



**KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT  
INSTITUTE (KIRDI)**

**CORRUPTION PREVENTION POLICY**

**FEBRUARY 2013**

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## 1. FOREWORD

The development of this Corruption Prevention Policy is a reflection of the institute commitment to fighting corruption at the work place.

The institute is committed to high ethical standards including honesty, accuracy, co-operation, tolerance, acceptance of obligations as well as rights, accountability to our clients, the public and the government. Unethical behaviour can cause damage to the institute reputation and image. The development of this Corruption Prevention Policy and the corruption prevention strategies therein, demonstrate the institute due care and diligence in fighting corruption and assists in achieving its objectives.

KIRDI has adopted a three faceted strategy to building a corruption resistance culture:

- i. Increase **awareness** of the KIRDI's Code of Conduct and Ethics of high ethical standards including accuracy, honesty and accountability expected of employees of KIRDI
- ii. Minimize corruption by promotion, development and implementation of appropriate policies, procedures, mechanisms and controls; and
- iii. Facilitate detection, reporting and investigation of corrupt activities.

These groupings provide a framework for an overall strategy focused on reinforcing a corruption resistant culture and minimizing opportunities for corrupt behaviour. All employees of the Institute should incorporate this corruption resistance framework into activities for which they are responsible. They include:-

- Incorporating reminders to all Institute employees of their obligations to ethical conduct and public duties into policies, guidelines, training and communications;
- Implementing risk management practices and procedures designed to minimize the likelihood of corrupt activities, reporting systems, random data checks, segregation of duties, adequate supervision, record keeping and documentation;
- Facilitation of detection of corrupt conduct by;
- Implementation of controls such as those referred above;
- Implementation of mechanisms designed to facilitate the reporting of suspected or known instances of corruption in the Institute;
- Appropriate reporting or investigation of all instances of suspected or known instances of fraud or corruption.

Minimization of corruption and development of a corruption resistance culture is an obligation of all Institutes' employees. Progress will be monitored from time to time by the concerned organs.

On behalf of the Kenya Industrial Research & Development Institute, I wish to express gratitude to all Members of the Corruption Prevention Committee in particular for steering the process that has led to the formulation of this policy.

## 2. INTRODUCTION

The Kenya government has declared total war on corruption in all public service organizations. Therefore the public looks to the government as having the responsibility of providing an enabling environment conducive to socio economic development. In May 2003, the first Source Book for corruption prevention in the Public Service was released to guide the Integrity Programme. In the same year, two Acts of Parliament were enacted, namely, the Public Officer Ethics Act and the Anti-Corruption and Economic Crimes Act. With these enactments, KIRDI became one of the responsible agents for the implementation of these Acts. The Institute is a service delivery organization with a large work force that is committed to establishing standards of ethical conduct and maintaining integrity, dignity and nobility amongst its employees.

The Vision of the Institute “To be a Centre of Excellence in Industrial Research and Development” can only be achieved if there is good governance, efficiency, transparency, accountability, responsiveness and ethical practices amongst the employees.

Corruption is a vice that has to be fought by all means. It destroys personal, public and private business ethics, erodes confidence in service delivery to the clients, impacts negatively on all investments, costs people jobs and denies them quality service. It is therefore the responsibility of all the Institute’s employees and stakeholders to deal with this problem. The Integrity CPC was created among others to turn around this trend by restoring integrity, transparency and accountability amongst its staff through training, sensitization and systems improvement.

Fighting corruption and restoring integrity is a top government priority. Each one of us in our individual capacities have a role to play and duty bound to make a daily contribution in the war against corruption beginning at the workplace right down to the community and the family. Effective implementation of this policy will go a long way towards realizing this noble objective.

### 2.1 DEFINITION OF CORRUPTION

The **World Bank** defines corruption as: “the abuse of power, most often for personal gain or for the benefit of a group of which one owes allegiance. It can be motivated by greed, by the desire to retain or increase one’s power or perversely enough, by the belief in a supposed great good ... while the term “Corruption” is most often applied to abuse of public power by politicians or civil servants, it describes a pattern of behaviour that can be found in very sphere of life (Stapenhurst and Sedigh, 1999).

#### 2.1.1 CORRUPT CONDUCT

Corrupt conduct is any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve; official misconduct, bribery, theft, fraud, obtaining or offering secret commissions, embezzlement, tax evasion, revenue evasion, currency violations, forgery, obtaining financial benefit by vice engaged in by others....

Examples of corrupt conduct include:-

- Payment of secret commissions (bribes) paid in money or some other value to an Institute's employee that is related to a specific action or decision of the Institute's employee.
- Release of confidential information, for other than a proper business purpose, sometimes in exchange for either a financial or non-financial advantage.
- Collusive tendering (the act of multiple tenderers for a particular contract colluding in preparation of their bids).
- An Institute employee manipulating a tendering process to achieve a desired outcome.
- Conflicts of interest involving an Institute employee acting in his or her own self-interest rather than the interests of the Institute.
- Nepotism and cronyism where the appointee to an Institute position is inadequately qualified to perform the role to which he or she has been appointed, or not selected on merit.
- Receiving personal benefits in exchange for assisting a consultant to gain work at the Institute.

### **2.1.2 FRAUD**

Fraud – is dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity.

It also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

Examples of fraud in the Institute could include, but not limited to:

- Misappropriating Institute's assets including use of the Institute's assets for private purposes.
- Abuse of Institute's property and time.
- Causing a loss to the Institute or avoiding or creating a liability for the Institute by deception.
- Claiming for travel entitlement to attend a course and then not attending the course and not reimbursing travel monies.

