constitution. They also had started recruiting staff based on policies that ensured ethnic balance as well as consideration of minorities and people living with disabilities.

### 4-4-2 Advertisement of Job Vacancies

Appointments in the public service can only be competitive if vacancies are advertised for all eligible persons to apply. The mode of advertisement of vacancies determines the level and ease of access by the public and the extent of competition. This evaluation found that the frequently used modes of advertisement by the MDAs covered included newspapers, internal adverts, adverts in government offices, official websites, radio and television and other online sites as shown in Table 4-6.

Table 4-6 indicates that the preferred channels of advertisement are newspapers, internal adverts and official websites. These channels, however, may only reach persons who are able to access them and exclude populations who are unable to access them, especially those living in hard-to-reach locations and the visually impaired.

**Table 4-6. Channels used in Advertisement of Vacancies**

Channels of Advertisement	Ministries (%)	Departments (%)	State Corporations (%)	Independent Commissions and Offices (%)
Newspapers	27.3	32.5	31.9	40.0
Internal Adverts	24.2	30.0	27.1	20.0
Government Offices	21.2	20.0	6.5	0.0
Official Website	21.2	10.0	28.1	40.0
Radio and/or Television	3.0	2.5	1.9	20.0
Other online sites	3.0	5.0	4.6	0.0

Source: Evaluation 2014

## 4-5 Efficient, Effective and Economic Use of Resources

The efficient, effective and economic use of resources by staff in public service is one of the best strategies of enhancing national development. In accordance with the constitutional requirement to this effect, this item of compliance was evaluated in this study resulting in findings that are reported in the succeeding sections.

### 4-5-1 Alignment of Budget with Planning

#### (a) Ministries and Departments

This study found that 23 ministries and departments had their budgets fully aligned with planning. Out of this group, seven ministries and 11 departments had complete and approved strategic plans representing 87.5 per cent and 84.6 per cent respectively of those that were covered respectively. Further, all ministries and departments had signed performance contracts.

#### (b) State Corporations

In this clustre, 130 of the participating State corporations, representing 97 per cent of the entities, had aligned their budgets with planning. Some 121 (89%) had complete and approved strategic plans, while 94.2 per cent had signed performance contracts for the 2013/2014 Financial Year.

#### (c) Independent Commissions and Offices

All the participating Independent Commissions and Offices had aligned

budgets with planning and had strategic plans. Because of their independent nature, the Commissions and Independent Offices do not usually sign performance contracts under the existing framework.

### 4-5-2 Budget Absorption

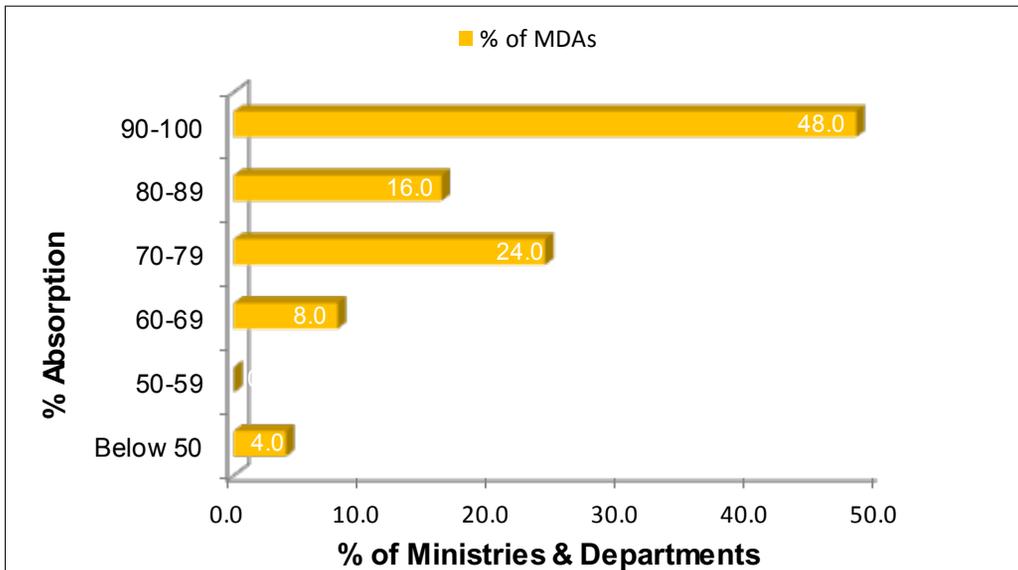
Budget absorption is one of the many measures that reflect the level of programme/project implementation. Other performance indicators include human resource planning and management policies, diversity management and professional/ethical considerations.

Low levels of budget absorption reflect ineffectiveness while over expenditure may be an indicator of inefficiency. Since Government revenue depends on tax revenue, shortfalls in (in revenue) often result in delayed exchequer releases. There was a delay in the release of the second revised budget which may explain some of the low expenditure. Appendix VI and Appendix VII show absorption of recurrent and development expenditure.

#### (a) Recurrent Expenditure

The total recurrent expenditure budget for ministries, departments, commissions and independent offices was Kshs. 675.7 billion. Of this total, Kshs. 587.1 billion (87%) of the budget was spent. In this category, 80 per cent of the MDAs spent over 70 per cent of recurrent budget. Figure 4-5 illustrates the absorption rates. The analysis of expenditure by ministries and departments is shown in Figure 4-4.

**Figure 4-4. Absorption of Recurrent Budget in Ministries and Departments**

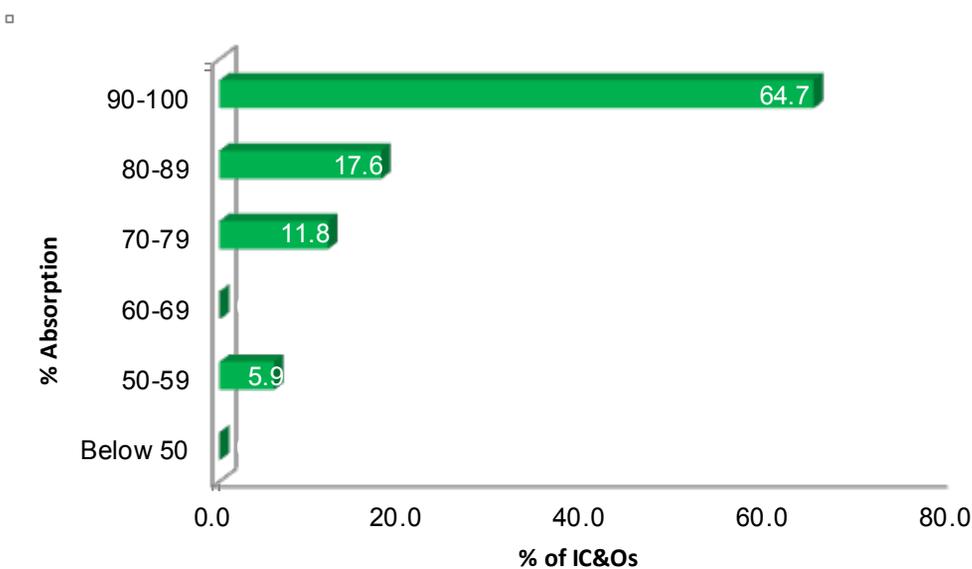


Source: Authors, Based on Data from the Office of Controller of Budget

**(i) Independent Commissions and Offices**

Expenditure pattern in independent commissions and offices was relatively better compared to ministries and departments. The findings in Figure 4-5 show that, in this category, 94.1 percent of MDAs spent over 70 per cent of recurrent budget.

**Figure 4-5. Absorption of Recurrent Budget in Independent Commissions and Offices**



Source: Authors, Based on Data from the Office of Controller of Budget

## (ii) State Corporations

During this evaluation, there was no centralised data for State corporations. The sample of 138 State corporations reported a total budget of Kshs.534 billion and total expenditure of Kshs. 580 billion during the year under review. Out of this amount, Kshs. 67.4 billion was reported to have been allocated by the National Treasury. The reported expenditure reflects absorption rate of 108.6 per cent.

## (b) Development Expenditure

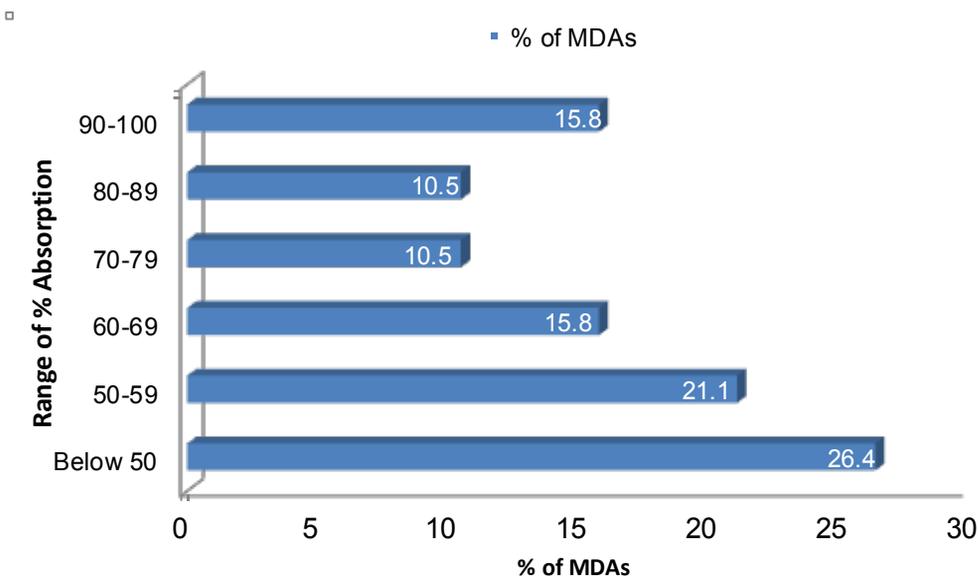
The total overall development expenditure budget for ministries, departments, commissions and independent offices was Kshs. 463.6 billion. Out of this amount, only Kshs. 241.1 billion (52%) was spent. Some of the factors that contributed to low budget utilisation were within MDAs control while others were beyond them. They included:

- Delayed exchequer issues, such as cases in which ministries received money just before the closure of a financial year therefore making it difficult for some of them to comply with procurement regulations;
- Procurement regulations;
- Compensation issues, especially land;
- Donor conditions.

## (i) Ministries and Departments

The level of development budget absorption among 19 MDAs evaluated under this item differed as shown in Figure 4-6. From the analysis, 63.2 per cent of ministries and departments spent less than 70 per cent of the budget allocated for development, reflecting an unimpressive absorption capacity which has a long term effect on service delivery.

**Figure 4-6. Absorption of Development Budget in Ministries and Departments**

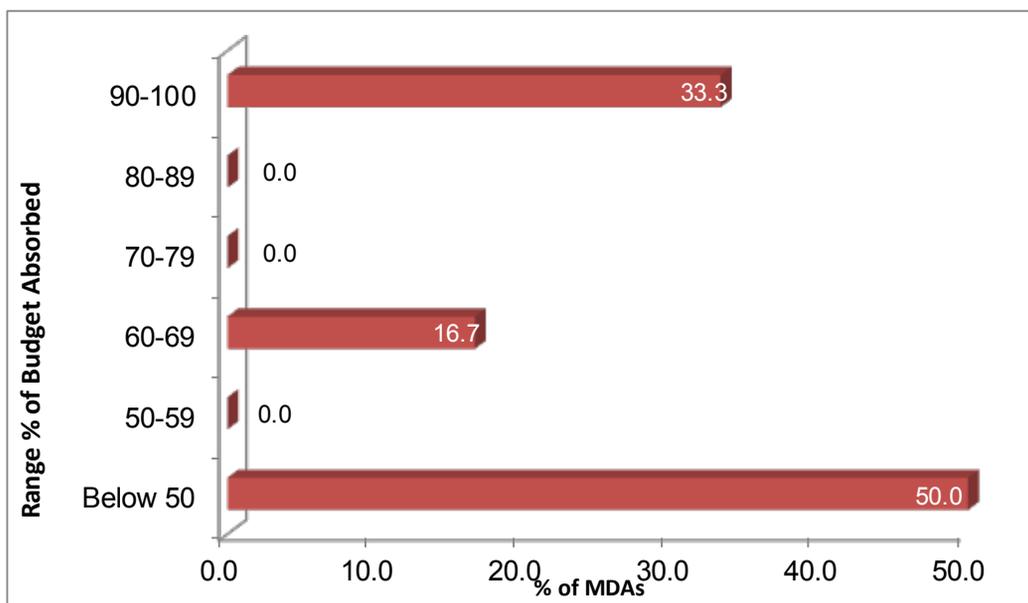


Source: Evaluation 2014

**(ii) Independent Commissions and Offices**

There were six independent commissions and offices whose data on development budget was available. Trends shown in Figure 4-7 indicate that, in this category, up to half of independent commissions and offices spent less than 50 per cent of their development budget allocation.

