



Paper laid by
the leader of the
Majority Party Hon.
Ader Wale, EGH, MP
on 19/4/18



JUDICIAL SERVICE COMMISSION

[Program-Performance Based Budget
FY2017/2018 – 2020/2021]

[April, 2018]

PROGRAMME-PERFORMANCE BASED BUDGETS (PBB)

Vote No: 2051

Vote Title: Judicial Service Commission

Part A: Vision

A Commission of excellence in facilitation of an independent and accountable Judiciary

Part B: Mission

To promote an independent and accountable Judiciary through oversight; capacity building and Constructive stakeholder engagement

Part C: Performance Overview and Background for Programmes Funding

The Commission's mandate as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary for the efficient, effective and transparent administration of justice.

The functions of the Commission as provided under Article 172 (1) of the Constitution are to: Recommend persons for appointment as judges to the President; and Review and make recommendations on terms and conditions of service for judges, judicial officers and judicial staff (other than remuneration of judges and judicial officers). It also appoints and receives complaints against, investigates and removes from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary prepares and implements programmes for the continuing education and training of judges and judicial officers as well as advising the national government on improving the efficiency of administration of justice.

Expenditure Trends

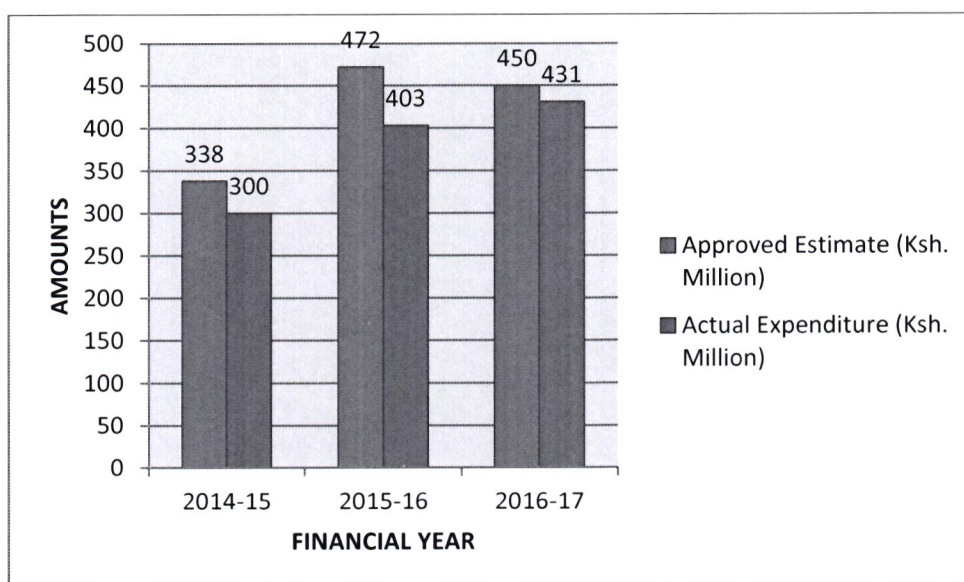
In the 2016/17 Financial Year, The Commission's approved allocation for Recurrent Budget estimates was Kshs 450 million. The Commission utilized 96% of the approved estimates. This was an improvement from the previous year's 88% in FY 2014/15 and 85% in FY 2015/16 as illustrated in the table and figure 1 below:

Expenditure trends - Approved budget against actual expenditure for the 2014/15 -2016/17

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2014/ 15	2015/ 16	2016/ 17	2014/ 15	2015/ 16	2016/ 17
Programme; oversight and Administration of Judicial Services						
Sub-Programme:1 Administration of Judicial Services	182	258	246	151	238	237
Sub-Programme: 2 Judicial Training	156	214	204	149	165	194
TOTAL PROGRAMME.....	338	472	450	300	403	431

Figure 1:

Approved Estimate Vs Actual expenditure



Major Achievements:

During the years under review, implementation of activities by the Commission took into consideration the lessons learnt from previous years, the strategic issues, best practices from other jurisdictions and emerging issues in administration of justice. The Commission achieved the following outputs during the MTEF period.