- False invoicing for goods or services never rendered.
- Making cheques out to false persons.
- Misappropriating official order forms to gain a personal benefit.
- Obtaining an unjust advantage by misusing information gained during the course of employment with the Institute.
- Providing false or misleading information to the Institute, or failing to provide information, where there is an obligation to do so.
- Receiving “kickbacks” or “secret commissions” from a contractor.
- Submission of exaggerated or wholly fictitious accident, harassment or injury claims
- Misuse of sick or family leave.
- Theft of cash or petty cash, plant, equipment or inventory.
- Unauthorized transferal of Institute’s income
- Unlawful use of Institute’s computers, vehicles, internet, telephones and other property or services including operation of a private business using Institute’s facilities and time
- Writing off recoverable assets or debts.
- Use of Institute’s fuel cards for personal vehicles and claim then as Institute related.

## **2.2 CORRUPTION AND ECONOMIC CRIMES**

The **Anti-corruption and Economic Crimes Act, 2003** Section 2, and Sections 39-47 outlines economic crimes as here below:-

### **2.2.1 SECTION 2**

- Bribery
- Fraud
- Embezzlement or misappropriation of public funds
- Abuse of office
- Breach of trust
- Dishonesty in connection with taxation or election to public office.

### **2.2.2 SECTION 39**

- Inducement or rewards in order for one to do or not to do something related to ones official duties.
- Favouritism or discrimination
- Receiving rewards or inducement in order to show favouritism or discrimination.
- Soliciting, receiving or accepting to receive an inducement or reward in order to do or not do something, or in order to show some favouritism or discrimination.

- Giving or agreeing to give an inducement or reward to someone in order to make him/her to do or not do something, or in order to show some favouritism or discrimination.

### **2.2.3 SECTION 40**

- Secret inducements for advice.

### **2.2.4 SECTION 41**

- Knowingly using or giving a statement or a document that contains anything that is false or misleading.

### **2.2.5 SECTION 42**

- Having a direct or indirect private interest in a decision and failing to declare the interest.
- Participating in the proceedings and voting on a decision in which one has a direct or indirect private interest.
- Being public officers but knowingly having or holding an interest, in a contract (not employment contract), agreement or investment connected with the public body one is working for.

### **2.2.6 SECTION 43**

- Receiving, soliciting or agreeing to receive inducement or reward in order to influence the appointment of a person as a trustee of a property.
- Giving or offering, or agreeing to give or offer an inducement or reward in order to influence the appointment of a person as a trustee of a property.

### **2.2.7 SECTION 44**

- Receiving, soliciting or agreeing to receive inducement or reward with respect to rigging of a tender bid.

### **2.2.8 SECTION 45**

- Fraudulently or otherwise unlawfully acquiring public property or public service or benefit.
- Unlawfully mortgaging, charging or disposing of any public property.
- Unlawfully damaging public property.
- Unlawfully interfering with the functions of a computer or any other electronic machinery so that it directly or indirectly results in loss of public revenue or in a negative effect on public revenue or any other public service.
- Unlawfully failing to pay any taxes or any fees, levies or charges payable to any public body... or obtaining any exemption, remission, reduction or abatement from payment of any such taxes, fees, levies or charges.

- Fraudulently making payment from public revenue for sub-standard or defective goods.
- Fraudulently making payment for goods not supplied or not supplied in full.
- Fraudulently making payments for services not rendered or not adequately rendered.
- Willfully or carelessly failing to comply with any law or applicable procedures and guidelines relating to the procurement, allocation, sale or disposal of property tendering of contracts, management of funds, incurring of expenditures.
- Engaging in a project prior to planning.

### **2.2.9 SECTION 46**

- Using ones office to improperly give a benefit to oneself or to anyone else.

### **2.2.10 SECTION 47**

- Holding, receiving, concealing or transacting business with property that was acquired corruptly.

## **3.0 RATIONALE FOR POLICY**

- 3.1 The absence of guidelines in handling and preventing cases of corrupt and unethical practices in the Institute had led to inconsistencies, biasesness, unfairness, duplication of functions and general confusion in the management of corruption cases.
- 3.2 Corruption has been recognized as both an ethical issue and as an organizational disease which impedes performance. It may cost the Institute dearly not only in direct loss of finances but also through mismanagement, misuse of office and inefficient and wasteful expenditures and resources (both human; time and money). Corruption is therefore a major cause of widespread loss of resources to the institution.
- 3.3 The Institute's employees, client's agents and stakeholders have high levels of awareness about corruption. This then calls for deterrent as well as motivating and enabling approaches in an efficient, transparent and corruption free manner. This deterrence and support must first and foremost come from the environment at the workplace. This is why it is necessary to develop and implement a policy on corruption prevention at the Institute.

This policy therefore sets out to harmonize and streamline systems, procedures and processes in the management and execution of corruption prevention strategies in the Institute.

## **4.0 POLICY STATEMENT**

Concerned about the negative effects of corruption and acknowledging that corruption undermines accountability and transparency in the management of public affairs and efficient

service delivery, the Institute is convinced of the need to pursue, as a matter of priority, a common corruption prevention policy aimed at providing consistent systems and procedures in identifying, managing and preventing corruption and unethical practices in the Institute, including the adoption of appropriate guidelines and strategies for preventive measures. The Institute will act to ensure that corrupt conduct is minimized, detected, investigated, acted on and report to other relevant agencies as required in order to maximize the probity of operations.

## **5.0 AUTHORITY**

5.1 This policy derives its authority from:

- Science and Technology Act Cap 250 laws of Kenya

## **6.0 GOALS**

### **6.1 Corruption Prevention**

- Have consistence systems, procedures, rules and regulations equitably applied to the Institute's employees in an environment that has zero tolerance for corruption.
- Operationalize and enforcement of the Public Officer Ethics Act.

### **6.2 Management of Corruption**

Have in place management structures mechanisms and programmes at all levels of the Institute for corruption control, prevention and management.

### **6.3 Corruption Risk Assessment**

Have in place procedures and systems to identify areas in the Institute that are or can be vulnerable to corruption and seal any loopholes that may allow corruption to take place.