**Figure 4-7. Absorption of Development Budget in Independent Commissions and Offices**



Source: Evaluation 2014

**4-5-3 Allocative Budget Efficiency and Utilisation**

Under this evaluation, two ratios were computed on MDAs budgetary allocations and actual expenditure to measure efficiency and economical use of resources - Development to Recurrent, and Personnel Emoluments (PE) to Operations and Maintenance (O&M).

The Development to Recurrent expenditure ratio is provided for by the Public Financial Management Act, 2012 under section 15 (2) (a) while the Personnel Emolument to

Operations and Maintenance (O&M) derives from best practice. The Development to Recurrent expenditure ratio is set at 30:70 per cent, while PE to O&M is optimal at 40:60 per cent.

The ratio of development expenditure allocation to the total budget indicates resource outlay to expenditures that are not consumption related but support production of goods and service. This expenditure includes financing infrastructure projects that are necessary for socio-economic development. For this reason, the Public Finance Management Act requires

allocation of 30 per cent of the total budget to development expenditure in the medium term. On the other hand, the PE ratio reflects division of resources between salaries and capacity development such as maintenance of buildings and equipment, and development of institutional capacity to deliver on its core functions.

### **(a) Development to Recurrent Budget Ratio (30:70)**

The evaluation on this indicator utilised data obtained from the Office of the Controller of Budget in the assessment of ministries, departments and independent commissions and offices. The assessment of State corporations relied on financial information obtained through responses to this evaluation.

#### **(i) Ministries, Departments and Commissions**

Data submitted by the Controller of Budget on ministries, departments and independent commissions and offices revealed the ratio of Development to Recurrent as shown in Appendix VIII.

In this category, 14 MDAs complied with the 30:70 requirement while eight entities were unable to comply. Most commissions and authorities did not have a development budget hence the ratio was 100 per cent in favour of recurrent.

#### **(ii) State Corporations**

In the category of State Corporations, 40.3 per cent of the participating parastatals realised the 30:70 ratio while 59.7 per cent fell short.

### **(b) Personnel Emoluments to Operations and Maintenance (40:60) Ratio**

#### **(i) Ministries and Departments**

In the category of ministries and departments, this evaluation removed the Ministry of Defence and the National Intelligence Service from the analysis as their data were combined. Using the remaining entities, 20 out of 22 MDAs realised the 40:60 ratio of PE to O&M. This translates to 90.9 per cent. Two MDAs did not realise the efficiency ratio.

#### **(ii) Commissions and Independent Offices**

Using the data available, five out of 16 MDAs realised the efficiency ratio. This translates to 31.3 per cent. Eleven MDAs in the category did not realise the ratio. This translates to 68.8 per cent. Details are in Appendix IX.

#### **(iii) State Corporations**

In the sample of 138 State corporations, seven entities did not provide coherent data on this indicator, leaving a group of 131 parastatals. Out of these, 41.2 per cent did not realise the 40:60 ratio but 58.8 per cent were within the ratio.

### **(c) Vision 2030 Flagship Projects Implementation**

An analysis based on implementation of Vision 2030 Flagship Projects showed that among 87 projects within MTP, four had not started, 15 were behind schedule, 43 were going as planned and 25 had been completed or their targets achieved. The distribution of the projects is as shown Table 4-7.

**Table 4-7. Distribution of Vision 2030 Flagship Projects Implementation**

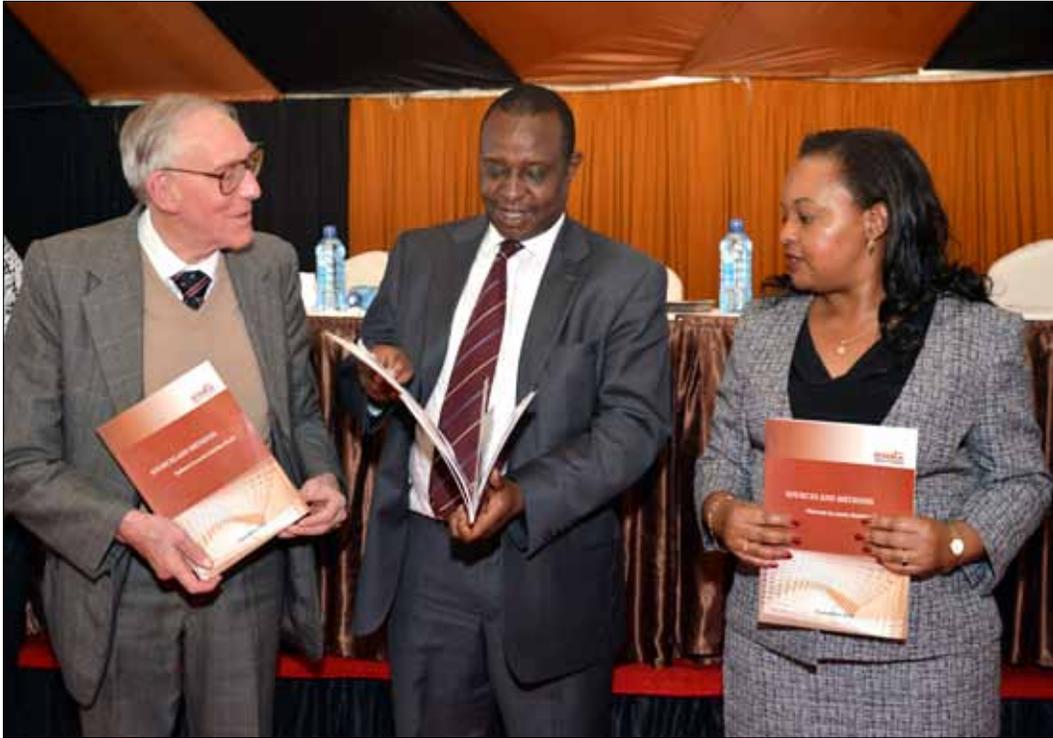
Category of Projects	Not Started	Behind Schedule	On Schedule	Completed/ Target Achieved	Total
Infrastructure(enablers)	4	6	12	16	38
Social and Political	0	9	30	7	46
Political pillar	0	0	1	2	3
Total	4	15	43	25	87
Percentage of Total	5%	17%	49%	29%	100%

Source: Vision 2030 Delivery Secretariat

During this evaluation, the Vision 2030 Delivery Secretariat cited several reasons for delays in project implementation. The secretariat said these were cases where projects were affected by inadequacy of exchequer funds and low levels of resource allocation in the case where projects were funded directly by the Government. Some projects financed by Development Partners were, at times, affected by stringent requirements of the development partners including lengthy procurement processes.

In other cases, implementing agencies were unable to raise funds from own accounts and there were delays in accessing other sources.

Apart from project financing, other reasons cited for delaying the Vision 2030 projects included limited capacity of contractors, land compensation issues, and high levels of exclusion from financial service in the case of social political projects, low utilisation of financial services and threats of insecurity in some parts of the country.



**Kenya National Bureau of Statistics Board Chairman, Prof. Terry Ryan, National Treasury Cabinet Secretary Henry Rotich and his Devolution and Planning counterpart Anne Waiguru at the launch of the rebased national accounts report in 2014 in Nairobi.**

## 4-6 Sustainable Development

Sustainability in development is the dream of every nation, which the public service is expected to be the driving engine in every step of the way. This theme was evaluated and the results are presented in the following section.

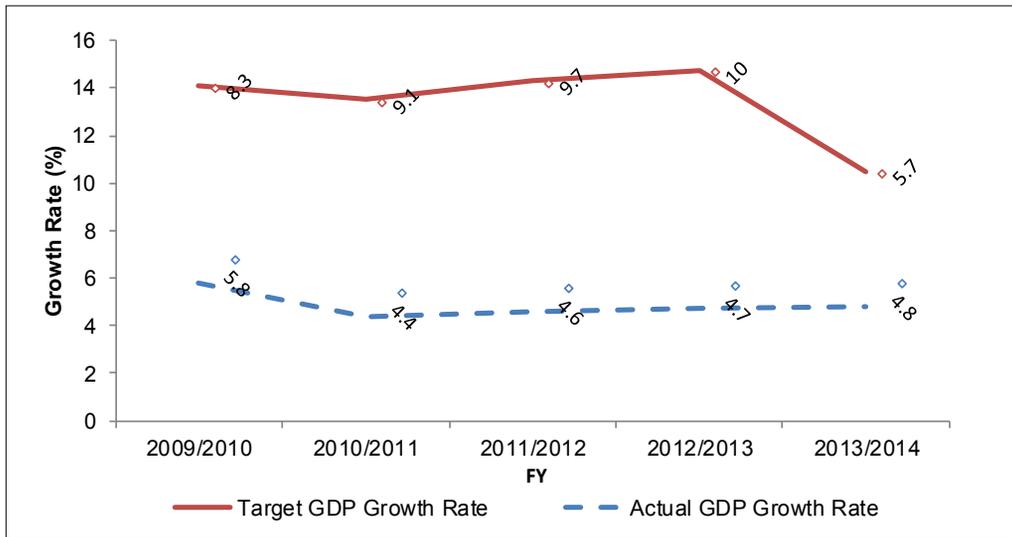
### 4-6-1 Fiscal and Debt Sustainability

Fiscal and debt management strategies are key components of the broad macroeconomic strategy meant for long term development, including the achievement of the Kenya Vision 2030. The Government adopted a five-year rolling Medium Term Plan (MTP) framework from the 2009/10 Financial Year to build on the successes of various economic and structural reforms.

Figures 4-8 – 4-10 provide growth trends in Gross Domestic (GDP), Budget Deficit and Public Debt between 2009 and 2014 that measure the effectiveness of the management of selected indicators of fiscal and debt policy by the country's monetary agencies. These indicators are key components of sustainable development.

**GDP Growth:** Trends from data on Figure 4-8 reveal that the gap between the projected GDP growth rate and the actual growth remained wide at 2.5 percentage points or higher over the 2009/2010 to 2012/2013 period before declining significantly to only 0.9 percentage points during the 2013/2014 financial year. However, this decline is attributable to a reduction in the GDP growth projection for the financial year rather than a significant increase in the actual growth rate.

**Figure 4-8. Target and Actual GDP Growth Rate Trends**



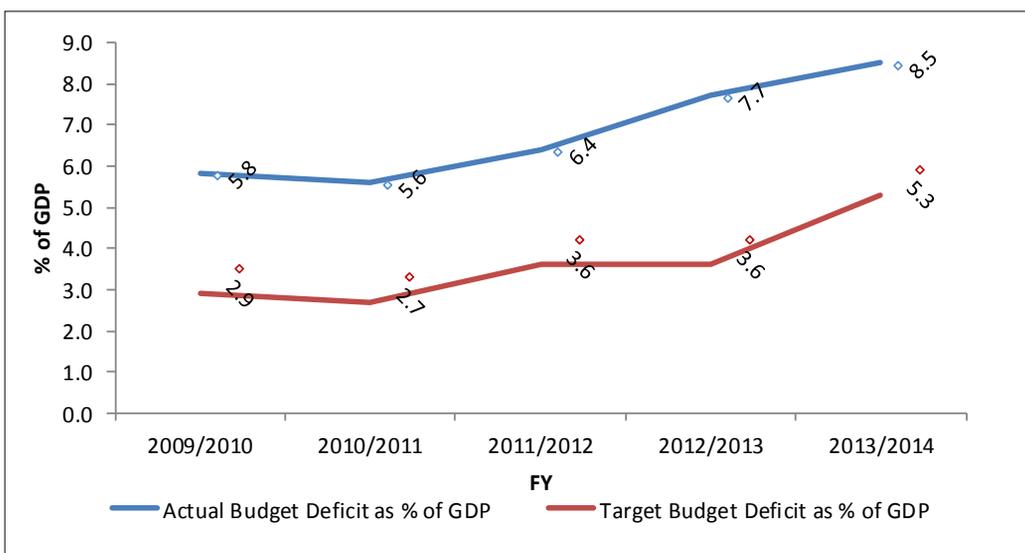
Source: Author, Based on data from the Medium Term Plan, 2013 – 2017

**Budget Deficit as a Percentage of GDP:**

Trends shown in Figure 4-9 indicate that while both the projected and the actual national budget deficit as a proportion of GDP grew gradually between 2010 and 2014, the gap between their trend lines oscillated between 2.8 percentage points

and 4.1 percentage points over the same period. The trends which are showing that the actual budget deficit remained consistently higher than the target levels suggest the need for more action to plug these deficits with non-inflation triggering options away from domestic borrowing.