1. Recruitment

During the FY 2016/17 the Commission advertised and competitively recruited the Chief Justice, the Deputy Chief Justice, 29 Judges, 30 judicial officers and 297 judiciary staff. 20 positions for Environment and Land Court Judges and 15 High court judges were advertised in the FY2015/16. A total of 134 applications were received and 70 shortlisted candidates interviewed. In the same year 5 Chief Magistrates, 26 Senior Resident Magistrates and 916 clerical officers were appointed to address the shortage of judicial officers and staff.

In the FY2014/15 14 Judges of the High Court were appointed by the president, 15 staff recruited and 4 persons appointed to various tribunals.

2. Promotions

The Commission recognizes that career advancement opportunities for serving officers is essential in attracting, motivating and retention of qualified personnel in the judicial service. During the FY 2016/17 130 magistrates, 38 Kadhis and 294 judicial staff were promoted while in the FY2015/16 775 judicial staff were promoted and a further 245 officers aged 55 years and above and who had stagnated in same position for more than 3 year. Further a total of 117 magistrates and 484 staff were promoted in the FY2014/15.

3. Resolution of Disciplinary Cases

Decisions on 59 disciplinary cases were made and communicated to the affected staff in the FY2016/17 compared to 40 cases in FY2015/16 and 29 in the FY2014/15.

4. Management of Complaints

Under Article 172 (1) (c) of the Constitution ,the Commission is mandated to receive complaints against, investigate and remove from office or otherwise, discipline Registrars ,Magistrates, other Judicial officers and other staff of the Judiciary.

It is in light of the above provisions of the Constitution the Commission received 50 complaints against Judges and 58 complaints against Magistrates and they were forwarded to the Judiciary Ombudsperson for processing as per the Commission's resolution in the FY2016/17. In the FY2015/16 the commission successfully processed 65 complaints and petitions lodged against judges representing a 60% clearance rate, while in FY2014/15 the commission received 29 complaints and concluded 14 of the same.

5. Training

The Judiciary Training Institute has coordinated successful Annual Judges Colloquium in the 3 years under review and the Magistrates and Kadhis Colloquiums in the FY2016/17 which will be

an annual activity. The colloquiums are crucial in that they allow Judges and Magistrates to introspect the preceding year and discuss critical issues relating to the administration of justice.

Other trainings were conducted in various thematic areas with discussions in these trainings concentrated on emerging jurisprudence, new legislation and comparative aspects. The year 2016/17 ended with a series of trainings on Election Dispute Resolution, which are aimed at ensuring that the Judiciary is ready to hear and determine election disputes post August, 2017. A 99% of the judicial officers accessing training has been maintained across the 3 years under review.

JTI also co-hosted other trainings for Judiciary staff including registry staff, drivers on defensive driving and other staff in Law 101, registry management, customer care and professionalism within their line of duty. Newly recruited staff had induction sessions that will enable them undertake their duties efficiently. The total staff trained represents an annual average of 15% of the total staff.

6. Research & Policy

To address research and development needs aimed at increasing the Judiciary's capacity to effectively perform its duties several policy documents were reviewed during the period under review. These include:

- i. Development of draft Rules and guidelines on ADR:** The draft addresses various concerns on ADR like civic engagement and awareness as well as suggesting a creation of a workable system of ADR.
- ii. Justice Needs Survey:** The program is underway and survey was conducted on the Justice needs of the public through partnering with stakeholders to provide data for decision making.
- iii.** Development of guidelines for promotion – to ensure parity and fairness in processing of promotion, the Commission issued guidelines for promotion and career progression.
- iv.** Criteria for appointment of Deputy Registrars deployed to serve in superior court. The Commission created an establishment of 57 Deputy Registrars to be deployed in various courts. The Commission directed that magistrates in the ranks of Senior Resident Magistrate and below only be appointed to serve as Deputy Registrar so that senior magistrates focus on court matters.
- v.** Professionalization of court interpretation function – The Commission issued a policy for professionalization of the court interpretation function by developing schemes of service and training programme.
- vi.** Conversion of Judicial Service Superannuation Scheme from Defined Benefit Scheme to defined Contribution Scheme – In line with the Government policy on cost reduction, the Commission approved the conversion of the scheme as indicated with effect from 1st January, 2016.