## **7.0 OBJECTIVES**

7.1 This policy aims to:

- Streamline organizational and management systems, procedures and operations at the Institute.
- Prevent and minimize malpractices and opportunities of corruption and corrupt practices at the Institute.
- Enhance the corporate image of the Institute.
- Enhance the integrity of the employees of the Institute.

## **8. SCOPE OF APPLICATION**

8.1 This policy is applicable to the following acts of corruption and related offences:

- 8.1.1 The offering or granting, directly or indirectly, to an Institute employee or any other person of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself, or for another person or entity, in charge for any act or omission in the performance of his or her duties;
  - 8.1.2 The offering, giving, solicitation of acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the Institute in considerations thereof, whether the undue advantage is for himself or herself or anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result;
  - 8.1.3 The offering or giving, promising, solicitation or acceptance; directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties;
  - 8.1.4 The solicitation or acceptance, directly or indirectly, by an Institute employee, or any other person, of any goods of monetary value, or other benefits, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her duties;
  - 8.1.5 Any act or omission in the discharge of his or her duties by an Institute employee or any other person for the purpose of illicitly obtaining benefits for himself or herself or for a third party;
  - 8.1.6 The diversion by an Institute employee or any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the Institute or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position;
  - 8.1.7 Illicit enrichment.
  - 8.1.8 The use or concealment of proceeds derived from any of the acts referred to in this policy and
  - 8.1.9 Participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or on any other manner in the Institute or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this policy.
- 8.2 This policy also applies to employees and managers, at the headquarters, the units and learning institutions and Agents in the Republic of Kenya.

## **9. PRINCIPLES**

- 9.1 The Institute undertakes to abide by the following principles:-

- 9.1.1 Respect for democratic principles of equality and equity.
- 9.1.2 Respect for human and peoples' rights in accordance with the Universal Declaration of Human Rights and other relevant human rights instruments.
- 9.1.3 Transparency and accountability in the management of public affairs and service delivery.
- 9.1.4 Promotion of social justice.
- 9.1.5 Condemnation and rejection of acts of corruption, related offences and impunity.

## **10. ROLES AND RESPONSIBILITIES**

All staff of the Institute have a role to play in corruption prevention. While the CPC will be responsible and accountable for the implementation of this policy, it will at all times seek to develop effective partnerships and networks, within and outside the Institute to enhance the success of its implementation. Details of roles and responsibilities are as attached in Appendix 1.

## **11. POLICY GUIDELINES**

### **11.1 PREVENTION OF CORRUPTION**

#### **11.1.1 Sensitization on Corruption Prevention**

- Each Department/Division/Unit and learning institutions have a responsibility and be empowered to prevent corruption through sensitization programmes.
- Relevant and suitable sensitization materials on corruption prevention will be developed for use by all departments/divisions/units and learning institutions.
- Corruption Prevention Plans and strategies will be developed and implemented at the work places.
- Guidelines on the formation and procedures of the Corruption Prevention Committees and sub CPCs will be developed.
- Processes for operationalization, enforcement and review of the Code of Conduct and Ethics, and other relevant legislations will be established.
- Development and implementation of guidance and counseling and rehabilitation plans be part of the Corruption Prevention Programmes.
- Co-curricular activities such as clubs, drama groups and sports are important opportunities through which corruption prevention messages can be passed on, and should be encouraged at all learning units of the institution.

### **11.2 MANAGEMENT OF CORRUPTION**

#### **11.2.1 Managing Corruption Prevention**

- Corruption is a serious problem and requires an appropriately high level full time commitment, management and deployment of resources to remedy and prevent the menaces from occurring at all levels. Therefore the Institute shall commit itself to establishing well-staffed and competent persons in the CPC Leadership are critical to the success of prevention of corruption and unethical practices. The Management being the apex body in the Institute, it will be responsible for the co-ordination of the planning, management and implementation of corruption prevention policy and programmes at all levels.
- Departmental heads, managers, divisional and sectional unit and leadership at all levels will support corruption prevention in their areas of responsibility.

### **11.2.2 Resource Mobilization**

- The Institute will be expected to plan and source for resources from within and from external sources to support corruption prevention initiatives.
- The CPC will co-ordinate resource planning and budgeting and liaise with other departments to develop a shared strategy aimed at preventing corruption and mitigating its impact on the Institute.
- Management structures at all levels must be capable of launching interventions and measures within their areas of jurisdictions.
- Resource utilization at all levels will be carefully prioritized to ensure that interventions at all levels have maximum impact and are sustainable.

### **11.2.3 Human Resource Training and Development**

- In and pre-service training of staff is necessary to give them the skills to deal with corruption prevention and its impact in the Institute and the society.
- All training will be in line with the objectives of KIRDI corruption prevention policy. The training must be conducted by a recognized education and training institution or based on standards set by KACC. Where this is not feasible or efficient, a nominated body, departmental heads, together with the Human Resource Development (HRD) and CPC will be responsible for ensuring appropriate standards.
- Corruption prevention training will be appropriately adopted to the needs of staff. Cost effective and flexible strategies such as networking, distance learning, information and communication technologies (ICT) and other techniques should be enhanced and promoted as widely as possible.
- The coordination of all training programmes at all levels will be the responsibility of HRD assisted by the Integrity CPC and must aim at more effective coverage of the Institute and targeted at areas of highest need.

### **11.2.4 Partnerships**

- The Institute will make a deliberate and systematic effort to form, manage and sustain partnerships for the benefit of the Institute, from within and outside, and

develop a management information system to monitor and coordinate partnership agreements and activity.

- The Institute will strive towards creating an environment and working practices that are transparent, accountable and efficient in handling of partnership agreements. Partnership resources will need to be carefully managed to ensure that all levels are covered and that the most vulnerable areas to corruption are targeted.