**Figure 4-9. Target and Actual Budget Deficit as % of GDP**



Source: Author, Based on data from the Medium Term Plan, 2013 – 2017

### Public Debt as a Percentage of GDP:

Trends shown in Figure 4-10 indicate that while both the projected and the actual public debt as a proportion of GDP grew gradually between 2010 and 2014, the gap between their trend had also grown significantly from a low of 3.8 percentage points during the 2009/2010 Financial Year to a high of 15.1 percentage points during the 2012/2013 Financial Year before declining marginally to 12.0 percentage points during the 2013/2014 Financial Year. The fact that the trend line on the actual public debt remained consistently higher than the target levels suggests that challenges with taming the public debt levels continue to undermine sustainability efforts.

#### 4-6-2 Social Sustainability

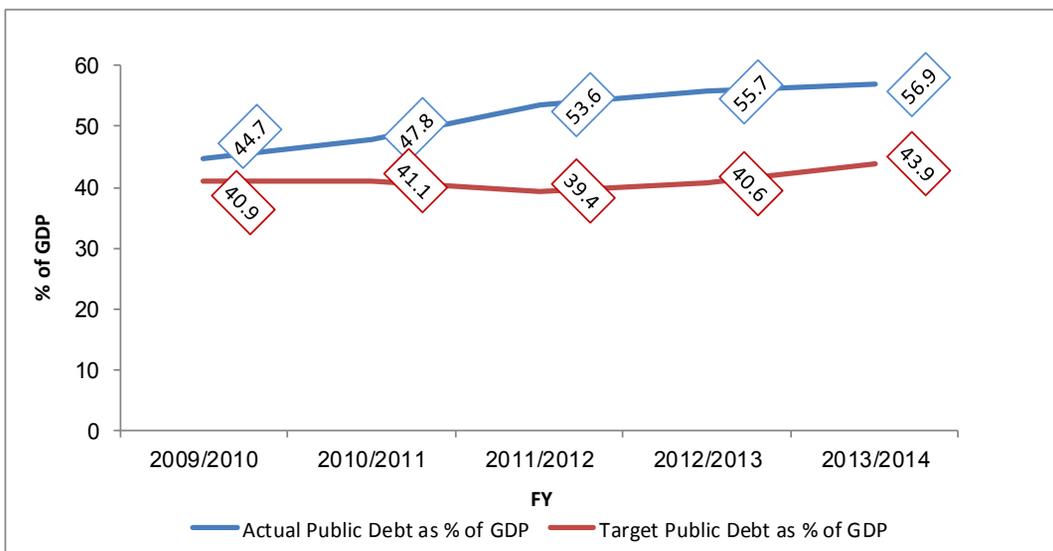
Social sustainability in Kenya can be attained when development will enable all members of society and regions to benefit from, and meaningfully participate in, economic and social resources. This is a necessary condition for national cohesion as social sustainability addresses marginalisation. An unbalanced social development model can undermine stability of the growth process for both

current and future generations if economic benefits are perceived to be unevenly distributed within a society. This evaluation used the distribution of national government projects in the country as an indicator of measuring social sustainability. These covered the projects that MDAs submitted to NEMA for Environmental Impact Assessment (EAI) before implementing them during the 2013/2014 Financial Year. The projects were categorised into the following sub-sectors:

- Energy;
- Agriculture and forestry;
- Human Settlement and infrastructure;
- Water Resources;
- Transport and Communications; and
- Commerce and Industry.

The evaluation revealed that there was an equitable distribution of projects countrywide and that all counties have one or more projects. Infrastructural projects such as those in the sectors of energy, roads and communications which are spread across the 47 counties have a potential to spur development. This evaluation was impressed by the extensive and efficient

**Figure 4-10. Target and Actual Public Debt as % of GDP**



Source: Author, Based on data from the Medium Term Plan, 2013 – 2017

**Table 4-8. Percentage Cash Transfer Disbursements for Vulnerable Groups**

FY	Older Persons (%Disbursed)	Orphans & Vulnerable Children (%Disbursed)
2009/10	62.9	94.8
2010/11	74.3	92.7
2011/12	95.0	87.3
2012/13	97.3	95.3
2013/14	92.1	95.0

Source: Republic of Kenya (2014), *Economic Survey 2014*

road network being built by the Kenya National Highways Authority (KENHA) across the country. According to data collected, KENHA has on-going projects in Siaya, Turkana, Kitui, Garissa, Machakos, Mombasa, Kilifi, Kiambu, Nyandarua, West Pokot and Nairobi counties.

#### **4-6-3 Social Protection Fund Programmes**

This evaluation took note of the commendable social protection programmes the Government is implementing under the Second Medium Term Plan (MTP). The programmes are implemented under the social pillar targeting older persons, vulnerable groups and women. For the youth, gender and vulnerable persons, the programmes are implemented under the theme Equity in Access, Control and Participation in Resource Distribution for Improved Livelihoods of Women Youth and Vulnerable Groups.

Some of the interventions initiated to support the vulnerable members of society include Social Protection Fund and National Fund for Persons with Disabilities (PWDs), the school bursaries programme and free maternity programme

The evaluation established that a consolidated social Protection Fund was created under which three cash transfer

interventions were established, namely, the cash transfer to older persons, cash transfer to the severely disabled persons and the Urban Food Subsidy. This is in addition to the cash transfer programme to the orphans and vulnerable children that was established in 2004.

Table 4-8 shows trends in the cash transfers disbursed to targeted groups compared to budgetary allocations by the Government through the Ministry of Labour and Social Security from the 2009/2010 to the 2013/14 period.

The findings in Table 4-8 show that cash transfers to orphans and vulnerable children increased from 62.9 per cent in the 2009/2010 Financial Year to 92.1 per cent in 2013/14. The cash transfer for older persons aged above 65 was 94.8 per cent in the 2009/2010 but it improved to 95 per cent in 2013/2014.

#### **4-6-4 Environmental Sustainability**

This evaluation used stoppage orders of projects by NEMA as an indicator of compliance with the principle of sustainability. It was found that during the period reviewed, there was only one road project that was temporarily stopped by NEMA for failure to comply with the principle of environmental sustainability.



*President Uhuru Kenyatta (sitting) examines a new generation Identity Card when he officially launched the Huduma Programme under which the public access key services under one roof. The first Huduma Centre was opened at Teleposta Towers in Nairobi. On the right is Deputy President, William Ruto.*

## **4-7 Responsive, Prompt, Impartial and Equitable Service**

In this chapter, the evaluation findings on the responsive, prompt, impartial, and equitable service are presented. The variables around which data was collected included the uptake of ICT in service delivery, documentation of service charters, grievance handling procedures and levels of customer satisfaction. These were treated as the indicators of responsiveness, promptness, impartiality and equity in provision of public service.

### **4-7-1 ICT Policy for the Public Service**

Findings of this evaluation show that the ICT Authority issued guidelines in December 2013 to guide related projects in the public service. In March 2014, the Authority developed and issued a policy for ICT management. This formed the basis for

development of institutional ICT policies.

### **4-7-2 Institutional ICT Policies and Automation Surveys**

This evaluation established that there are ICT policies in 14 (56%) of the ministries and departments surveyed, 11(68.5%) of State departments and 123 (89.1%) of State corporations. In the category of independent commissions and offices, ICT policies were available in four (80%) of the cases.

An assessment of the organisations that had conducted automation surveys was done under this evaluation. This was based on the premise that organisations that had carried out the automation surveys were more likely to know the ICT requirements and challenges in the existing platforms and systems in the institutions. The findings show that 67 per cent of ministries conducted automation surveys compared to 46 per cent of State departments. Among the participating State corporations, 46 per

cent had conducted ICT surveys. In the case of independent commissions and offices, only 25 per cent of those participating had carried out automation surveys.

#### 4-7-3 Provision of Service through ICT

This evaluation realised significant progress in the provision of service through ICT after the establishment of Huduma Centres by the Government. By the time of carrying out this evaluation, there existed 12 centres located in Nairobi, Mombasa, Eldoret, Machakos, Kakamega, Kisumu, Nyeri, Embu and Nakuru. The centres provide one-stop shops for services such as registration of business, registration for National Social Security Fund (NSSF) and National Hospital Insurance Fund (NHIF) among other services. The result has been that there is an increase in the number of MDAs providing services through ICT.

The evaluation revealed that 89 per cent of ministries and departments surveyed provided services through ICT. Among the participating State corporations, 92 per cent of them provide service through ICT, while 75 per cent of independent commissions

and offices, had services that were provided through ICT.

#### 4-7-4 Service Charters

Service charters of organisations express commitment to offer formidable services to clients and at high standards. The evaluation found that all ministries have published service charters. In the case of State departments, only 86 per cent had published service charters. In the case of participating State corporations, 92 per cent of them had documented service charters. In the category of independent commissions and offices, service charters were found in 50 per cent of those that participated.

#### 4-7-5 Grievance Handling

In the clustre of ministries and departments, findings show that 42 per cent had developed grievance handling procedures and applied them in resolution processes whenever problems occurred among staff in order to forestall or correct violations. The development and application of grievance handling procedures would ensure reduction of reference to external agencies and lead to more conducive environment.

**Table 4-9. MDAs by Availability and Use of Grievance Handling Procedures**

Category of MDA	Availability of Grievance Handling Procedures	Usage of Grievance Handling Procedures
Ministries and Departments	42.3%	100.0%
State Corporations	85.0%	97.3%
Independent Commissions and Offices	79.2%	97.6%

Source: Evaluation 2014

The distribution of MDAs based on those that have grievance handling procedures is shown on Table 4-9.

#### **4-7-6 Customer Satisfaction Levels**

Determination of customer satisfaction requires MDAs to undertake annual customer satisfaction surveys. However, this study revealed that not all MDAs undertook the customer satisfaction surveys during the period under review. In the category of ministries and departments, 75 per cent of the participating ministries had surveyed customer satisfaction. In the State departments, 92 per cent of those surveyed were found to have carried out the surveys. In addition, 75 per cent of participating State corporations had surveyed levels of satisfaction of their customers. All independent commissions and offices that participated in this evaluation had not surveyed satisfaction levels of their customers.

Although there were significant levels of achievement under the indicator of customer satisfaction surveys, the responses on actual feedback from clients were not reported appropriately and could thus not be analysed.

## **4-8 Public Participation in Policy Formulation and Implementation**

Public participation in policy formulation and implementation is a major constitutional requirement in the public service. The data collected on this thematic issue were analysed and the results presented in the following two sections.

### **4-8-1 Public Participation Policies**

In the absence of cross-cutting guidelines on public participation, this evaluation found that progressive MDAs had gone ahead to develop institutional policies to enable them comply with the constitutional requirement. The findings show that significant efforts have been made in sensitising the public service on the values and principles of public participation outlined in Article 10. For instance, the Ministry of Justice and Constitutional Affairs and the Commission for Implementation of the Constitution jointly held conferences and forums in 2012 to kick-start the development of guidelines and legislation for public participation. The detailed evaluation findings on the state of public participation policy formulation are shown on Table 4-10.

Table 11.1 shows that 11 per cent of ministries, 30 per cent of departments and 24 per cent of State corporations had developed institutional policies. Apparently, the process of formulating policy on public participation among the MDAs evaluated is on a steady course albeit slow.

**Table 4-10. Status of Public Participation on Policy Formulation in MDAs**

Compliance Indicator	Category of MDA			Total
	Ministry	Department	State Corporation	
MDAs that have developed policies on public participation	1 (11.1%)	3 (30.0%)	30 (24.0%)	34 (23.0%)

Source: Evaluation 2014 Percent (%) in parenthesis

**4-8-2 Participation in Public Forums**

Public participation through public forums depends on whether an MDA is developing or implementing public policies or legislation. Paradoxically, all public entities implement policies or legislation. Accordingly, information regarding implementation of policy on public participation was gathered through this evaluation and results presented in Table 4-11.