- vii. Disability Mainstreaming Policy – In line with the requirements of the Constitution and other statutory obligations, the Commission approved the Judiciary Disability Mainstreaming Policy.
- viii. To enhance transparency in the recruitment process of state officers, the Commission Developed Recruitment Procedure manual for the position of chief Justice, Deputy Chief Justice and Judge Supreme Court.
- ix. With a view towards improving service standards to the public, the Commission developed complaints manual to guide effective administration of complaints. This will ensure that all complaints made by the public are handled in a timely and consistent manner thus achieving higher rate of complaint clearance.
- x. The Commission too developed the Judicial Conduct Bill for Judges, Judicial Officers and Staff of the Judiciary. This provides Judiciary with a clear benchmark for ethical behavior and expected values. Further, it provides a mechanism for reporting variances from those standards. These codes will build a value driven organization and provide a reference point within a disciplinary process.
- xi. The Commission developed a complaint manual to provide a clear channel for lodging and management of complaints against Judges and other judicial officers.
- xii. Further, the Commission reviewed and approved for implementation the Human Resource manual and the staff mapping report.
- xiii. The Finance manual was also reviewed and approved for implementation to ensure prudent utilization of funds allocated to the Judiciary and the Commission.
- xiv. The Commission also during the year reviewed and approved the bail and bond policy and
- xv. The performance measurement, management and understanding guidelines for implementation to improve efficiency in service delivery.

Other achievements during the period under review included:

1. The Commission successfully carried out 34 court visits to various parts of the country: During the visits the Commission had meetings with Court Users Committees, met with 11 Governors from different Counties to discuss issues that touch on effectiveness and efficiency in the administration of justice. Through the court visit the Commission further managed to fast-track completion of buildings that were under construction which have improved access to justice.
2. The Commission has continued to engage with its stakeholders both internal and external. The Commission in the last financial year engaged members of the Parliamentary Committee on Justice and legal affairs. These constructive engagements are aimed at

developing legislation that support administration of justice, allocation of resources and need for respect for separation of powers and upholding the rule of law. The Commission was further actively engaged in Election preparedness through the working Election preparedness Committee.

3. The Commission has also engaged governors with aim of ensuring County governments set aside land for construction of courts.
4. The Commission has published its annual report in a move aimed at show casing its achievements as required by the Constitution. The report gives detailed accounts on specific activities highlighting their achievements. Other documents published by the Commission include facts and figures, JSC magazine and various benchmarking reports.
5. The Commission launched its website under the domain name www.judicialservicecommission.go.ke. This is aimed at sharing information with members of the public. The Commission has initiated a social media page. Facebook [@JudicialKenya](https://www.facebook.com/JudicialServiceCommissionKenya).

Constraints and Challenges in Budget Implementation and How They are Being Addressed

1. Insufficient resources

Insufficient resources have hampered the performance of the commission's mandate to provide adequate training. This has led to over-reliance on partners and donor organizations to cover the resource-gaps. The challenge will be compounded with the exit of the World Bank funding under Judiciary Performance Improvement Project.

2. Legal suits against the commission.

Numerous litigations have been filed against the commission majority of them touching on constitutional and labour relations. The effect of this has been high legal cost thus constraining the commission's budget. JSC will however actively pursue arbitration.

3. Insufficient staff establishment.

To address this constraint various Judicial officers and staff have been recruited in the recent past, however this process will continue until the optimal staff in the establishment is achieved.

4. Infrastructure.

The Judicial Training Institute currently operates in property under lease. Proposal has been made to acquire a home for JTI to ensure that they achieve their mandate effectively and efficiently.

5. The Judicial Service Commission relies on the Integrated Financial Management Information System (IFMIS) manned by the National Treasury in execution of all its transactions. This means that in case of any fault of the system, the operations within the Judicial Service Commission are disrupted hence payment are delayed.

Major services/outputs to be provided in MTEF period 2018/19 – 2020/21

In the MTEF period 2018/19 to 2020/21 the Commission will perform its constitutional mandate as stipulated in article 172 with the following major services/outputs:

- a) Recommending to the President persons for appointment as judges,
- b) Reviewing and making recommendations on condition of service for judicial officers and staff.
- c) Appoint, receive complaints against, investigate and remove from office or otherwise disciplining registrars,, magistrates, other judicial officers and staff of the Judicial Service Commission,
- d) Preparing and implementing programmes for the continuing education and training of judges and judicial officers and staff
- e) Advising the national government on improving the efficiency of the administration of justice.