### **11.2.5 Research**

- Special attention will be given to research on levels of corruption prone areas, effectiveness of prevention interventions and programmes and impact on all work places. Examples of good practice will be highlighted and replicated within the Institute at all levels.
- All external research and other organizations wishing to undertake research in corruption prone areas and related research within the Institute will be encouraged to undertake authorized research and provide copies of their findings for incorporation into the central information system to reduce duplication and enhance knowledge.

## **11.3 REPORTING CORRUPTION**

Employees of the Institute are encouraged to report to their immediate superiors all conduct they consider unethical, corrupt or criminal to facilitate appropriate action by the relevant agencies. They are also encouraged to report other forms of corrupt conduct as well as maladministration and serious waste of public funds. Everyone in the Institute has a role in ensuring the success of the reporting system as follows:

### **11.3.1 Employees**

- Employees of the Institute are encouraged to report known or suspected incidences of corruption, maladministration or serious and substantial waste in accordance with the internal reporting system.
- Identify areas where opportunities for corruption, maladministration and serious and substantial waste may occur.

### **11.3.2 Supervisors**

All supervisors have the responsibility to:-

- Receiving, forwarding and acting upon disclosures in accordance with the Institute's established internal reporting system.
- Clearly explain to the person making the disclosure what will happen to the information received.
- Document the information received and should ensure that the form of disclosure as produced on writing is accepted as accurate by the person making the disclosure.

- Forward disclosures received as quickly as possible to Integrity CPC reporting Office for quick action
- Ensure that the person who has made the disclosure is not victimized.
- Designing and implementing system improvements, to ensure non-recurrence.

### **11.3.3 Management**

Managers have the responsibility to:

- Fostering and implementing organizational reforms deemed necessary as a result of disclosure.
  - Report criminal offences to the police as well as corruption cases to the Kenya Anti-corruption Commission for investigation.
  - Authorizing investigations as well as any disciplinary or corrective action required.
  - Support those who make disclosures.
- 11.3.3.1 Complaint boxes shall be installed at strategic and appropriate places which are easily accessible.
- 11.3.3.2 Preferably, reports should be made in writing. Where a report is made Verbally the officer receiving the information shall put it in writing after which the giver of the report shall confirm the contents of the written report and sign it.
- 11.3.3.3 Reports that are obtained from the corruption reporting box shall be verified for authenticity.
- 11.3.3.4 Every complainant is entitled to feedback on action taken on the matter reported within four weeks of reporting. If no action is taken within four weeks, the matter shall be reported to the Chief Executive. If after another four weeks no action has been taken, the giver of the report shall report the same to the Kenya Anti-corruption Commission.
- 11.3.3.5 Where the suspect is the Chief Executive or top managers the report shall be made to the Kenya Anti-corruption Commission, directly for investigations.
- 11.3.3.6 The Public and staff are encouraged to report corruption matters, unethical conduct, organizational weaknesses or corruption loopholes, insufficiency in procedures, activities not backed by documented plans, faulty or deliberated poorly designed projects/programmes, improper origination or implementation of projects/programmes and all errors of negligence, commission or omission.

### **11.3.4 Confidentiality**

- The Integrity CPC will strive to protect, to the greatest extent possible, the confidentiality of persons reporting corruption and of those accused of corrupt practices and unethical behaviours.
- The CPC will to the extent permitted by law keep confidential all records of complaints, responses and investigations.
- The records maintained by the CPC shall be available only to the CPC Chairman and to the extent necessary to administrators and supervisors charged with responding to allegations of corruption.
- Any records maintained in the Division concerning an allegation about which an accused person was not given reasonable timely notice and an opportunity to respond shall not be used to justify or enhance a sanction, other than an oral or written warning, imposed for different instances of corruption.
- If the accused wishes to discuss possible corruption in a more confidential setting or clarify his feelings about whether and how he/she wishes to process, he/she may consult a lawyer or any member of the clergy, who is permitted by law to assure greater confidentiality.

#### 11.3.4.1 **Official Secrets Act. Cap 187 Laws of Kenya**

- The purpose of the Act is to preserve state secrets and state security.
- Section 3 prohibits government officers from communicating, retaining, or endangering any code, work, plan, article or information in a manner prejudicial to the safety or interest of the state.

#### 11.3.5 **Anonymous Reporting**

- Employees of the Institute (staff) are encouraged not to make anonymous complaints as they may be difficult to pursue if further information is required, and anonymity will prevent the Institute reporting back to any complainant. Although the Institute does not encourage anonymous reporting, it recognizes that there may be useful information in the Institute's employees that can assist in preventing and/or detecting fraud and corruption.

11.3.5.1 Anonymous disclosures of serious allegations, if supported by sufficient evidence to justify an investigation, may be investigated. In making a determination, regard will be given to the:

- Seriousness of the issue raised;
- Credibility of the complaint;
- Evidence provided;
- Prospects for further investigation; and
- Fairness to the person being investigated.

#### 11.3.6 **Reports to the Police**

- The Institute understands that criminal prosecutions are vital to deterring future instances of fraud and corruption and to educating the public generally about the seriousness of fraud and corruption.
- In the event that the Institute’s preliminary assessment of a matter indicates that a criminal offence may have been committed by an individual, the information will be referred to the police.
- Where a matter is referred in writing to the police by the Institute, the referral should provide as minimum:
  - a) A summary of the allegations
  - b) A list of suspected offender(s) where known.
  - c) A chronological account of the facts giving rise to the allegation(s).
  - d) A list incorporating details of witnesses or potential witnesses.
  - e) Copies of relevant documents.
  - f) Copies of all records of interviews, statements; depositions or affidavits obtained to that point includes and in particular any written statement made by the subject of the investigation.
  - g) A nominated contact officer, from CPC

### **11.3.7 Reports to Ethics and Anti-Corruption Commission (EACC)**

- Section 7 (1) (2) of the Anti-Corruption and Economic Crimes Act empowers the Ethics and Anti-Corruption Commission to receive complaints/reports about corruption.
- A matter may be investigated by the Commission at the request of Parliament, the Minister or Attorney General or on receipt of a complaint or on its own initiative.
- In compliance with this section, the Commission has set up a Report Centre where complaints are received and processed.
- The Commission may refer complaints to other investigative agencies and government bodies to deal as per Section 7 (1)(3) of the Anti-Corruption and Economic Crimes Act, 2003.