As indicated in Table 4-11, 87.5 per cent of ministries, 60.0 per cent of departments, 47.5 per cent of State corporations and 25.0 per cent of independent commissions and offices held public forums during the period under review. It can be observed that the performance of ministries and departments was relatively good as opposed to State corporations.

**Table 4-11. MDAs Compliance Levels on the Requirement on Public Participation**

Compliance Indicator	Category of MDA				Total
	Ministry	Department	State Corporation	Commission/ Independent Offices	
MDAs that held stakeholder forums for the formulation or implementation policy during the 2013/14 Financial year	7 (87.5%)	6 (60.0%)	56 (47.5%)	1 (25.0%)	70 (50.0%)

Source: Evaluation 2014 Percent (%) in parenthesis

## 4-9 Upholding Human Rights

All Kenyans have equal entitlements to human rights as spelt out in the Bill of Rights in the Constitution. Accordingly, compliance of the public service to this requirement was evaluated. The indicators that were investigated under this evaluation included development and application of grievance handling procedures and incidents of violation of human rights in the public service. Data were sourced from oversight bodies and individual MDAs. The findings are presented in the following section.

### 4-9-1 MDAs Reported for Human Rights Violations

This evaluation made a deliberate decision not to unveil the entities involved in human rights violations to avoid jeopardising ongoing cases or those heading to court for determination. However, data collected show that, under the auspices of the Kenya National Human Rights Commission, 48 MDAs (19%) had been reported for violation of human rights during the 2013/2014 Financial Year.

### 4-9-2 Confirmed Violations

The evaluation would be incomplete without bringing out the number of confirmed violations and the correction, mitigation or compensation measures against the wrongs committed. It was found that there were 93 confirmed violations. Out of these, 32 (34.4%) had been corrected, mitigated or compensated, while about 61 (65.6%) were outstanding.

### 4-9-3 Administrative Justice

Administrative justice is a human right. This evaluation noted that in the 2013/2014

Financial Year, the Commission for the Administration of Justice (CAJ) received 15,593 cases. Out of these, 9,668 (62%) of them were resolved compared to 38 per cent of the cases that received the same action in 2012/2013. Several challenges in the resolution of administrative justice cases were cited. They include:

- i. Unresponsiveness by public officers and institutions;
- ii. Unawareness of administrative justice rights;
- iii. Lack of collaborations and partnerships; and
- iv. Inadequate resources.

This evaluation was of the opinion that a speedy solution to these challenges would contribute significantly to fast resolution of violations of the rights to administrative justice.

## 4-10 Devolution and sharing of power

Devolution and sharing of power are major components spelt out in the Constitution. As a result, all public service organisations are expected to comply with the components while dispensing their duties. This evaluation investigated the public service entities on this key theme to determine the extent of compliance by public service organisations. The results are reported in the following sections.

### 4-10-1 Secondment of Staff from National Government

The transfer of devolved function to county governments created the need for secondment of staff from the National Government to County governments to facilitate continuity of service. Accordingly,



**President Uhuru Kenyatta presents the strengthening of the National Government co-ordination function at the county level booklet to Mombasa County Commissioner Nelson Marwa during its official launch at the Kenya School of Government in 2014.**

findings from this evaluation revealed that the PSC, in October 2013, seconded a total of 60,695 officers from various ministries and the State departments to the 47 County governments to perform the devolved functions. Of this, the Ministry of Health had the highest number of officers seconded to counties (42,621), followed by the Ministry

of Agriculture, Livestock and Fisheries with 11,228 officers. The ministries of Sports Culture and the Arts, and Interior and Coordination of National Government had 259 and 170 officers seconded to counties respectively. The payroll for the seconded officers amounting to Kshs. 3.8 billion per month was subsequently transferred to

**Table 4-12. Technical Support by EACC to County Public Services**

Institution	Technical support	Objective	No. of counties
EACC	Sensitisation on obligations stipulated in the Leadership and Integrity Act 2012	<ul style="list-style-type: none"> <li>Create awareness on the Leadership and Integrity Act</li> <li>Promotion of ethical standards and integrity</li> </ul>	10
	Advisory programmes on corruption prevention	<ul style="list-style-type: none"> <li>Constitute and operationalise corruption integrity committees</li> <li>Develop instruments for preventing corruption and unethical conduct</li> </ul>	15
	Ethics in the public service	Sensitisation on ethical standards in the public service	15

the County Public Service Boards in January 2014.

#### 4-10-2 Technical Support to County Public Service

Following the transfer of devolved functions to county governments, key National Government entities came together to provide guidelines and technical support to county governments. Some of the public organisations, areas of technical support provided and objectives of the assistance are summarised in Tables 13-1-13-6.

##### (a) Ethics and Anti-Corruption Commission (EACC):

Initiatives by the EACC in providing technical

support to County public services have been through: Sensitisation on obligations stipulated in the Leadership and Integrity Act 2012, advisory programmes on corruption prevention and training on ethics in the public service (see Table 4-12).

##### (b) Commission on Revenue Allocation:

In providing technical support to county governments, this commission has among other things, provided strategic support to county governments in public participation, planning, budgeting, public finance management and monitoring and evaluation; originated bills for revenue laws; and supported the IFMIS roll-out plans (see Table 4-13).

**Table 4-13. Technical Support by CRA to County Public Services**

Institution	Technical support	Objective	No. of counties
Commission on Revenue Allocation	Strategic support to county governments in public participation, planning, budgeting, public finance management and monitoring and evaluation	Increase effectiveness of county leaders in public participation, PFM and monitoring and evaluation	47
	Development of revenue laws	Improve on county revenue legislation	47
	ICT support on revenue collection systems	Enhance revenue collection and seal leakages	47
	Development of ICT sector working plans	Create better ICT strategies and budgets	47
	Support IFMIS roll-out plans	Build internal capacity for use of IFMIS	47
	Development of ICT hardware specifications and infrastructure design	Have reliable ICT infrastructure to support devolved programmes	47
	Development of county development plans and fiscal strategy papers	Have budgets which are aligned to county strategy and development needs	47

**(c) Directorate of Public Service Management:**

The Directorate of Public Service Management (DPSM) has supported county governments in the areas of organisational structure development, payroll management through IPPD and training on performance management (see Table 4-14).

**(d) Pensions Department/National Treasury:**

The pensions department has established a national public service pension scheme and provided guidance to counties on the establishment of pension schemes (see Table 4-15).

**(e) The Public Service Commission:**

In its efforts to provide technical support to County governments, the Commission has implemented a number of initiatives which include: management of seconded national government staff and the development and issuance of various policies and guidelines on human resource management to ensure efficiency and effectiveness of the public service with a focus on county governments (see Table 4-16).

**Table 4-14. Technical Support by DPSM to County Public Services**

Institution	Technical support	Objective	No. of counties
Directorate of Public Service Management	Generic organisational structure	Provide guidance on the structure of county governments	47
	IPPD management	Payroll management	47
	Performance management system	Performance management	47

**Table 4-15. Technical Support by the Pensions Department/National Treasury to County Public Services**

Institution	Technical support	Objective	No. of counties
Pensions Department, National Treasury	Public service pension and establishment of County Pension Scheme	Guide counties on pension schemes	47

Institution	Technical support	Objective	No. of counties
Public Service Commission	Management of seconded national government staff	Uniformity in the management of seconded staff	47
	Delegation Instrument to County Public Service Boards and County Assembly Service Boards on Discipline of Seconded Officers to the County Governments	Assist County Governments to manage discipline among officers seconded to the Counties.	47
	Policy and Regulations on Hearing and Determining Appeals from County Government Public Service	<ul style="list-style-type: none"> <li>• Ensure consistency, uniformity, fairness and efficiency in hearing and determining appeals from the county public service.</li> <li>• Provides for institutional framework, criteria, procedures and modalities for hearing and determining appeals by the Commission.</li> </ul>	47
	Induction Programme for County Public Service Boards	<ul style="list-style-type: none"> <li>• Ensure seamless transfer of services in the devolved system of government.</li> <li>• Create a common understanding on the roles and functions of the Public Service Commission and County Public Service Boards.</li> </ul>	47

Information contained in Table 4-16 indicates that the Commission has made significant efforts to delegate varied functions to the County governments. Additionally, to ensure effective and efficient services in the new dispensation, funds were invested by different MDAs in training in different areas of public service. Some of the trainings covered included payroll management, performance management, budgeting, and uniformity in the management of seconded staff.

### 4-10-3 Establishment of Joint Committees

The Constitution stipulates the establishment of joint committees to facilitate consultations on matters of mutual concern to National and County governments. Such committees would be workable if they are established under entities that carry oversight functions. This evaluation found that the following joint committees were established with objectives as indicated in Table 4-17.

The functioning of the joint committees has facilitated the development of common understanding on areas of mutual interest to the two levels of government.

**4-10-4 Training for Capacity Development**

The transition from centralised to devolved system of governance required re-orientation

of thinking and capacity development at the county level. To this end, this evaluation found that the Kenya School of Government (KSG) played a key role in capacity development during the period under review. All the 47 counties benefited from induction and specialised training provided by the KSG at a cost Kshs. 48,392,540.

**Table 4-16 Joint Committees and their Objectives**

#	Name of Committee	Objective
1.	Joint Intergovernmental Technical Committee	Resolution of financial problems and recovery plan
2.	Joint Intergovernmental Budget and Economic Council	Forum for Consultation between the National Government and County Governments on Budget
3.	Inter-Agency Committee on Human Resource issues	Resolution of human resource issues in the transition period

# 5 CONCLUSIONS AND RECOMMENDATIONS

After presenting and analysing data based on responses from MDAs and documents collected from oversight agencies, this evaluation set out to summarise the findings and make conclusions as per the following sections.

## 5-1 Conclusions

### 5-1-1. Good governance, transparency and accountability

This principle was assessed on diverse dimensions, namely, percentage of MDAs that had reviewed their organisation structures and managed succession management; review of management policies; governance of State corporations; procurement practices; accountability; anti-corruption measures and transparency. On each of these dimensions, positive results were reported save for accountability for public funds. The report of the Auditor General 2012/2013 reveals a situation that is far from the ideal. It is also evident (from 77% acquittals) that reducing corruption through prosecution remains difficult.

Overall, the evaluation found that the level of compliance to the principles of good governance, accountability and transparency is fairly good. However, there is a need to improve on financial and succession management and to upscale training for ethics so as to improve the governance environment. It should also be noted that even where the rate of noncompliance

to good governance environment may appear is low (such as the 15 per cent of State corporations without functional boards) the implications on public financial management can be far-reaching.

### 5-1-2 Professionalism and ethics in the Public Service

This principle and value was assessed on the basis of four indicators namely - code of conduct and ethics for officers in the public service, training for professionalism, membership to professional bodies and declaration of income, assets and liabilities. All these indicators recorded a high level of compliance, with the lowest rate (75%) being recorded on institutional code of ethics. The highest rate of 95 per cent compliance was recorded on declaration of income, assets and liabilities.

Evidently, there is significant level of compliance with the requirement for high professional and ethical standards in the public service. However, it should be noted that training for professionalism and ethics targets only favours senior officers. Measures are needed to train lower cadres who are the majority in order to institutionalise and entrench professional and ethical practices in the public service. Further, there is a need to increase the number of officers who are members of professional bodies and upscale training in ethics with a view to establishing an ethical culture.

### **5-1-3 Provisioning for diversity in recruitment, promotions, training and opportunities for persons from marginalised communities and persons living with disabilities**

This principle was assessed by indicators that exclusively focused on employment in the public sector. Accordingly, four indicators were used - policy on diversity management, gender representation policy, ethnic representation and representation of persons with disabilities.

The evaluation established that important efforts and achievements have been reported. Besides the Commission's guidelines being in force across the public service, some MDAs (45%) have come up with their own frameworks.

Regarding the proportional representation of the national population in the public service, the Kikuyu, Kalenjin, Kisii and Embu have relatively more employees in the public service. By contrast, the representation of Kenyan Somali, Luhya, Turkana and Maasai is relatively low. The representation in the public service of the rest of the communities appears relatively proportional to the national population. However, the interpretation of these findings should be tempered by the fact that the ethnic proportions in the national population are dynamic and so is employment in the public service. A relatively more realistic impression is the scenario illustrated by the new appointments in 2013/2014, which reflect a fairer progression in ethnic balancing in the public service. Additionally, the representation of the minorities and marginalised groups amongst the MDAs is two per cent of the reported workforce. There being no constitutional threshold, it is inaccurate to make any conclusion on

the extent of compliance with the ethnic representation of minorities in the workforce.

