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COMMITTEE PAPER NO. 27

ON

THE REPORT ON THE COUNTRY-WIDE
TRAINING PROGRAMME FOR THE
CONSTITUENCY OFFICE MANAGERS

PRESENTED TO THE COMMITTEE OF THE
COMMISSION ON MEMBERS WELFARE

ON

....., 2006

PARLIAMENT BUILDINGS
NAIROBI

OCTOBER, 2006

COMMITTEE PAPER ON THE REPORT ON THE COUNTRY-WIDE TRAINING PROGRAMME FOR THE CONSTITUENCY OFFICE MANAGERS

INTRODUCTION

Committee Paper No. 27 has the following contents forming the sub-headings:-

- (i) Introduction - traces the origins of the establishment of Constituency Offices.
- (ii) Necessity for Training – deals with the rationale for training the Managers.
- (iii) Content of Training - a brief summary of the subjects the Managers were trained on.
- (iv) Salient Issues that Emerged – are problems that were identified in the course of conducting the training.
- (v) Recommendations and Conclusion - proposals the Training Team wishes the Commission to implement so as to improve the performance of the Constituency Office Managers.

THE TRAINING PROGRAMME

The focus of the Paper is on the Content of the Training Programme, The Salient Issues that Emerged during the Training and The Recommendations. These parts of the Report could be regarded as the Executive Summary.

RECOMMENDATION REQUIRED

Members are requested to go through the Report (hereby attached) and recommend, with the necessary amendments, that it be discussed by the Commission at its full meeting before it is given to Members to discuss at the Speaker's *kamukunji* for adoption.

Any amendments of the Constituency Offices Regulations agreed upon by the Commission and Members to take effect in the next Parliament.

A REPORT ON THE COUNTRY-WIDE TRAINING OF CONSTITUENCY OFFICE MANAGERS

INTRODUCTION

Since independence, building or hiring Constituency Offices for Members was never seen as part of development. This was regarded as a luxury that public funds could ill-afford to cater for. But by end of the 8th Parliament, a significant number of Members had established their Constituency Offices using their own resources.

The origins of Legal Notice No.77 on Constituency Offices Regulations, 2005 was the mandate given to the Cockar Tribunal in February, 2002 by the Parliamentary Service Commission in the form of Terms of Reference. The Tribunal was mandated to look into the terms and conditions of service of Members of Parliament including facilities at their disposal both at Parliament Buildings and in their Constituencies.

The Cockar Report came out with a categorical recommendation that the nature of representing the public in Parliament had become so demanding that unless a Member had a Constituency Office with staff and equipment funded by the public, the representative role of a Member within the Constituency would for ever remain embarrassingly ineffective. Although the Report was debated and adopted by the House on 5th March, 2003 and the budget for establishing the offices provided for in the 2004/2005 financial year, nothing could be done until the Regulations were gazetted in June, 2005.

THE NECESSITY FOR TRAINING

On average, Members appear to have recruited high calibre Constituency Office Managers because most of them are young university graduates, some with masters degrees and others are former civil servants who had retired and are therefore familiar with Government machinery and procedures for spending public funds, an area where most young university graduates are most deserving.

The expansion of the democratic space in Kenya requires officials who handle public funds to be more prudent and transparent or they risk incurring the people's wrath. There is a case where the public on their own secured bank statements and copies of expenditure from a Constituency Office and accused the Manager to the Member of gross financial mismanagement. Some Members have also dismissed their Constituency Office Managers mainly for inappropriate financial expenditure or for outright embezzlement. Certain Constituencies also had excessively high expenditures on items like telephones, travelling, tea, radio announcements, repair and maintenance of vehicles none of which was Government owned, repair, partitioning and furnishing of offices, paying for funeral expenses, transport allowance for leaders who came to meet the Member, e.t.c.

Indeed, putting people who have never been employed anywhere to be suddenly in charge of public money without a Senior Officer or experienced operative to advise them is quite a challenge. Despite some cases of inappropriate expenditure detected here and there, the

Managers are worthy of commendation for the way and manner they have gone about their work with no prior training or mentoring.

The second noticeable problem is with regard to management of the personnel at the Constituency Office. The Regulations stipulate that a Member enters into a contract with each staff. The Constituency Office Manager is the boss. It is his/her responsibility to brief the Member on all happenings in the Constituency. The Regulations further stipulate that the Constituency Office staff observe official working hours set by the Provincial Commissioners in their respective areas of work. It has since emerged that managing the staff at the Constituency Office has been fraught with problems. The staff do not always regard the Manager as their boss. A number of them have never seen a copy of the Constituency Office Regulations. Some of them understand their work to mean looking after the Member when he/she is in the Constituency and therefore they report on duty not at the office but at the Member's home. Yet they are not the domestic workers of the Member. Some staff do not even have a written contract agreement with the Member but they are paid salaries, all the same! In short, below the Constituency Office Manager, allocation of duty is not clear and this is a dangerous void which might promote gossip and idleness among the staff, a situation that could be very uncomfortable!