11.3.7.1 Reports made to EACC should include the following information of alleged corrupt conduct:

- a) A complete description of the allegations.
- b) The name and position of any public official(s) alleged to be involved.
- c) The name and role of any other person(s) relevant to the matter.
- d) The dates and/or time frames in which the alleged conduct occurred.
- e) An indication as to whether the conduct appears to be a one-off event or part of a wider pattern or scheme.

- f) The date the allegation was made or the date you became aware of the conduct.
- g) What the Institute has done about the suspected conduct, including notification to any other agency e.g. police or Criminal Investigation Department.
- h) What further actions proposed by the Commission.
- i) Approximate amount of money (if any) involved.
- j) Any other indicators of seriousness.
- k) Any other information deemed relevant to the matter.

### **11.3.8 Protection of Informers/Witnesses**

The legislative requirements for protecting staff who make disclosures of corruption, maladministration and substantial waste are as below:-

- Section 65 (1) of the Anti-Corruption and Economic Crimes Act, 2003 protects informers.
- The Witness Protection Bill 2004 protects witnesses in criminal cases and other proceedings as stated in the preamble to the Bill.
- Section 3 of the Bill defines a witness as a person who has given or agreed to give evidence on behalf of the State, or has recorded a statement with the police.

### **11.3.9 Investigations**

- Alleged or suspected corrupt conduct will be investigated by the appropriate Commission Department or referred to the appropriate external agency for investigation.
- If alleged corrupt conduct involves criminal activity it will be subjects to the standards of the relevant police.
- If alleged corrupt conduct is investigated by the Special Branch or another external agency such as the Ethics and Anti-Corruption Commission (EACC) then their investigation standards will apply.

### **11.3.10 Disciplinary Standards**

The disciplinary standards for the Institute employees are contained in various Acts and regulations:

- The Science and Technology Act Cap... Laws of Kenya
- The KIRDI Code of regulations for all its employees
- The KIRDI code of Regulations for .... Staff
- The KIRDI Code of Conduct and Ethics
- The Public Officer Ethics Act of 2003
- The Anti-Corruption and Economic Crimes Act of 2003.

These documents set out the behaviours that constitute a breach of discipline and how that breach will be dealt with.

## 11.4 HANDLING CORRUPTION CASES

- 11.4.1 A person accused of corruption or unethical practices shall be:-
- Afforded a fair hearing within a reasonable time and by an impartial committee
  - Presumed innocent until proved guilty.
  - Informed of the offence as soon as practicable.
  - Given adequate time and facilities for preparation of his/her defense
  - Afforded a chance to examine witnesses.
- 11.4.2 The proceedings shall be in a language he/she understands. The offence committed shall be defined and the penalty therefore prescribed in a form.
- 11.4.3 No person shall be subjected to discrimination on the grounds of origin, sex, religion, creed, custom, language, opinion, colour, birth, social, political, economic or other status, race disability, tribe residence or local connection.

