

## **THE COMMISSION ON ADMINISTRATIVE JUSTICE**



*"Hata mnyonge ana haki"*

### **ORGANIZATIONAL STRUCTURE**

The Commission comprises of the Chairperson and Members of the Commission as the Apex policy and decision making body. The Commission is served by a Secretariat appointed by the Commission and headed by the Commission Secretary who is also the Chief Executive Officer. The Secretariat is organized into five (5) directorates namely:-

- i. Legal and Advisory Services;
- ii. Compliance and Risk;
- iii. Research and Investigation;
- iv. Advocacy and Communications and;
- v. Corporate Services

The Commission has one independent Unit which reports to the Commission through the Audit Committee

- Internal Audit Unit

### **POWERS OF THE COMMISSION**

#### **Powers of The Chairman**

- Preside over all meetings of the Commission;
- Be the spokesperson for the commission; and
- Supervise and direct the work of the Commission.

#### **Powers of the Court**

- Issue summonses or other orders requiring the attendance of any person before Commission and the production of any document or record relevant to any investigation by the Commission;
- Question any person in respect of any subject matter under investigation before commission; and
- Require any person to disclose any information within the person's knowledge relevant to an investigation by the Commission.

## **FUNCTIONS OF THE COMMISSION**

- i. Investigate any conduct in state affairs, or any act or omission in public administration by state organ, state or public officer in National and County Governments that is alleged suspected to be prejudiced or improper or is likely to result in any impropriety or prejudice;
- ii. Investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful oppressive, unfair or unresponsive official conduct within the public sector;
- iii. Report to the National Assembly bi-annually on the complaints investigated under number (i) and (ii) and the remedial action taken thereon;
- iv. Inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehavior, inefficiency or ineptitude within the public service;
- v. Facilitate the setting up of, and build complaint handling capacity in, the sectors of public service, public offices and state organs;
- vi. Work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- vii. Recommend compensation or other appropriate remedies against persons or bodies to which this Act applies;
- viii. Provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures;
- ix. Publish periodic reports on the status of administrative justice;
- x. Take appropriate steps in conjunction with other state organs and commission responsible for the protection and promotion of human rights to facilitate promotion and protection of the fundamental rights and freedoms of the individual in public administrations;
- xi. Work with the Kenya National Commission on Human Rights to ensure efficiency, effectiveness and complementarily in their activities and to establish mechanisms for referrals and collaborations; and
- xii. Perform such other functions as may be prescribed by the Constitution and any other written law.

### **Functions of the Commissioners**

- i. Formulating policies to achieve the Commission's mandate;
- ii. Providing strategic direction, leadership and oversight to the Secretariat; and

- iii. Undertaking such other activities as may be necessary for the discharge of the Commission's functions and the exercise of its powers.

### **Functions of the Commission Secretary**

- Coordinating and managing the day to day affairs of the Commission;
- Ensuring realization of the Commission's vision and mission through the implementation of its Strategic Plan;
- Mobilizing and managing the resources of the Commission to achieve its core mandate;
- Preparing the Commission's annual plans and estimates;
- Overseeing financial and administrative management of the Commission; and
- Providing requisite leadership to ensure the Commission attains a high level of competitiveness and ethical standards in its entire programmes.

### **Functions of the Legal and Advisory Services**

- Formulating and implementing policies and strategies on legal and advisory services for the Commission;
- Preparing of sound advisory opinions;
- Handling all complaints of clients;
- Promoting Constitutionalism and observance of human rights, including protection of the rights of minorities and the marginalized in the context of the commission's mandate;
- Designing and facilitating mechanisms for formal hearings and inquiries by the Commission;
- Providing recommendations or remedial alternatives for resolution of disputes, and designing effective mechanisms of ensuring compliance;
- Formulating and reviewing modes of receiving complaints and synchronizes the physical and electronic files;
- Conducting litigation and/or *amicus* briefs;
- Developing modes and mechanisms for mediation and reconciliation;
- Designing Civic Education material; and
- Coordinating County functions.

### **Functions of Compliance and Risk Department**

- Ensuring that the Commission is compliant in regard to all constitutional and legislative requirements and provisions;
- Ensuring that all staff are aware of their legal and statutory obligations;
- Preparing and assessing any risk the Commission may encounter;

- Facilitating the setting up of and building complaint handling capacity in the public sector;
- Ensuring compliance of the resolution of public complaints indicator in performance contracting;
- Ensuring compliance with declaration of wealth by the state and public officers;
- Ensuring compliance with summonses, decisions and orders by the Commission; and
- Compiling statistical analyses of cases handled and activities undertaken by the Commission.

### **Functions of Research and Investigation Directorate**

- Investigating all relevant cases;
- Carrying out relevant research on cases, current trends of dispute resolution with comparable institutions and other appropriate matters;
- Monitoring and evaluating status of the various complaints;
- Identifying systemic issues and recommend remedial measures and proactive action; and
- Investigating and reporting on compliance by state or Public Officers with the Constitutional and Statutory requirements relating to leadership, integrity and ethics.

### **Functions of Advocacy and Communication Directorate**

- Overseeing general protocol at the Commission;
- Facilitating the organization of public events;
- Carrying out civic education on the Commission's mandate and functions;
- Managing the Resource Centres and disseminating information to the public;
- Advising on media issues and acting as a link between the media and the Commission;
- Media monitoring;
- Arranging for media coverage of all Commission's events;
- Sourcing for appropriate television and radio programs to disseminate information on activities of the Commission;
- Documentation of the Commission events through video, photography and press cuttings;
- Preparation and placement of radio and TV infomercials;
- Coordinating preparation of official speeches;
- Contributing to and editing the Commission newsletter and materials;

- Preparing of exhibitions and trade fairs; and
- Maintaining feedback systems in the Commission.

## **BRANCH OFFICES**

The Commission has established four branch offices in Kisumu, Mombasa, Eldoret and Isiolo.

### **Functions of Branch Offices**

- Handling all complaints of clients;
- Promoting Constitutionalism and observance of human rights, including protection of the rights of minorities and the marginalized in the context of the Commission's mandate;
- Providing recommendations or remedial alternatives for resolution of disputes and designing effective mechanisms of ensuring compliance;
- Formulating and reviewing modes of receiving complaints and synchronizes the physical electronic files;
- Investigating all relevant cases at the County;
- Carrying out relevant research on cases, current trends of dispute resolution within area jurisdiction;
- Preparing and assessing any risk the Commission may encounter;
- Ensuring compliance with summonses, decisions and orders by the Commission;
- Compiling data for statistical analyses of cases handled and activities undertaken in the area jurisdiction;
- Facilitating the organization of public events;
- Carrying out civic education on the Commission's mandate and functions;
- Preparing of exhibitions and trade fairs; and
- Maintaining feedback systems in the Commission.

### **Functions of Corporate Services Directorate**

- Providing efficient and effective support services to the Commission;
- Developing and implementing finance, human resource, procurement, ICT and administration policies;
- Coordinating management of the financial systems so as to ensure timely service delivery and integrity of the systems;
- Ensuring the procurement processes are efficient and meet integrity requirements;
- Managing the human resource of the Commission and ensuring they are well motivated and has a professional and positive work ethic;

- Managing the Commissions' records through effective policy guidelines;
- Providing effective administrative support services; and
- Providing adequate security services for the Commission.

#### **Functions of Internal Audit Unit**

- Ensuring that internal control systems are in place;
- Ensuring accountable records are accurate including purchases and payments;
- Identifying any accounting errors, cases of fraud and initiate investigations; and
- Reviewing and recommending strengthening of internal systems.