Finally, reports from Constituencies indicated that the Constituency Office Managers also required to be told what their core responsibility is. Keeping good records of every financial transaction and managing the other staff well are important for running any office whether in the public or private sector. But that does not constitute the core responsibility of a Constituency Office Manager.

It is for these reasons given above that a one day training programme for Constituency Office Managers alone was designed to include the following topics:-

- (1) Financial Management
- (2) Human Resource Management
- (3) Government Structure
- (4) Managing the Diary of an MP

A total of 179 Managers out of 210 were trained between 9th June and 23 August, 2006 in 19 venues across the country with North Eastern being the only Province that scored 100% attendance, a feat that not even Nairobi could achieve!

CONTENT OF TRAINING

- (1) **Financial Management** covered the following sub-topics:-
 - (a) Basic Financial Regulations and Procurement Procedures
 - (b) Budgeting Procedures and budgetary allocation including raising Government revenues and incurring public expenditures and accounting for the same.
 - (c) Records maintenance

- (d) Installation of computerized accounting system to unify the format of posting returns so as to reduce chances of misuse of funds.

Copies of the following Acts of Parliament were handed over to the participants:-

- (a) Government Financial Management Act, 2004
- (b) Public Procurement and Disposal Act, 2005
- (c) Exchequer and Audit Act, Cap 412
- (d) Public Officer Ethics Act, 2003
- (e) Constituency Development Fund Act, 2003
- (f) Constituency Office Regulations, 2005

(2) **Human Resource Management** covered the following sub-topics:-

- (a) Constituency Offices Regulations regarding issues of engaging the staff, the required qualifications, their remunerations, welfare and other benefits, discipline and termination of engagement.
- (b) Other statutory requirements which the Regulations inadvertently omitted:-
 - Income Tax (P.A.Y.E.) deductions
 - National Hospital Insurance Fund deductions
 - National Social Security Fund deductions
 - Regulations of Wages and Conditions of Employment Act, Cap 229

(3) **Government Structure** covered the following sub-topics:-

- (a) The Constitutional Structure of the Kenya Government with emphasis on the complimentary roles of the three arms of Government.
- (b) An examination of the responsibility of each of the three arms of Government with special emphasis on:-
 - other informal/traditional forms of conflict resolution mechanisms.
 - governance in the pre-colonial, colonial and post-colonial periods.

(4) **Managing the Diary of an MP** covered the following sub-topics:-

- (a) The Constitutional role of a Member of Parliament.
- (b) The normal schedule of a Member of Parliament
- (c) Expectations and perceptions of a Member of Parliament by the electorate.
- (d) The working environment for a Member of Parliament in the Constituency.
- (e) The role of the Constituency Office Manager.
- (f) What the Constituency staff are not.

In brief, all papers presented emphasized the need to run the Constituency Offices in an efficient, effective, transparent and accountable manner. The participants were urged to regard serving the Member of Parliament as their core responsibility. They were further urged to attend to the public without any discrimination since their contractual engagement by Members did not turn

them into political party activists. The public is aware they are being paid salaries from public funds and are therefore public officers.

SALIENT ISSUES THAT EMERGED

- (1) Some Managers had never seen a copy of the Constituencies Office Regulations, 2005 and therefore were not even aware that any Regulations exist.
- (2) Correspondence between the office of the Clerk of the National Assembly and the Managers is poor since most Constituency Offices did not have a postal address separate from one the Member uses either in Nairobi or in the Constituency.
- (3) Coordinating work with civil servants including getting letters for opening Constituency Offices in accordance with Regulation No.3 is not always easy since in some areas, a Constituency Office Manager is regarded/branded as *mtu wa kusikiza fitina za mheshimiwa*.
- (4) Regulation No.8 has not been properly observed due to a wording defect in the Lease Agreement form.
- (5) Regulation No.13 needs a thorough amendment as it is not compatible with other circulars and instructions already issued by the Commission.
- (6) Regulation No.14 requires the Clerk to issue the Constituency Office Managers with Authority to Incur Expenditure. This has not been formally done.
- (7) Regulation No.19 places a lot of responsibility on the Constituency Office Manager with regard to managing the Constituency Office bank account. Yet, some Managers do not keep the cheque books as the Member only gives out one leaf which is to be signed to facilitate withdrawal. In some cases, the Manager may not even know who the other signatories to the Constituency bank account are and therefore may not be aware of who else is also paid, once the cash is withdrawn!
- (8) Some Constituency Office Managers pay salaries to a list of names of staff given to them by the Member and the list is not always the same. Neither does it always state what post each payee holds in the Constituency Office. Moreover, unchecked number of staff engaged has occasioned the infringement of the Employment Act in that several staff are paid salaries below the statutory levels gazetted by the Government.
- (9) Recruitment of staff by Members has both advantages and disadvantages; some of the biggest disadvantages are lack of security of tenure, standard qualifications and regulated official working hours including over the weekends and public holidays for which the staff are not compensated.
- (10) Records of staff employed in accordance with Regulation No.24 at the Constituency Office should tally with the records at the Clerk's Office. Currently, this does not appear to be the case.
- (11) Paying Constituency Office Managers salaries determined by Members has caused an embarrassing disparity in their remuneration and this has triggered discontent
- (12) The Commission is yet to determine payment of Leave Allowance in accordance with Regulation No.26.
- (13) Managers experience difficulties in accessing Parliament Buildings.
- (14) Confusion and the dire need to reconcile the difference between Constituency Office Fund and the Constituency Development Fund even with regard to staffing.