## 12. IMPLEMENTATION:

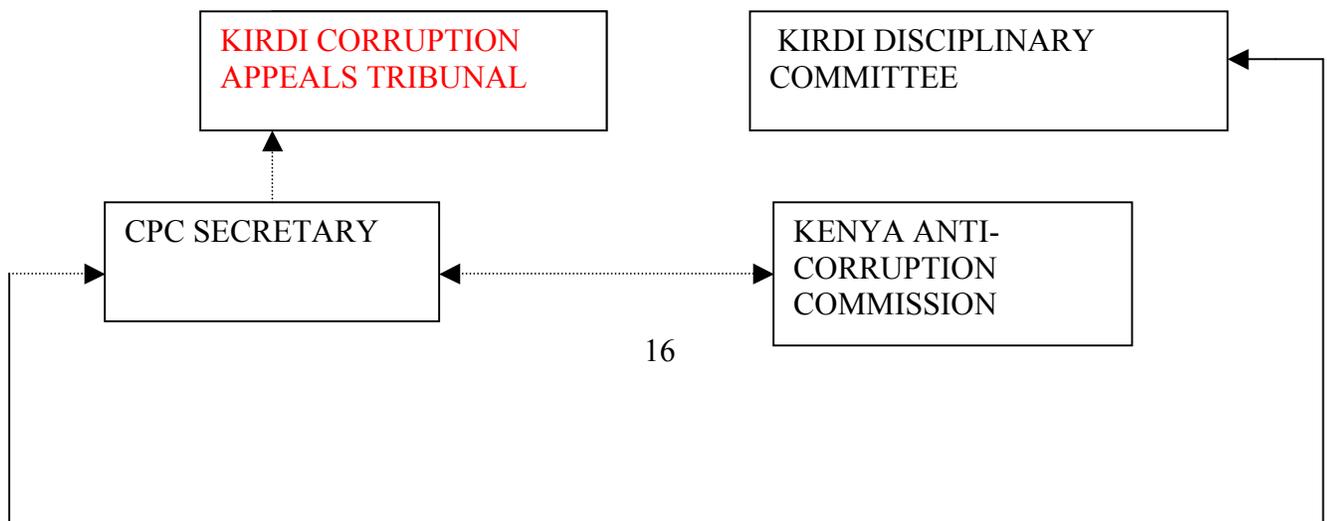
### 12.1 Institutional Framework

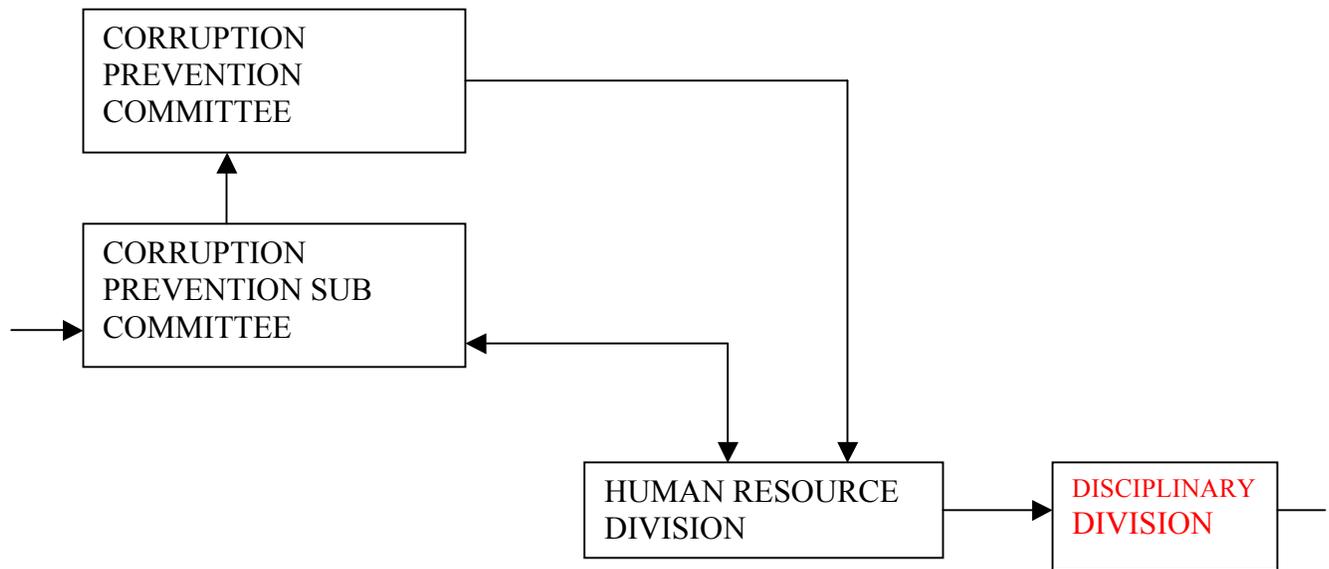
The implementation of the corruption prevention policy will be within the institutional framework outlined as follows:-

- KIRDI Disciplinary Committee
- Corruption Prevention Committee
- Human Resource Division

CPC will be responsible and accountable for the implementation of this policy.

### 12.2 KIRDI Corruption Prevention Policy Implementation Structure





### 12.3 Tools for Implementation

All the implementing agencies will require the following tools for implementing this policy. They include;

- A register for registering the reported case,
- Written statements; This is the statement of the accused person with the complainant
- Supportive evidence: this includes any material relevant to the case in issue/adduced evidence.
- Recording Tools: This may include tools like tapes, camera, video among others.
- Written minutes of the case which will form the basis of the investigation report/investigators.
- A written agenda that briefly explains the nature of the case.
- Legal instruments such as the Science and Technology Act Cap 250 laws of Kenya, KIRDI Code of Conduct and Ethics, KIRDI Code of Regulations for staff, Anti-corruption and Economic Crimes Act, Public Officer Ethics Act and any other relevant legislations.
- File of the accused/case file

### 12.4 Implementation Strategies

12.4.1 This policy shall be implemented in phases starting from the institute headquarters cascading downwards to the institute units and finally to all staff.

12.4.2 The Implementation will involve:

- Sensitization of staff at the headquarters through in-house training, the units and Agents through workshops/seminars and entire staff through the use of

IEC materials, which includes house journals, poster, flyers, calendars among others.

- Creating a pool of resource persons for effective communication and education.
- Linkage with other corruption prevention organizations for best practices.

12.4.3 Corruption handling procedures shall be as follows:-

- Step 1 The complainant submits a written statement of his/her complaint to the Integrity Reporting Office
- Step 2 The reporting office records the complaint and forwards the same to the Corruption Prevention Sub-Committee.
- Step 3 The corruption Reports Committee shall hear the case and makes recommendations to the CPC.
- Step 4 The CPC shall hear the corruption case and make recommendations as follows:
- Recommend the case for interdiction at Human Resource Division
  - Acquit the accused.
  - Make a report to the CPC secretary
- Step 5 For interdiction cases procedure.
- Where the accused has a case to answer, the case will be referred to the CPC for processing.
  - The case if forwarded to disciplinary committee for hearing and determination
  - Any person not satisfied with the decision may apply for a review at the KIRDI Corruption Appeals Tribunal
- Step 6 The CPC Secretary gives a report of the proceedings of the CPC to EACC.

### **13. ADVOCACY AND DISSEMINATION OF POLICY**

13.1 Departmental/ Divisional/ section heads and section head will:

- Ensure that the contents of this policy are communicated to all employees under them and that they have access to copies of the policy.
- Establish and maintain communication channels to enable employees to raise concerns and grievances on corruption and unethical practices in the Institute.
- The Institute will ensure that its managers and stakeholders are knowledgeable and informed of the content of the KIRDI Corruption Prevention Policy and committed to its dissemination.
- The Institute and its agents will develop specific strategies to support the dissemination and implement of this Corruption Prevention Policy.
- The government departments, development partners, civil society and the private sector are called upon to support the Institute's efforts in advocating for this policy.