Overall, there is demonstrated progression towards significant levels of compliance with this theme. Evidently, there exists a solid policy framework for ensuring higher levels of compliance for the future. However, it should be noted that employment is a function of, among other factors, skill knowledge and literacy which, in progression towards compliance, will slow down equal representation among the minorities unless they improve their low literacy levels.

### **5-1-4 Fair competition and merit in appointments and promotion**

This principle was assessed on the basis of two indicators, namely, alignment of human resource policies to the Constitution and, the degree of competitive recruitment. Both indicators recorded a high degree of compliance. The majority (84%) of the participating MDAs have their human resource policies aligned with the Constitution while job vacancies are advertised in diverse media. Radio and television are the least preferred channels of advertisement, which may be disadvantageous for the blind and deaf job seekers, and people in places without access to newspapers and internet connectivity.

### **5-1-5 Efficiency, effectiveness and economic use of resources**

This principle was assessed on the basis of several dimensions chief among them alignment of budget with planning. A significant majority (85%) of ministries and State departments and 97 per cent of State corporations have their budgets aligned with their strategic plans and corresponding performance contracts. All the independent commissions and offices have attained 100

per cent alignment. It means that clear benchmarks (activity-based) are currently driving budgets. All the participating MDAs reported lower absorption rates for development budgets relative to the recurrent budgets. Furthermore, ministries, State departments, commissions and independent offices realised 87 per cent of their recurrent budgets. However, without a centralised database that is kept by oversight bodies for cross validation with the collected data from State corporations, this evaluation considered it imprudent to state a categorical absorption rate. The development absorption rate for ministries and State departments currently stands at more than 52 per cent. The low absorption rate is a function of several factors discussed in the report. The net result, however, is that projects get delayed with leading to slower economic development. However, significant progress is reported amongst the flagship projects implemented under Vision 2030 that fall under different ministries.

Another indicator under this area was the allocative budget efficiency and utilisation. Ministries and State departments fair relatively well on the development to recurrent budget (30:70) ratio, with 14 out of 22 complying whilst 60 per cent of State Corporations fall short. Similarly, ministries and State departments did much better with 20 out of 22 (91%) complying on the personnel emolument to operations and maintenance (40:60) ratio, but only 59 per cent of State corporations met the criteria.

Regarding realisation of performance targets, results of this evaluation provide mixed signals. While the self-reporting by MDAs show achievement of all targets, cross validation reveal that not all targets were achieved during the year under review. On corporate performance, financial

outputs show positive results as out of 29 commercial State Corporations, 19 of them posted a net profit.

Overall, the level of compliance with the principle of efficiency and effectiveness is relatively good although there is room for improvement. However, there is a challenge in budget absorption and realisation of efficiency ratios.

### **5-1-6 Sustainable development**

This principle was assessed on three dimensions - economic, social and environmental (from the point of view of the impact of development projects implemented). The economic growth indicators recorded a marginal incremental growth during the period. At the same time, deficit as a percentage of GDP has widened, albeit marginally, with the consequence of increasing public debt as a percentage of GDP. Considering that the GDP has been re-based and investment in Vision 2030's flagship projects increased, a more rigorous analysis beyond the scope of this study will be needed to arrive at a fair conclusion of the net effect on the economy.

On the dimension of the social sustainability, the study reveals a fair distribution of projects in all sectors across the country. There has been significant investment in key productive sectors that produce long-term yields to the economy. The study also reveals that most public development projects except one, implemented during the period, adhered to sound environmental standards based on NEMA's oversight role. While the dimensions assessed recorded a positive trend toward compliance, the extent could have been higher had the other dimensions, already under implementation, been considered such as education scholarships

offered and health projects. However, there is need to assess the impact of the growth in public debt, especially the evaluation of projects which are funded from such debts.

#### **5-1-7 Responsive, prompt, impartial and equitable service**

This principle was assessed on the basis of five proxy indicators, namely, existence of ICT policy for the public service, institutional ICT policies and automation surveys, provision of services through ICT, service charters and customer satisfaction surveys and grievance handling. All the indicators recorded positive progression towards compliance.

The overall performance regarding compliance with this principle is good. The use of ICT is well entrenched and so is the practice of conducting annual satisfaction surveys. The provision of public services through Huduma Centres is one of the most innovative and highly effective ICT use in the public service. The ICT policy sets the environment for embracing electronic service processes in a manner that is professional, efficient and effective.

#### **5-1-8 Participation in policy making and implementation**

This principle was assessed on the basis of two indicators - public participation policy guidelines and stakeholder forums. The study reveals that the Kenya Law Reform

Commission has developed a draft model law on public participation for County governments. Four ministries and State departments and 30 State corporations have developed their own policies for public participation. Some MDAs (seven ministries, six State departments, 56 (60%) State corporations and one commission have held public forums for policy formulation and implementation.

#### **5-1-9 Upholding human rights in the public service**

This principle was assessed based on the information obtained from the Kenya National Commission on Human Rights. The level of human right violations as confirmed by mandated organisations are relatively low while the level of redress is fairly good. To this extent, the evaluation concluded that compliance with the principle was fairly good.

#### **5-1-10. Devolution and sharing of power**

This principle was assessed on the basis of the extent of the transfer of devolved functions, resources, capacity building and technical support for county public service. The study reveals that the public service entities with the functions that touch on devolution made a significant contribution towards the implementation of this principle.

## 5.2 Recommendations

In order to assure enhanced compliance to Values and Principles in Articles 10 and 232 of the Constitution, this evaluation makes the following recommendations:

### 5-2-1 Good governance, transparency and accountability

Under this thematic area, the following recommendations are made:

**i. Governance of state corporations:** The study established that 15% of State corporations did not have functional boards for a considerable length of time. Although this was attributed to anticipated reforms in State corporations, performance of their roles was always in jeopardy since boards exercise critical responsibilities in the entities. That prolonged absence of functional boards may lead to adverse consequences.

It is recommended that the appointing authorities should avoid leaving a leadership vacuum in State corporations for long periods. Maximum periods within which State corporations can remain without substantive leadership should be capped by legislation.

**ii. Accountability for results:** The level of performance appraisal was found to be low; (34%) for participating ministries and State departments, and 56 per cent for State corporations. This should be improved to hold all public officers accountable. The realisation of the principle of accountability depends to a large extent on performance appraisal systems that hold persons who are assigned responsibilities to account for delivery of service. The low level of staff appraisal indicates a situation where majority of public officers are not held accountable

for service delivery.

To deal with this, accounting and authorised officers should ensure the requirement for staff performance appraisal is enforced at all public service levels to entrench a culture of accountability.

### iii. Accountability for administrative acts:

In all the cases prosecuted, about 77 per cent of the accused people are acquitted due to various reasons. It is noted that the challenge of corruption shall continue facing the country as long as public officers are not willing to reveal their corrupt colleagues and to testify against them in court.

Therefore, there is a need for a systematic engagement with public officers with a view to create awareness on effects of corruption on national development and their civic duty to testify against corrupt colleagues, and about witness protection so as to obviate fear of reprisals. Besides, more robust control systems that utilise ICT should be implemented in the public service to stem corruption.

**iv. Accountability for public funds:** The Auditor General's Report reveals that 43 per cent of audited accounts are of adverse and disclaimer opinion. The evaluation holds that the challenge of material discrepancies and omissions in the annual financial statements by MDAs will not go away unless the root causes are identified and resolved.

The National Treasury should undertake a review of the management and effectiveness of finance departments in all MDAs with a view to provide a solution to the challenges responsible for unexplained discrepancies and omissions in annual financial statements. Meanwhile, accounting officers should take responsibility for prudent financial

management and preparation of annual financial statements.

**v. Transparency:** This evaluation found that there were no guidelines to determine the kind of information that MDAs should be providing to the public for purposes of meaningful participation. There are also no guidelines requiring MDAs to disclose audited accounts to the public, with the exception of Commercial State corporations that are listed in the Securities Exchange.

To deal with this, the National Treasury should develop guidelines for disclosure of audited accounts for all MDAs with a view to improve the level of transparency in the public service.

### 5-2-2 Professionalism and ethics in the public service

Results indicate that a lot of efforts have been made to train higher cadre officers in the public service on professionalism and ethics. It is assumed that once the key link officers have been trained, they will in turn train others. This, however, may be impractical.

This evaluation recommends that guidelines be drawn to ensure that anybody joining the public service is properly inducted. Additionally, ethical values should be inducted at the formative stages of the citizenry, which is why schools and all institutions of learning should be encouraged to infuse their curricula with ethical values.

### 5-2-3 Provisioning for diversity

The accuracy in assessing diversity of persons in public service employment will be enhanced if all the MDAs maintain human resource data. Currently, State corporations are not required to do this. Further, although

the constitutional threshold on gender (30% women and 70% men) has been achieved in the public service, lack of common job banding does not facilitate deeper analysis. It is, therefore, difficult to assess the proportionate quality of jobs held, not only by gender but also, by ethnic or any other consideration. For these reasons, this evaluation recommends that:

- ❖ All MDAs should be required to maintain disaggregated human resource data that provides a standard profile of those in their employment. This will aid in determination of levels of representation of ethnic groups, minorities and marginalised groups. All new appointments, promotions and training should also be maintained in standard features for ease of assessment and comparisons.
- ❖ All MDAs should apply similar job structure banding (grading). This will in future allow more accurate assessment of proportionate levels of jobs by various diversity classifications.
- ❖ Future evaluations of this nature should consider other aspects of diversity provisioning besides employment. The spirit of Article 10 contemplates more comprehensive aspects of diversity other than employment.

#### 5-2-4 Efficiency, effectiveness and economic use of resources

The process of this evaluation experienced challenges in cross validation of key performance data.

In order to have an effective oversight function in the public service, all institutions that are mandated to oversee specific sectors or subsectors of the public service should maintain updated database.

#### 5-2-5 Responsive, prompt, impartial and equitable service

The study revealed that while the use of ICT is well entrenched in MDAs, its application is not always guided by robust ICT policy. For this reason, it is recommended:

All the MDAs should develop ICT policies to assure that their institutional infrastructure are properly anchored. Such policies should be aligned to the National ICT Management Plan 2014-2017. This also will ensure that all issues involving ICT for service provision are addressed. This practice will enhance the government's efforts towards e-government.

The information obtained from the ICT Authority was insufficient to facilitate cross validation of information obtained from the MDAs for the purposes of this evaluation.

There is, therefore, need for the Authority to strive to maintain a more accurate data on the state of ICT environment among the MDAs.

Information obtained from MDAs on annual customer satisfaction surveys could not accurately be used for comparison purposes

since different standard measures are used in the studies.

It will be useful if MDAs used a common standard measure of annual customer satisfaction surveys to facilitate comparisons across all of them.

#### 5-2-6 Participation in policy making and implementation

There were no guidelines to provide a framework to the public service on public participation during 2013/2014 Financial Year, with the exception of MTEF guidelines. Consequently, MDAs on their own came up with institutional policies on participation. The following recommendations will ensure more compliance to this principle in the future:

- ❖ The Government, through the National Assembly, should fast track the Bill on implementation of the Values and Principles of the Public Service.
- ❖ MDAs should be encouraged, in the coming years, to develop policies for public participation as required in Article 12 (1) of the Public Service (Values and Principles) Act 2014.
- ❖ The Kenya Law Reform Commission should expedite the process of completing the development of a national policy on public participation.

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28. Environmental Management and Coordination Act Act Cap. 387.
29. State Corporations Act Cap 446 .