Part D: Strategic Objectives

Programme: General Administration, Planning and Support Services

Strategic Objective

Promote and facilitate independence of the Judiciary and the efficient, effective and transparent administration of Justice.

Part E: Summary of the Programme Key Outputs, Performance Indicators and Targets for FY2016/17 - 2019/20(KShs. Millions)

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/2018	Target 2018/2019	Target 2019/2020	Target 2020/2021
Name of the Programme: General administration, Planning and support services.									
Outcome: Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice.									
Administration and Judicial Services	JSC and the Secretariat	Improved Efficiency and effectiveness in the administration of justice	No of policies Reviewed/Developed	5(ADR Policy, ICT Policy, Training Policy, Communication Strategy, Integrity policy)	4	4 (Transition of tribunals and the bill, Framework for review of staff remuneration and benefits, Promotion policy and Mediation policy)	5	5	6
		Attract and retain Qualified Productive Human Capital	No of Judges Recruited	35	31	10	10	10	10
			No of Judicial Officers	50	30	100	100	100	100

Program me	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/ 2018	Target 2018/ 2019	Target 2019/ 2020	Target 2020/ 2021
			Recruited						
			No of Judiciary Staff Recruited	400	327	200	200	200	200
			No of Judicial Officers/staff promoted	500	462(130 Magistrates,38 Kadhis and 294 judicial staff)	328	500	1250	350
		Enhanced Transparency, Independence and accountability of Justice	% of complaints heard and concluded	100%	70%	100%	100%	100%	100%
			% of disciplinary cases concluded	100%	62%	100%	100%	100%	100%
			Production of Annual Report	1	1	1	1	1	1

Program me	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/ 2018	Target 2018/ 2019	Target 2019/ 2020	Target 2020/ 2021
		Improved stakeholder engagement, visibility and image of the commission	No of stakeholder forums held	5	4	4	5	4	4
			No of IEC materials developed and disseminated	6	6	4	4	4	4
Judicial Training	Judiciary Training Institute	Enhanced Staff Capacity	Percentage of Judges trained	100%	99%	100%	100%	100%	100%
			Percentage of Magistrates trained	100%	98%	100%	100%	100%	100%
			No. of staff trained	346	1551	1600	1700	1800	2000

Program me	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/ 2018	Target 2018/ 2019	Target 2019/ 2020	Target 2020/ 2021
		Policy documents reviewed and approved.	No. of policies	3	Draft rules and guidelines on ADR, Justice Needs Survey, Training Needs Survey, Court Administrators Handbook, Kadhi's Court handbook and Manual on complaints against Jos	6(Mediation, Training Policy, Administrators Handbook, Judicial Code of Conduct, Court Administration Policy, Procurement Policy and Procedure manual.)	10	10	10

Part F. Summary of Expenditure by Programmes and Sub-Programmes 2016/17 – 2020/21 (KShs. Million)

Programme	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
					2019/20	2020/21
Programme 1: General Administration, Planning and Support Services						
Sub-Programmes (SP)						
Administration and Judicial Services	246	237	280	262	286.4	292.02
Judicial Training	204	194	210	202	247.2	252.13
Total Expenditure of Programme 1	450	431	490	464	533.6	544.15

Part G. Summary of Expenditure by Vote and Economic Classification (KShs. Million)

Code	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
						2019/20	2020/21
	Current Expenditure						
2100000	Compensation To Employees	5	2	5	5.2	5.5	5.7
2200000	Use of goods and services	445	429	485	458.8	520.2	538.4
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
	Capital Expenditure						
2100000	Compensation to Employees	0	0	0	0	0	0
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
						2019/20	2020/21
3200000	Financial Assets	0	0	0	0	0	0
Total Expenditure of Vote		450	431	490	464	534.7	544.1

Part H. Summary of Expenditure by Programmes, Sub-Programmes and Economic Classification (KShs. Million)