- (15) The 25% gratuity paid on *pro rata* basis in case of termination of service is too meagre considering the nature of the job.

RECOMMENDATIONS

- 1) Each Constituency Office to have an official postal address with the nearest post office to facilitate fast communication. Regulations to be amended to incorporate this recommendation if accepted.
- 2) The ICT project to ultimately include Constituencies so Managers could access Hansard Reports, Votes and Proceedings and other Parliamentary records and Papers in real time including live TV and Radio broadcasts of the House and Committee proceedings when Parliamentary procedures will be amended to allow this.
- 3) Constituency Office Managers were advised to ensure they introduce themselves to Heads of Department and officials of Provincial Administration in their areas of work and coordinate their activities with these officers since they serve the same public who pay their salaries.
- 4) The Lease Agreement is to be amended appropriately.
- 5) Regulation No.13 to be amended as already proposed.
- 6) The Clerk to issue A.I.E. before the end of the year in the personal names of each Constituency Office Manager. This will demonstrate the sanctity of handling public funds with due diligence, prudence and frugality.
- 7) The Speaker's *kamukunji* to brief Members on the findings and recommendations on the Implementation of the Regulations including proposed amendments immediately the Commission adopts this Report.
- 8) Members should have the Constituency Office Managers to be fully in charge of the staff so that Members hold only one person responsible, i.e., the Manager, for the smooth running and management of the Constituency Office and other official activities the Member is involved in.
- 9) The Commission to standardise the following:
 - (i) the calibre and number of staff to be hired;
 - (ii) the staff salaries and other benefits;
 - (iii) hours of official work so that if the staff work over the weekend they could take an off equivalent to the number of days worked;
 - (iv) leave allowance to be equivalent to one month's pay so that the staff are paid for 13 months;
 - (v) matching funds to pay for statutory deductions in terms of budgetary provision; and
 - (vi) salaries and allowances to be paid directly from the Clerk's office so that the Constituency bank account is to cater for rents and other administrative expenses only. No staff would therefore be dismissed without the Clerk's knowledge since he would be paying their salaries directly.

These are issues of staff welfare, motivation and equity that if not well managed could reduce integrity, morale and dedication to duty.

- 10) Accessing Parliament with ease would require some temporary passes to the Constituency Office Managers especially when the Integrated Security Surveillance Project is completed and commissioned.
- 11) The issue of opening more than one office in a Constituency be stood over in the meantime. However, if there is urgent need, the Commission should not allow more than two offices to be established in a Constituency except on the following grounds:-
 - (i) rent for the second office not to be more than the rent paid for the first office;
 - (ii) staff salary to remain the same; and
 - (iii) justification to be based on geography, ecology, diversity of the composition of the population and the constituency must have at least two administrative divisions.
- 12) The Commission to engage the Parliamentary CDF Committee on how to synchronise the work of the Constituency Office staff and the CDF staff with a view to making the Constituency Office Manager assume the over-all responsibility. It should be noted that the two Offices/Funds are established under two different Acts of Parliament but they assist the same person and more or less serve the same purpose.
- 13) Since these jobs are unlikely to be permanent and the majority of the staff engaged are young university graduates, it would be fair to review upwards the 25% gratuity paid on *pro rata* basis to 35% or 40% on termination of service.

CONCLUSION

The Training Team intends to hold two more workshops in Nairobi for all the 30 Constituency Office Managers who did not make it to the Provincial venues because the installation of computerised accounting system has already begun to yield the expected fruits of increasing efficiency, effectiveness, transparency and accountability in filing the monthly returns. All Managers should make their returns using the same format. The Team also estimates that roughly ten other Managers who had been trained have since been fired by Members and replaced with new ones who would require training. That makes the number requiring training to be 40.

Lastly, if the proposed changes and amendments are agreed to by Members, they should start taking effect from the next Parliament unless otherwise stated.

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