## **14.0 MONITORING AND EVALUATION**

- CPC shall monitor and evaluate the implementation of this policy at all levels and stages on quarterly basis.
- Heads of Departments must integrate strategies and mechanisms for monitoring and evaluating the quality of programmes, strategies for interventions and efficient resources utilizations.
- The Planning monitoring and Evaluation Division in collaboration with Integrity CPC will develop a monitoring and evaluation framework that is feasible, relevant and consistent with international good practices.
- The Institute will endeavour to have adequate resources to make monitoring and evaluation successful.
- Monitoring and evaluation systems will monitor impacts such as Corruption Prevention Plans; risk assessment and management plans, which will be used to identify loopholes or areas vulnerable to corruption and inform the management.

## **15.0 FURTHER POLICY DEVELOPMENT AND REVIEW**

- The policy shall be reviewed from time to time to ensure that it remains relevant to the needs of the Institute at all levels. Suggestion about the updating of material in this document should be made to the CPC Secretary, KIRDI.

### **APPENDIX 1: ROLES AND RESPONSIBILITIES**

- (i) KIRDI CPC
  - Composition be as with the KIRDI Disciplinary Committee but with different Members who were not in the KIRDI Disciplinary Committee.
- (ii) KIRDI Disciplinary Committee
  - At least three members and one of them chairs the meeting. The Chairman provides the leadership, control and co-ordination of the official business.
  - KIRDI's Disciplinary committee
  - The Discipline Officer who acts as the prosecutor and one who compiles the agenda for the meeting.

### **The Role of the KIRDI's Disciplinary Committee Secretary**

- The role of the KIRDI Secretary's Representative is to ensure that requirements of the Committees are met and adhered to e.g.
  - The Committee meeting has a quorum.
  - Information relevant to the cases has been well represented in the agenda
- Be able to detect faulty interdictions and address their complications, e.g.

- Dates to be accurate
  - Figures to be accurate
  - Proper framing of the charges and use of the relevant regulations.
  - Correct format of the interdictions is followed.
  - Supportive evidence for the allegations have been availed by the interdicting agent.
  - Proper forwarding of the documents is done.
  - Signatories must be those authorized.
- During the deliberations, the KIRDI's Disciplinary Committee
    - Provides professional advice to guide the Commissioners.
    - May recommend the case not to continue due to some technical faults or lack of sufficient investigations and evidence to sustain the hearing and consequent reasonable decisions.
    - Confirms the identity details of the accused and peruses through the documents presented to assess their validity and relevance to the case.
    - Take the accused through the case to establish details of professional omissions and commission.
    - At the end, he is expected to give well thought out submissions, basing the same on the professional requirements, the code of conduct and any other relevant legal instruments. The submission will help to wrap up the case and assist in arriving at a fair and justified verdict.
  - It is the duty of the Institute's Representative to:
    - Keep the Chief Executive informed or updated on important issues arising from the hearing of the cases. He should also forward any recommendation touching on matters of policy.
    - Protect and uphold the image of the CEO and the entire Institute.
    - Observe that the correct decisions are made and advise on their implications
    - Ensure that minutes of proceedings are correctly documented and confirmed for record.
  - He should:-
    - Have exposure in the preparation of cases and familiarize him-self with the hearing procedures.
    - Be conversant with the secretariat's administrative layout and functions.
    - Be conversant with the Institute's Service Charter and other service delivery tools.
    - Be conversant with interviewing techniques
    - Be able to display ethical approach to the accused health conditions.

**(iii) Corruption Prevention Committees (CPCs)**

The Corruption Prevention Committees' responsibilities will be to keep a constant check on organizational operations and procedures and ensure that there are no opportunities for corruption in the Institute.

The CPCs will:-

- a) Prioritize activities in the implementation of corruption prevention programmes;
- b) Ensure that all corruption prevention initiatives integrated in their respective organizations;
- c) Receive and review reports on corruption prevention initiatives and take and/or recommend appropriate action;
- d) Co-ordinate corruption prevention strategies in their respective organizations;
- e) Consider and approve training on the Public Service Integrity Programme for staff in their organizations;
- f) Ensure that all decisions and guidelines on corruption prevention are communicated effectively to staff and all interested parties;
- g) Prepare and submit to PSIP secretariat regular progress reports on implementation of the programme;
- h) Receive complaints and information on alleged corruption activities within their areas of jurisdiction and thereafter evaluate, analyze and recommend appropriate action and;
- i) Monitor the impact of corruption initiative and other recommended actions.

## **NOTE**

- (i) In all the deliberations of its duties, the responsibilities of the CPC need not conflict with the roles and functions of the Integrity Division. Its core function is to act as an Advisory Board to the Integrity Division.
- (ii) The CPC compliments the functions of Integrity Division in the fight against corruption. The overriding objective for both Integrity Division and CPC is to improve the image of the Institute and enhance professionalism.

## **Membership and Composition of Corruption Prevention Committees**

Each Committee will have a minimum of 5 members and shall consist of:

Chairperson - Chief Executive  
 Members - Representatives from:

- Departments
  - Private Sector
  - Religious Organizations
- (Representatives should be at top executive level such as Heads of Departments, Heads of organizations or their deputies).

Secretariat – Integrity Division.

## **Corruption Prevention Committee Meetings**

- (a) Corruption Prevention Committee meetings shall be held regularly, preferably on a monthly basis and at least on quarterly basis. At the beginning of every year CPC shall set a schedule of meetings for the calendar year, copies of which shall be circulated to members and all interested parties including the PSIP Secretariat. Scheduled meetings shall not be cancelled or postponed due to the absence of a

member or Chairperson. In the Chairperson's absence, members present shall appoint a temporary chairperson to preside over the meeting.

The CPCs may hold extra-ordinary or special meetings as need arise.

### **Proceedings of Meetings**

All deliberations shall be recorded and minutes circulated to committee members. A copy of the minutes of the proceedings shall be sent to the PSIP Secretariat.

### **Procedures**

Each CPC shall adhere to the established procedures for dealing with issues of corruption as set out in the PSIP sourcebook, and laws of the land.