# APPENDICES

## APPENDIX I: Sample of MDAs that Responded to the Main Evaluation Questionnaire

S.NO.	Name of Organisation	Category	Type of MDAs
1	State Department of Education	Department	Non-commercial
2	State Department of Infrastructure	Department	Non-commercial
3	State Department of Agriculture	Department	Non-commercial
4	State Department of Livestock	Department	Non-commercial
5	State Department of Water	Department	Non-commercial
6	Directorate of Public Service Management	Department	Non-commercial
7	State Department of Environment and Natural Resources	Department	Non-commercial
8	State Department of Planning	Department	Non-commercial
9	State Department of Commerce and Tourism	Department	Non-commercial
10	State House	Department	Non-commercial
11	Cabinet Office	Department	Non-commercial
12	State Department of Fisheries	Department	Non-commercial
13	Office of the Deputy President	Department	Non-commercial
14	State Department of Devolution	Department	Non-commercial
15	Department of East African Affairs	Department	Non-commercial
16	State Department of Transport	Department	Non-commercial
17	Ethics And Anti-Corruption Commission	Independent commission	Non-commercial
18	Commission on Administrative Justice	Independent commission	Non-commercial
19	Public Service Commission	Independent Commission	Non-commercial
20	Office of Controller of Budget	Independent Office	Non-commercial
21	Office of the Auditor General	Independent Office	Non-commercial
22	Ministry of Land, Housing and Urban Development	Ministry	Non-commercial
23	The National Treasury	Ministry	Non-commercial
24	Ministry of Labour, Social Security and Services	Ministry	Non-commercial
25	Ministry of Defence	Ministry	Non-commercial
26	Ministry of Health	Ministry	Non-commercial
27	Ministry of Mining	Ministry	Non-commercial
28	Ministry of Energy and Petroleum	Ministry	Non-commercial
29	Ministry of Information, Communication & Technology	Ministry	Non-commercial

S.NO.	Name of Organisation	Category	Type of MDAs
30	Ministry of Industrialisation and Enterprise Development	Ministry	Non-commercial
31	Kenya Power and Lightning Company	State Corporation	Commercial
32	Postal Corporation of Kenya	State Corporation	Commercial
33	Kenya Wildlife Service	State Corporation	Non-commercial
34	Kenya Ports Authority	State Corporation	Commercial
35	Kenya Medical Training College	State Corporation	Non-commercial
36	Kenya Pipeline Company Ltd	State Corporation	Commercial
37	National Social Security Fund Board of Trustees	State Corporation	Commercial
38	Kenya Broadcasting Corporation	State Corporation	Non-commercial
39	Kenya Medical Research Institute	State Corporation	Non-commercial
40	National Irrigation Board	State Corporation	Non-commercial
41	New Kenya Co-operative Creameries Ltd	State Corporation	Commercial
42	Kenya Civil Aviation Authority	State Corporation	Non-commercial
43	Kenya Bureau of Standards	State Corporation	Non-commercial
44	Numerical Machining Complex	State Corporation	Commercial
45	Kenya National Library Service	State Corporation	Non-commercial
46	Kenya Plant and Health Inspectorate Services (KEPHIS)	State Corporation	Non-commercial
47	Kirinyaga University College	State Corporation	Non-commercial
48	Water Resources Management Authority	State Corporation	Non-commercial
49	Coffee Research Institute	State Corporation	Non-commercial
50	Kenya Post Office Savings Bank	State Corporation	Commercial
51	Bomas of Kenya	State Corporation	Non-commercial
52	Kenya National Examination Council	State Corporation	Non-commercial
53	Kenya National Bureau of Statistics	State Corporation	Non-commercial
54	Sports Kenya	State Corporation	Non-commercial
55	Youth Enterprise Development Fund	State Corporation	Non-commercial
56	Karatina University	State Corporation	Non-commercial
57	South Eastern Kenya University	State Corporation	Non-commercial
58	Constituencies Development Fund Board	State Corporation	Non-commercial
59	Agricultural Finance Corporation	State Corporation	Commercial
60	Micro & Small Enterprise Authority	State Corporation	Non-commercial
61	Kenya Wine Agency Limited	State Corporation	Commercial
62	Kenya Rural Roads Authority	State Corporation	Non-commercial
63	East African Portland cement company	State Corporation	Commercial
64	Kenya Urban Roads Authority	State Corporation	Non-commercial
65	Kenya Electricity Transmission Company	State Corporation	Commercial

S.NO.	Name of Organisation	Category	Type of MDAs
66	National Water Conservation and Pipeline Corporation	State Corporation	Commercial
67	Kenya Trade Network Agency	State Corporation	Non-commercial
68	Cooperative University of Kenya	State Corporation	Non-commercial
69	Kenya Ferry Services Ltd	State Corporation	Non-commercial
70	Kenya Railways Corporation	State Corporation	Commercial
71	Tourism Finance Corporation	State Corporation	Commercial
72	Kenya Animal Genetic Resources Centre	State Corporation	Non-commercial
73	Kenya Utalii College	State Corporation	Non-commercial
74	Kenya Forestry Research Institute	State Corporation	Non-commercial
75	Northern Water Services Board	State Corporation	Non-commercial
76	Tana & Athi Rivers Devt Authority	State Corporation	Non-commercial
77	Kenya Investment Authority	State Corporation	Non-commercial
78	National Council of Persons With Disability	State Corporation	Non-commercial
79	School Equipment Production Unit	State Corporation	Commercial
80	Pyrethrum & other Industrial Crops Directorate	State Corporation	Non-commercial
81	Rural Electrification Authority	State Corporation	Non-commercial
82	Kenya Dairy Board	State Corporation	Non-commercial
83	Privatisation Commission	State Corporation	Non-commercial
84	Insurance Regulatory Authority	State Corporation	Non-commercial
85	Kenya Water Institute	State Corporation	Non-commercial
86	Kenya Roads Board	State Corporation	Non-commercial
87	Pest Control Products Board	State Corporation	Non-commercial
88	Kenya National Trading Corporation	State Corporation	Commercial
89	National Cereals and Produce Board	State Corporation	Commercial
90	Maasai Mara University	State Corporation	Non-commercial
91	Dean Kimathi University of Technology	State Corporation	Non-commercial
92	Competition Authority of Kenya	State Corporation	Non-commercial
93	Kenya Industrial Property Institute	State Corporation	Non-commercial
94	Cotton Development Authority	State Corporation	Non-commercial
95	Commission for University Education	State Corporation	Non-commercial
96	Kenya Industrial Estates Ltd	State Corporation	Commercial
97	National Aids Control Council	State Corporation	Non-commercial
98	Agricultural Development Corporation	State Corporation	Non-commercial
99	Anti-Counterfeit Agency	State Corporation	Non-commercial
100	National Cohesion and Integration Commission	State Corporation	Non-commercial

S.NO.	Name of Organisation	Category	Type of MDAs
101	National Council for Population and Development	State Corporation	Non-commercial
102	National Construction Authority	State Corporation	Non-commercial
103	Kenya National Commission on Human Rights	State Corporation	Non-commercial
104	Kenya Maritime Authority	State Corporation	Non-commercial
105	Kenya National Accreditation Service	State Corporation	Non-commercial
106	National Biosafety Authority	State Corporation	Non-commercial
107	Kenya Industrial Research and development Institute	State Corporation	Non-commercial
108	Tea Research Foundation of Kenya	State Corporation	Non-commercial
109	Kenya Seed Company	State Corporation	Commercial
110	National Crime Research Centre	State Corporation	Non-commercial
111	NGOs National Coordination Board	State Corporation	Non-commercial
112	Higher Education Loans Board	State Corporation	Non-commercial
113	National Drought Management Authority	State Corporation	Non-commercial
114	Kenya Leather Development Council	State Corporation	Non-commercial
115	Tana Athi Services Board	State Corporation	Non-commercial
116	The Technical University of Kenya	State Corporation	Non-commercial
117	Kenyatta University	State Corporation	Non-commercial
118	Retirement Benefits Authority	State Corporation	Non-commercial
119	Brand Kenya Board	State Corporation	Non-commercial
120	Water Services Trust Fund	State Corporation	Non-commercial
121	Water Services Regulatory Board	State Corporation	Non-commercial
122	Kenya Airports Authority	State Corporation	Commercial
123	Rongo University College	State Corporation	Non-commercial
124	Machakos University College	State Corporation	Non-commercial
125	National Commission for Science, Technology & Innovation	State Corporation	Non-commercial
126	National Environmental Management Authority	State Corporation	Non-commercial
127	Energy Regulatory Commission	State Corporation	Non-commercial
128	Kibabii University College	State Corporation	Non-commercial
129	Kenya Film Commission	State Corporation	Non-commercial
130	Coffee Development Fund	State Corporation	Non-commercial
131	Kenya Marine and Fisheries Research Institute	State Corporation	Non-commercial
132	Kenya Yearbook Editorial Board	State Corporation	Non-commercial
133	Kenya Copyright Board	State Corporation	Non-commercial
134	Multimedia University of Kenya	State Corporation	Non-commercial
135	Kenya Tourism Board	State Corporation	Non-commercial

S.NO.	Name of Organisation	Category	Type of MDAs
136	Export Processing Zones Authority	State Corporation	Non-commercial
137	Kenya Film Classification Board	State Corporation	Non-commercial
138	Ewaso Ngiro South River Basin Development Authority	State Corporation	Non-commercial
139	University of Kabianga	State Corporation	Non-commercial
140	Embu University College	State Corporation	Non-commercial
141	Kenya National Commission for UNESCO	State Corporation	Non-commercial
142	Public Procurement Oversight Authority	State Corporation	Non-commercial
143	Chemilil Sugar Company Limited	State Corporation	Commercial
144	Masinde Muliro University of Science and Technology	State Corporation	Non-commercial
145	Athi Water Services Board	State Corporation	Non-commercial
146	Industrial & Commercial Development Corporation	State Corporation	Commercial
147	ICT Authority	State Corporation	Non-commercial
148	Kenya School of Government	State Corporation	Non-commercial
149	Kenya National Shipping Line Ltd	State Corporation	Commercial
150	Kenya Veterinary Vaccines Production Institute (KEVEVAPI)	State Corporation	Commercial
151	The National Council For Law Reporting	State Corporation	Non-commercial
152	Sacco Societies Regulatory Authority	State Corporation	Non-commercial
153	Policyholders Compensation Fund	State Corporation	Non-commercial
154	Kenya Law Reform Commission	State Corporation	Non-commercial
155	Nuts and Oil Crops Directorate	State Corporation	Non-commercial
156	Kenya Water Towers	State Corporation	Non-Commercial
157	The Jomo Kenyatta Foundation	State Corporation	Commercial
158	Lake Victoria North Water Services Board	State Corporation	Non-commercial
159	IDB Capital Ltd	State Corporation	Commercial
160	Konza Technopolis Development authority	State Corporation	Non-commercial
161	Agriculture Fisheries and Food Authority	State Corporation	Non-commercial
162	Coffee Directorate	State Corporation	Non-commercial
163	Nyayo Tea Zones Development Corporation	State Corporation	Commercial
164	Kenya Forest Service	State Corporation	Non-commercial
165	Kenya Sugar Research Foundation	State Corporation	Non-commercial
166	Kenya Literature Bureau	State Corporation	Commercial
167	Kenya National Assurance Company	State Corporation	Commercial
168	Jaramogi Oginga Odinga University of Science and Technology	State Corporation	Non-commercial

## **APPENDIX: II. State Corporations without Functional Boards**

1. South-South Center
2. Financial Reporting Centre
3. Public Procurement Oversight Authority
4. Privatisation Commission
5. Local Authorities Provident Fund
6. Unclaimed Financial Assets Authority
7. Kenya Agricultural and Livestock Research Organisation
8. Miwani Sugar Company (under receivership)
9. Muhoroni Sugar Company (under receivership)
10. Kenya Marine & Fisheries Research Institute
11. Agricultural, Fisheries and Food Authority
12. Kenya Institute of Curriculum Development
13. Kenya Nuclear Electricity Board
14. Numerical Machining Complex
15. Tourism Regulatory Authority
16. Tourism Research Institute
17. Bomas of Kenya
18. Kenyatta International Convention Centre
19. Kenya Law Reform Commission
20. National Social Security Assistance Authority
21. Kenya Academy of Sports
22. National Youth Council
23. Kenya Institute of Mass Communication
24. Kenya Forest Service
25. Northern Water Services Board
26. Kenya Water Institute
27. National Quality Control Laboratories
28. Jomo Kenyatta Foundation
29. Youth Enterprise Development Fund
30. Kenya Tourist Board
31. Tourist Finance Corporation
32. Tourism Fund