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
						2019/20	2020/21
Programme: General Administration, Planning and Support Services							

Programme: General Administration, Planning and Support Services

Code	Current Expenditure	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	2019/20	2020/21
2100000	Compensation To Employees	5	2	5	5.2	5.5	5.7
2200000	Use of goods and services	445	429	485	458.8	528.2	534.4
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
						534.7	544.1
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
	Capital Expenditure						
2100000	Compensation to Employees	0	0	0	0	0	0
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
		450	431	490	464	534.7	544.1
Sub-Programme: Administration and Judicial Services							
	Current Expenditure						

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
						2.7	2.9
2100000	Compensation of Employees	3	2	3	2.6	2.7	2.9
2200000	Use of goods and services	243	235	277	260	283.7	289.2
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
	Capital Expenditure						
2100000	Compensation to Employees	0	0	0	0	0	0
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
		246	237	280	262	286.4	292
Sub-Programme: Judicial Training							
Code	Current Expenditure						
2100000	Compensation To Employees	2	0	2	2.6	2.7	2.9
2200000	Use of goods and services	202	194	208	199	244.6	249.4
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0

	Expenditure Classification	Approved Budget 2016/17	Actual Expenditure 2016/17	Baseline Estimates 2017/18	Estimates 2018/19	Projected Estimates	
	Capital Expenditure						
2100000	Compensation to Employees	0	0	0	0	0	0
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
		204	194	210	202.6	247.2	252.1

Part I; Summary of human Resource

code	Programme Title	Designation/Position title	Authorized Establishment	In post as at 30th June 2016	2016/2017 Funded Positions	2017/18 positions to be funded	2018/19 Projection positions to be funded	2019/20 Projection positions to be funded
		Registrar	1	1	1	1	1	1
		Deputy Registrar	1	1	1	1	1	1
		Assistant Registrar	1	0	0	0	1	1
		Head of Inspectorate	1	1	1	1	1	1
		Assistant Head	1	1	1	1	1	1
		Senior Inspectorate Officer	1	0	0	0	1	1
		Inspectorate Officer	1	0	0	0	1	1
		Head of Budget & Planning	1	1	1	1	1	1
		Asst Head	1	0	0	0	1	1
		Senior budget & planning Officer	1	0	0	0	1	1
		Budget and planning officer	1	0	0	0	1	1
		Head of Procurement	1	1	1	1	1	1
		Assistant Head	1	1	1	1	1	1

			1	0	0	0	0	1	1
		Senior Procurement Officer	1	0	0	0	0	1	1
		Procurement Officer	1	0	0	0	0	1	1
		Head of Accounts	1	1	1	1	1	1	1
		Assistant Head	1	1	1	1	1	1	1
		Senior Accountant	1	0	0	0	0	1	1
		Accountant I	1	0	0	0	0	1	1
		Accountant II	1	0	0	0	0	1	1
		Head of Education and Training	1	0	0	0	0	1	1
		Assistant Head	1	0	0	0	0	1	1
		Senior Education and Training Officer	1	0	0	0	0	1	1
		Education and Training Officer	1	0	0	0	0	1	1
		Head of Legal Affairs	1	1	1	1	1	1	1
		Assistant Head	1	1	1	1	1	1	1
		Senior Legal Officer	1	1	1	1	1	1	1

	Head of M&E	1	1	1	1	1	1	1	1	1
	Assistant Head	1	0	0	0	0	0	0	0	1
	Senior M&E Officer	1	0	0	0	0	0	0	0	1
	M&E Officer	1	0	0	0	0	0	0	0	1
	Head of PA and Communication	1	1	1	1	1	1	1	1	1
	Assistant Head	1	0	0	0	0	0	0	0	1
	Senior PA and Communication Officer	1	0	0	0	0	0	0	0	1
	Public Affairs and Communication Officer I	1	0	0	0	0	0	0	0	1
	Public Affairs and Communication Officer II	1	0	0	0	0	0	0	0	1
	Senior Administrative Assistant/Administrative Assistants	3	2	3	3	3	3	3	3	3
	Principal ICT Officer / Chief ICT Officer/Senior ICT Officer/ICT Officer I/II	4	2	2	2	2	2	2	2	4