#### (iv) Corruption Prevention Sub-Committee

Integrity Division will chair the meeting and be the Secretariat of the Committee. Membership shall come from all the major Divisions, Sections or Units of the Commission. Their main function is to feed Integrity Division with information on Corruption Risk Assessment and corruption plans in their respective areas.

Liaise with Integrity Division on issues of corruption identified in their respective Divisions/Sections/Units.

Report suspected corruption to Integrity Division.

Enhance anti-corruption education and awareness in their respective areas.

#### (v) Integrity Division

The role of the Integrity Assurance Officers (IAO's)

Integrity Assurance Officers will be officers selected, trained and assigned duties to offer technical expertise to their Departments/Divisions on the implementation of corruption prevention activities. The Officers shall have the responsibilities of assisting the Chief Executive and the Corruption Prevention Committee to:

- a) Carry out corruption risk assessments;
- b) Initiate actions in response to corruption risk assessment;
- c) Prepare Corruption Prevention Plans;
- d) Establish timetables for implementing corruption preventions plans;
- e) Develop and implement codes of conduct and ethics;
- f) Co-ordinate and facilitate implementation of corruption prevention programmes;
- g) Monitor, evaluate and review the implementation of PSIP activities;
- h) Compile progress reports and present the reports to the CEO, CPCs and to the PSIP Secretariat; and
- i) Implement anti-corruption education and awareness programmes.

### **The Internal Audit Department**

- The traditional role of the Internal Audit Department is to check whether financial operations and statements are in compliance with the legal and contractual obligations.
- Modern performance audit is concerned with questions of efficiency and good management.
- On corruption and fraud prevention, the Internal Audit Department shall be charged with the responsibility of detecting and investigating fraud/corruption reported cases and give reports to Integrity Division.
- They may also undertake the activities jointly as matters under investigation may demand.

## **APPENDIX 2 : DEFINITION OF TERMS**

**Agent** means a person who in any capacity, and whether in the public or private sector, is employed by or acts for or no behalf of another person.

**Bribe** is a sum of money or services offered to someone in return for some, often dishonest help. It may involve offering money in advance so as to receive a favour from someone.

**Code of Conduct** is a set of rules and guidelines that govern the behaviour of members of staff in an organization. It is a framework within which members of staff bind themselves in regard to their work, conduct and behaviour.

**Code of Conduct and Ethics** means for a public officer, the Code of Conduct and Ethic established under Part II for that public officer.

**Conflict of Interest** is a situation in which the impartiality of an officer in discharging their duties could be called into question because of the potential, perceived or actual influence of personal considerations, whether financial or other. The conflict in question is between official duties and obligations, on the one hand, and private interests on the other.

The Institute recognizes that potential conflicts of interest can arise from personal, professional and social associations of staff both inside and also outside the Institute. These associations can create conflicts of interest in contracting for services, the procurement process, engaging consultants and recruitment. Dealing with conflict of interest is an integral part of establishing an ethical culture at the Institute.

**Corruption Prevention** includes all organizational features designed to resist or limit corrupt and/or fraudulent practices. These features include accountability and effective and efficient administration. Corruption prevention focuses on improving systems and procedures, changing the attitudes of staff and improving the overall integrity and performance of the organization. It involves management and staff commitment, resources and networking.

**Corruption Prevention Plan** are efforts and resources directed towards sealing loopholes that induce corruption. It includes devising strategies to change organizational features that allow corruption to occur and remain unnoticed or unreported.

**Corruption Risk Assessment** is the overall process of corruption risk analysis and risk evaluation. See also risk assessment.

**Embezzlement** concerns all property with no distinction between organizations owned, private or individually owned property. Whatever is embezzled must have come into the possession of the perpetrator by virtue of his or her position.

**Ethics**

- (i) Those rules which it is rational for a group to process so as to govern its external relations with other entities.
- (ii) It also refers to guidelines on what is “right” or “correct” or “acceptable” behaviour at work. It is an embodiment of the moral standards in society. Deviation from what the public expects of you to do is considered unethical.
- (iii) It may also refer to a set of standards of what is right or wrong against which we base decisions.

**Gift** Is a thing given willingly without payment, a present to someone who has done a good deed.

**Internal Control** Is a process, implemented by the top management and other personnel to provide reasonable assurance of the achievement of the following categories:

- Effectiveness and efficiency of operations including the corporate objectives and safeguarding of resources.
- Reliability of financial reporting including operating information
- Compliance with applicable laws, regulations policies and procedures.

**Integrity**

- (i) At **personal level**, refers to the sum of positive qualities or virtues, such as honesty, trustworthiness, goodness, loyalty, truthfulness, courage, impartiality, firmness and steadfastness of principled behaviour.
- (ii) At the **organizational level**, it refers to the legality, legitimacy, logic, rationality, completeness, soundness and efficacy of objectives, programmes, structures, systems, processes, procedures and codes.
- (iii) It means the exercise of authority in accordance with the stated values and principles, and embraces all the above virtues.

**Maladministration** is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive, improperly discriminatory and based wholly or partly on improper motives.

**Misuse/abuse of power** is to take advantage of the public trust and use it for one’s own personal advantage.

- Morals** Refers to those rules which it is rational for a group to possess so as to govern its internal relations between members.
- Nepotism** Refers to individuals using their positions in society to give opportunities or favours to their relatives and friends at the expense of qualified individuals and institutions. Thus merit, competence and other procedures of accessing and controlling resources, opportunities and services are compromised.
- Principal** Means a person whether in the public or private sector who employs an agent or for whom or on whose behalf an agent acts.
- Public Officer** Refers to official or employee of the Institute or its agencies including those appointed to perform duties or functions in the name of the Institute or in the service of the Institute at any level of its hierarchy. This includes an unpaid, part-time or temporary employee of the Institute.
- Responsible Commission** Means the Commission determined under Section 3 of the Public Officer Ethics Act, to be the responsible .
- Institute** Means Kenya Industrial Research and Development Institute (KIRDI)