*Source: State Corporations Advisory Committee*

### Appendix III: Staff Performance Appraisal by Ministry and Department

Ministry	State Department	In- Post	Officers Appraised	Officers not Appraised	% Appraised
Presidency	Cabinet Office	241	0	241	0
	State House	561	546	15	97
	Office of the Deputy President	357			0
Devolution & Planning	Directorate of Devolution (Local Authorities; ASAL & Special Programmes)	1733	0	1733	0
	Directorate of Planning (Planning, National Development & Vision 2030; Youth Development & Gender)	437	238	179	0
	DPSM		320	20	0
Office of AG & Department of Justice		1095			0
Labour, Social Security & Services		2771			0
Agriculture, Livestock & Fisheries	Agriculture	1254			0
	Livestock	7193			0
	Fisheries	273	60	213	22
Energy & Petroleum		500	148	334	30
Industrialisation & Enterprise Development		637			0
Interior & National Coordination	Provincial & Internal Security	17543	11532	7974	66
	Immigration & Registration of Persons				0
	Home Affairs	1271	1204	67	95
	Prisons	20215	4		0.02

Ministry	State Department	In- Post	Officers Appraised	Officers not Appraised	% Appraised
Defence			1408	554	0
Mining		190	38	152	20
East African Affairs, Commerce and Tourism	East African Affairs	157	134	15	85
	Commerce & Tourism	434	213	223	49
Foreign Affairs					0
Sports, Culture & Arts		1068	611	55	57
Education, Science & Technology	Higher Education, Science & Technology	362	194	170	54
	Education	6835			0
Information, Communication & Technology		635	300	413	47
Transport & Infrastructure	Transport	337	298	0	88
	Infrastructure	3599	1891	742	53
National Treasury		2985	2177	826	73
Land, Housing & Urban Development		5855	0	5855	0
Environment & Water & Natural Resources	Environment & Natural Resources	5855	991	15	17
	Water & Irrigation	843	843	0	100
Health			2439	0	0
<b>TOTAL</b>		<b>77129</b>	<b>25886</b>	<b>11635</b>	<b>34</b>

## APPENDIX IV: Appointments in MDAs During the Year 2013/2014

EthnicGroup	Male	Female	Total	Percentageof Total	Persons with disability
Ajuran	1	0	1	0.05	1
Bajun	1	0	1	0.05	0
Boni	1	0	1	0.05	0
Borana	8	4	12	0.60	1
Embu	17	6	23	1.14	0
Gabra	2	2	4	0.20	0
Kalenjin	311	143	454	22.58	5
Kamba	106	55	161	8.01	1
KenyanArab		1	1	0.05	0
Kikuyu	232	180	412	20.49	2
Kisii	100	45	145	7.21	3
Kuria	5	1	6	0.30	0
Luhya	260	144	404	20.09	10
Luo	240	141	381	18.95	10
Maasai	22	7	29	1.44	0
Mbere	1	0	1	0.05	0
Meru	33	31	64	3.18	1
Mijikenda	21	6	27	1.34	1
Orma	2	0	2	0.10	0
Pokomo	3	1	4	0.20	0
Pokot	3	1	4	0.20	0
Rendile	2	1	3	0.15	0
Samburu	4	0	4	0.20	0
Somali	16	3	19	0.94	0
Suba	14	3	17	0.85	1
Swahili	3	0	3	0.15	0
Taita	3	2	5	0.25	0
Teso	5	5	10	0.50	0
Turkana	1	0	1	0.05	0
Non-Kenyan	3	4	7	0.35	0
Other	4	1	5	0.25	0
<b>Total</b>	<b>1424</b>	<b>787</b>	<b>2211</b>		<b>66</b>

**APPENDIX V: Ethnic Representation in 168 MDAs in the Evaluation Survey**

	Ethnic Groups	Number of Employees Reported	Percentage Total	Size in National Population	Proportion in the National Population (%) (2009 Census = 38,221,132)	Representation (Over or Under)
1	Kikuyu	21567	22.874	6,622,576	17.33	5.55
2	Kalenjin	12082	12.814	4296912	11.24	1.57
3	Luhya	11487	12.183	5338666	13.97	(1.78)
4	Kamba	10321	10.946	3893157	10.19	0.76
5	Luo	9995	10.601	4044440	10.58	0.02
6	Kisii	6652	7.055	2205669	5.77	1.28
7	Mijikenda	5823	6.176	1967474	5.15	1.03
8	Meru	3815	4.046	1658108	4.34	(0.29)
9	Embu	1780	1.888	324092	0.85	1.04
10	Maasai	1563	1.658	841622	2.20	(0.54)
11	Taita	1375	1.458	273519	0.72	0.74
	Taveta	476	0.505	20828	0.05	0.45
12	Somali	1751	1.857	2388732	6.25	(4.39)
13	Elmolo	899	0.953	2844	0.01	0.95
14	Gosha	706	0.749	21864	0.06	0.69
15	Borana	600	0.636	161399	0.42	0.21
16	Turkana	384	0.407	988592	2.59	(2.18)
17	Teso	345	0.366	338833	0.89	(0.52)

	Ethnic Groups	Number of Employees Reported	Percentage Total	Size in National Population	Proportion in the National Population (%) (2009 Census = 38,221,132)	Representation (Over or Under)
18	Samburu	295	0.313	237179	0.62	(0.31)
19	Mbere	271	0.287	168155	0.44	(0.15)
20	Kuria	207	0.220	260401	0.68	(0.46)
21	Swahili	448	0.475	110614	0.29	0.19
22	Tharaka	191	0.203	175905	0.46	(0.26)
23	Njemps	181	0.192	32516	0.09	0.11
24	Kenyan Arab	146	0.155	40760	0.11	0.05
25	Basuba	140	0.148	139271	0.36	(0.22)
26	Gabra	136	0.144	89515	0.23	(0.09)
27	Orma	135	0.143	66275	0.17	(0.03)
28	Nubian Jomvu	119			-	
29	Rendile	109	0.116	60437	0.16	(0.04)
30	Kenyan European	84	0.089	5166	0.01	0.08
31	Dasnach-Shangil	74	0.078	12530	0.03	0.05
32	Burji	41	0.043	23735	0.06	(0.02)
33	Kenyan Asian	25	0.027	46782	0.12	(0.10)
34	Dorobo	26	0.028	35015	0.09	(0.06)
35	Kore	14	0.015	0	-	0.01
36	Oromo	10	0.011	0	-	0.01
37	Sakuye	13	0.014	26784	0.07	(0.06)
	<b>TOTAL</b>	<b>94,286.00</b>	<b>100.000</b>			

Ethnic Groups Not found						
38	Galla	....	....	....	....	....
39	Konso	....	....	....	....	....
40	Galjeel	....	....	....	....	....
41	Leysan	....	....	....	....	....
42	Kenyan Americans	....	....	....	....	....

	Tribe/ Nationality	Total In National Population	Proportion In Population (=38,221,132 For Kenyans)	Total In The Civil Service	Percentage In Civil Service	Representation In Civil Service (Over Or Under)
1	<b>Basuba</b>	139,271	0.36	143	0.16	(0.2054)
2	<b>Embu</b>	324,092	0.85	1564	1.74	0.8904
3	<b>Kamba</b>	3,893,157	10.19	9169	10.19	0.0052
4	<b>Kikuyu</b>	6,622,576	17.33	21206	23.57	6.2428
5	<b>Kisii</b>	2,205,669	5.77	6817	7.58	1.8061
6	<b>Kuria</b>	260,401	0.68	402	0.45	(0.2345)
7	<b>Luo</b>	4,044,440	10.58	8910	9.90	(0.6785)
8	<b>Walwana</b>	16,803	0.04	0	-	(0.0440)
9	<b>Masai</b>	841,622	2.20	1251	1.39	(0.8115)
10	<b>Mbeere</b>	168,155	0.44	436	0.48	0.0446
11	<b>Meru</b>	1,658,108	4.34	5024	5.58	1.2458
12	<b>Nubi</b>	15,463	0.04	48	0.05	0.0129
13	<b>Samburu</b>	237,179	0.62	451	0.50	(0.1193)
14	<b>Taita</b>	273,519	0.72	1313	1.46	0.7437
15	<b>Taveta</b>	20,828	0.05	83	0.09	0.0378
16	<b>Teso</b>	338,833	0.89	669	0.74	(0.1429)
17	<b>Tharaka</b>	175,905	0.46	152	0.17	(0.2913)
18	<b>Turkana*</b>	988,592	2.59	712	0.79	(1.7951)
19	<b>Luhya</b>	5,338,666	13.97	10252	11.39	(2.5731)
20	<b>Mijikenda</b>	1,967,474	5.15	2772	3.08	(2.0666)

	Tribe/ Nationality	Total In National Population	Proportion In Population (=38,221,132 For Kenyans)	Total In The Civil Service	Percentage In Civil Service	Representation In Civil Service (Over Or Under)
21	Swahili	110,614	0.29	300	0.33	0.0440
22	Kalenjin	4,929,469	12.90	12956	14.40	1.5030
23	Dorobo	35,015	0.09	29	0.03	(0.0594)
24	El Molo	2,844	0.01	5	0.01	(0.0019)
25	Kenyan Somali	2,388,732	6.25	2530	2.81	(3.4378)
26	Njemps	32,516	0.09	41	0.05	(0.0395)
27	Borana	161,399	0.42	973	1.08	0.6592
28	Burji	23,735	0.06	77	0.09	0.0235
29	Dasenach	12,530	0.03	5	0.01	(0.0272)
30	Gabra	89,515	0.23	141	0.16	(0.0775)
31	Galla	8,146	0.02	0	-	(0.0213)
32	Gosha	21,864	0.06	54	0.06	0.0028
33	Konso	1,758	0.00	0	-	(0.0046)
34	Orma	66,275	0.17	141	0.16	(0.0167)
35	Rendile	60,437	0.16	102	0.11	(0.0448)
36	Sakuye	26,784	0.07	14	0.02	(0.0545)
37	Galjeel	7,553	0.02	0	-	(0.0198)
38	Kenyan Arabs	40,760	0.11	40	0.04	(0.0622)
39	Kenyan Asians	46,782	0.12	12	0.01	(0.1091)
40	Kenyan Europeans	5,166	0.01	1	0.00	(0.0124)
41	Kenyan Americans	2,422	0.01	0	-	(0.0063)
42	Leysan	5,941	0.02	0	-	(0.0155)
43	Other Kenyans	610,122	1.60	90	0.10	(1.4963)
	<b>Kenya Total</b>	<b>38,221,132</b>		<b>88,885.00</b>	<b>98.79</b>	

## APPENDIX VI: Recurrent Expenditure Absorption

### (a) Ministries and Departments

S.NO.	MDA	Revised Gross Estimates FY 2013/2014	Expenditure	% Exch. Issues to Net Estimate	Budget absorption (%)
	Ministry of Transport and Infrastructure	23,018,174,566	11,114,298,383	84.8	48.3
	Ministry of Environment, Water and Natural Resources	13,433,561,952	8,593,139,490	100	64.0
	Ministry of Mining	702,072,034	483,069,845	65.6	68.8
	Ministry of Health	23,706,391,450	16,611,039,644	79.8	70.1
	Ministry of Energy and Petroleum	2,354,798,236	1,747,654,853	99.9	74.2
	Ministry of Foreign Affairs	12,225,731,598	9,212,386,186	98.5	75.4
	Ministry of Industrialisation and Enterprise	3,235,251,317	2,500,423,612	98.5	77.3
	Ministry of Education, Science and Technology	100,608,478,444	78,908,769,004	98.8	78.4
	Independent Electoral and Boundaries Commission	4,964,872,916	3,943,406,759	99.9	79.4
	Ministry of Agriculture, Livestock and Fisheries	12,684,907,724	10,330,059,340	99.3	81.4
	Ministry of Devolution and Planning	18,560,267,252	15,991,634,951	90	86.2
	National Land Commission	606,087,857	525,093,104	99.9	86.6
	Ministry of Land, Housing and Urban Development	4,656,072,817	4,051,011,767	90.1	87.0
	Office of the Attorney General and Department of Justice	2,712,804,299	2,446,259,086	95.5	90.2
	The National Treasury	23,421,685,873	21,171,241,680	96.8	90.4
	Ministry of Interior and Coordination of National Government	97,793,513,512	88,662,966,214	100	90.7
	Ministry of Labour Social Security and Services	8,360,478,572	7,592,746,294	94.5	90.8
	Ministry of Sports, Culture and Arts	3,520,454,496	3,265,054,086	98.6	92.7
	The Presidency	5,375,959,961	5,067,826,714	96.5	94.3
	Ministry of East African Affairs, Commerce and Tourism	4,772,163,245	4,531,303,761	95.2	95.0
	Registrar of Political Parties	324,726,897	309,176,820	98.5	95.2
	Witness Protection Authority	202,808,999	198,530,531	97.6	97.9

S.NO.	MDA	Revised Gross Estimates FY 2013/2014	Expenditure	% Exch. Issues to Net Estimate	Budget absorption (%)
	Ministry of Information, Communication and Technology	2,160,862,218	2,137,782,020	100	98.9
	Ministry of Defence	78,118,447,503	78,087,841,035	95	100.0
	National Intelligence Service	15,686,800,000	15,686,800,000	100	100.0
	<b>Total</b>	<b>463,207,373,738</b>	<b>393,169,515,179</b>		<b>84.9</b>

### (A) Independent Commissions and Offices

S.NO.	MDA	Revised Gross Estimates FY 2013/2014	Expenditure	% Exch. Issues to Net Est.	Budget absorption (%)
	Judicial Service Commission	435,804,034	232,343,629	54.2	53.3
	Directorate of Public Prosecutions	1,214,222,397	912,069,411	91.4	75.1
	Independent Police Oversight Authority	279,687,996	220,599,048	88.7	78.9
	Controller of Budget	371,477,789	306,748,296	99.6	82.6
	Salaries and Remuneration Commission	506,674,066	419,485,205	58.2	82.8
	Auditor General	2,760,842,279	2,359,258,938	90.9	85.5
	Parliamentary Service Commission	22,349,000,000	20,497,141,346	100	91.7
	Ethics and Anti-Corruption Commission	1,245,066,500	1,146,553,776	91.6	92.1
	Teachers Service Commission	166,539,036,232	154,778,098,039	99.5	92.9
	The Judiciary	11,215,299,342	10,621,213,543	98	94.7
	Commission on Administrative Justice	297,340,827	284,167,414	100	95.6
	National Police Service Commission	332,924,654	320,857,931	96.7	96.4
	Public Service Commission	672,744,115	664,655,575	100	98.8
	Commission for the Implementation of the Constitution	422,531,650	417,908,850	99.8	98.9
	Kenya National Commission of Human Rights	263,624,006	263,180,549	100	99.8
	National Gender and Equality Commission	234,025,586	233,955,990	95.7	100.0
	Commission on Revenue Allocation	267,637,054	278,941,000	100	104.2
	<b>Total</b>	<b>209,407,938,527</b>	<b>193,957,178,540</b>		<b>92.6</b>

## APPENDIX VII: Development Budget Absorption

### (a) Ministries and Departments

S.NO.	MDA	Revised Gross Estimates FY 2013/14	Expenditure FY 2013/14	% of Exch. Issues to Net Estimate	Absorption rate (%)
	Ministry of Energy and Petroleum	87,512,488,936	21,719,226,355	86.6	24.8
	Ministry of Foreign Affairs	291,513,852	120,333,222	86.1	41.3
	The National Treasury	28,526,129,329	12,069,453,299	70.9	42.3
	Office of the Attorney General and Department Justice	716,668,730	322,059,033	90.5	44.9
	Ministry of Transport and Infrastructure	120,670,307,590	59,676,534,060	72.4	49.5
	Ministry of Environment, Water and Natural Resources	39,062,613,237	20,148,316,378	95.6	51.6
	Ministry of Information, Communication and technology	8,438,083,636	4,536,592,257	99.3	53.8
	Ministry of Labour Social Security and Services	7,853,598,863	4,263,219,741	71.3	54.3
	Ministry of Education, Science and Technology	23,425,998,960	13,793,666,165	41	58.9
	Ministry of Health	18,038,125,228	11,224,566,686	96.1	62.2
	Ministry of Land, Housing and Urban Development	15,163,947,861	9,946,602,842	59.8	65.6
	Ministry of Interior and Coordination of National Government	6,500,426,570	4,533,427,443	95.7	69.7
	Ministry of Devolution and Planning	59,852,265,772	43,378,180,916	96.4	72.5

S.NO.	MDA	Revised Gross Estimates FY 2013/14	Expenditure FY 2013/14	% of Exch. Issues to Net Estimate	Absorption rate (%)
	Ministry of Agriculture, Livestock and Fisheries	32,628,442,347	24,140,797,266	86.5	74
	Ministry of Mining	712,911,000	611,211,809	76.2	85.7
	Ministry of East African Affairs, Commerce and Tourism	1,440,252,966	1,288,897,626	98.6	89.5
	Ministry of Industrialisation and Enterprise	3,395,558,403	3,067,889,208	99.2	90.4
	Ministry of Sports, Culture and Arts	921,434,280	850,264,167	95.5	92.3
	The Presidency	1,551,520,000	1,521,768,073	96.8	98.1
	<b>Total</b>	<b>456,702,287,560</b>	<b>237,213,006,546</b>		<b>51.9</b>

**(b) Independent Commissions and Offices**

**APPENDIX VIII: Recurrent to Development Expenditure Ratios**

S.No.	Ministry/Statedepartment	Recurrent Expenditure(%)	Development Expenditure(%)	Compliance Status
	Ministry of Devolution and Planning	23.7	76.3	Compliant
	The National Treasury	45.1	54.9	Compliant
	Ministry of Health	56.8	43.2	Compliant
	Ministry of Transport and Infrastructure	16.0	84.0	Compliant
	Ministry of Environment, Water and Natural Resources	25.6	74.4	Compliant
	Ministry of Land, Housing and Urban Development	23.5	76.5	Compliant
	Ministry of Information, Communication and Technology	20.4	79.6	Compliant
	Ministry of Labour, Social Security and Services	51.6	48.4	Compliant
	Ministry of Energy and Petroleum	22.6	97.4	Compliant

Ministry of Agriculture, Livestock and Fisheries	28.0	71.0	Compliant
Ministry of Industrialization	48.8	51.2	Compliant
Ministry of Mining	49.6	50.4	Compliant
Commission for the Implementation of the Constitution	44.6	55.4	Compliant
The presidency	77.6	22.4	Non- Compliant
Ministry of Education, Science and Technology	81.1.0	18.8	Non-Compliant
Ministry of Defence	100.0	0.0	Non-compliant
Ministry of Foreign Affairs	97.7	2.3	Non-compliant
Ministry of Sports, Culture and Arts	79.3	20.7	Non-Compliant
Ministry of East African Affairs, Commerce and Tourism	76.8	23.2	Non-Compliant
Office of the Attorney General and Department of Justice	79.1	20.9	Non-Compliant
Ethics and Anti-Corruption Commission	100.0	0.0	Non-Compliant
National Intelligence Service	100.00	0.0	Non-Compliant
Directorate of Public Prosecutions	93.3	6.7	Non-Compliant
Registrar of Political Parties	100.00	0.0	Non-Compliant
Witness Protection Agency	100.00	0.0	Non-Compliant
Kenya National Commission of Human Rights	100.00	0.0	Non-Compliant
National Land Commission	100.00	0.0	Non-Compliant
Independent Electoral and Boundaries Commission	91.2	8.8	Non-Compliant
Commission on Revenue Allocation	100.00	0.0	Non-Compliant
Public Service Commission	76.5	23.5	Non-Compliant
Salaries and Remuneration Commission	100.0	0.0	Non-Compliant
Auditor General	84.0	16.0	Non-Compliant
Controller of Budget	100.00	0.0	Non-Compliant
Commission on Administrative Justice	100.00	0.0	Non-Compliant
National Gender and Equality Commission	100.00	0.0	Non-Compliant

	Independent Police Oversight Authority	100.00	0.0	Non-Compliant
	Ministry of Interior and Coordination of National Government	93.8	6.2	Not compliant

Source: Office of the Controller of Budget

## APPENDIX IX: Ratio of PE to O&M

S.NO.	MDA	Revised Gross Estimates FY 2013/2014	Personnel Emoluments	Ratio of PE to O&M
	The Presidency	5,375,959,961	1,044,500,000.00	19.43
	Ministry of Interior and Coordination of National Government	97,793,513,512	62,266,600,000.00	63.67
	Ministry of Devolution and Planning	18,560,267,252	7,151,900,000.00	38.53
	Ministry of Defence	78,118,447,503	-	0
	Ministry of Foreign Affairs	12,225,731,598	4,704,200,000.00	38.48
	Ministry of Education, Science and Technology	100,608,478,444	3,348,300,000.00	3.33
	The National Treasury	23,421,685,873	1,900,200,000.00	8.11
	Ministry of Health	23,706,391,450	442,200,000.00	1.87
	Ministry of Transport and Infrastructure	23,018,174,566	1,346,200,000.00	5.85
	Ministry of Environment, Water and Natural Resources	13,433,561,952	2,011,300,000.00	14.97
	Ministry of Land, Housing and Urban Development	4,656,072,817	2,595,300,000.00	55.74
	Ministry of Information, Communication and Technology	2,160,862,218	542,600,000.00	25.11

S.NO.	MDA	Revised Gross Estimates FY 2013/2014	Personnel Emoluments	Ratio of PE to O&M
	Ministry of Sports, Culture and Arts	3,520,454,496	299,300,000.00	8.50
	Ministry of Labour Social Security and Services	8,360,478,572	1,567,400,000.00	18.75
	Ministry of Energy and Petroleum	2,354,798,236	238,300,000.00	10.12
	Ministry of Agriculture, Livestock and Fisheries	12,684,907,724	1,474,400,000.00	11.62
	Ministry of Industrialisation and Enterprise	3,235,251,317	719,800,000.00	22.25
	Ministry of East African Affairs, Commerce and Tourism	4,772,163,245	616,100,000.00	12.91
	Ministry of Mining	702,072,034	246,600,000.00	35.12
	Office of the Attorney General and Department of Justice	2,712,804,299	850,900,000.00	31.37
	The Judiciary	11,215,299,342	6,287,700,000.00	56.06
	Ethics and Anti-Corruption Commission	1,245,066,500	-	0
	National Intelligence Service	15,686,800,000	-	0
	Directorate of Public Prosecutions	1,214,222,397	527,100,000.00	43.41
	Commission for the Implementation of the Constitution	422,531,650	161,000,000.00	38.10
	Registrar of Political Parties	324,726,897	51,500,000.00	15.86
	Witness Protection Authority	202,808,999	75,500,000.00	37.23
	Kenya National Commission of Human Rights	263,624,006	172,400,000.00	65.40
	National Land Commission	606,087,857	180,400,000.00	29.76
	Independent Electoral and Boundaries Commission	4,964,872,916	1,878,900,000.00	37.84

S.NO.	MDA	Revised Gross Estimates FY 2013/2014	Personnel Emoluments	Ratio of PE to O&M
	Parliamentary Service Commission	22,349,000,000	9,210,000,000.00	41.21
	Judicial Service Commission	435,804,034	-	0
	Commission on Revenue Allocation	267,637,054	127,200,000.00	47.53
	Public Service Commission	672,744,115	417,200,000.00	62.01
	Salaries and Remuneration Commission	506,674,066	116,400,000.00	22.97
	Teachers Service Commission	166,539,036,232	153,851,700,000.00	92.38
	National Police Service Commission	332,924,654	101,700,000.00	30.55
	Auditor General	2,760,842,279	1,336,100,000.00	48.39
	Controller of Budget	371,477,789	159,800,000.00	43.02
	Commission on Administrative Justice	297,340,827	136,200,000.00	45.81
	National Gender and Equality Commission	234,025,586	100,100,000.00	42.77
	Independent Police Oversight Authority	279,687,996	113,900,000.00	40.72
	<b>Total</b>	<b>672,615,312,265</b>	<b>268,370,700,000.00</b>	<b>39.90</b>

### Appendix X: Economic Growth, Budget Deficit and Public Debt Trends

INDICATORS	2009/2010		2010/2011		2011/2012		2012/2013		2013/2014	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Target	Actual
GDP Growth (%)	5.8	8.3	4.4	9.1	4.6	9.7	4.7	10	4.8	5.7
Deficit as % of GDP	5.84	2.9	5.61	2.7	6.41	3.6	7.72	3.6	8.51	5.3
Public debt as %GDP	44.7	40.9	47.8	41.1	53.6	39.4	55.7	40.6	56.9	43.9

Source: Medium Term Plan, 2013 – 2017

# PSC MEMBERS AS AT JUNE 30<sup>TH</sup> 2014



**Prof. Margaret Kobia, PhD, CBS  
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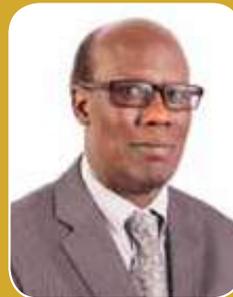
**Amb. Peter O. Ole Nkuraiya, CBS  
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