



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

**DRAFT NATIONAL TREASURY BRIBERY AND ANTI-CORRUPTION WORKPLACE
POLICY, 2023**

June 2023

MISSION, VISION AND VALUE STATEMENT

Vision

“Excellence in Economic and Public Financial Management, and development planning”

Mission

“To Provide Leadership in Economic and Public Finance Management, and development planning for shared growth through formulation, implementation and monitoring of economic, financial and development policies. “

Core Values

Thea National Treasury is committed to providing quality services to all and is guided by the following Core Values:

- i. Customer focus;
- ii. Result oriented;
- iii. Stakeholder participation;
- iv. Professional and Ethical Practices;
- v. Transparency and Accountability; and
- vi. Team and commitment

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PREFACE

Bribery and Corruption have negative effects on society, including inhibiting economic growth, effective service delivery, employment, investments, reducing tax revenue, and failure to achieve development goal in the country. In addition, corruption erodes the trust in the public sector and wastes taxes or rates earmarked for important development projects. According to Corruption Perception Index Report 2022, Kenya is ranked 123rd among the 180 countries where the country ranked first is perceived to have the most honest public sector.

The Government of Kenya has made an effort to combat bribery and corruption in the public sector through enacted legislation and the establishment of anti-corruption institution. In compliance with government's initiative on fight against corruption, the National Treasury has adopted a multi-sectoral and a proactive approach to the development of Bribery and Corruption Workplace Policy in-line with leadership and integrity regulations and other key legislature enacted to fight this vice.

This policy is aimed at instituting Ministry specific bribery and corruption prevention measures and interventions with a view to lowering unethical practices and promoting standards and best practices in governance

This document provides a framework for the detection, prevention, and reporting of corruption at TNT. Additionally, it describes the mechanisms and structures that have been put in place that are vital for discouraging corrupt behavior.

To this end, the National Treasury is fully committed to collaborating with other key entities and stakeholders involved in the fight against corruption across the country. The overall goal is to considerably reduce the bribery and corruption in the Ministry, increase service delivery, increase the public trust and ensure that public funds are prudently utilized as envisaged in the Public Finance Management Act, 2012.

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CABINET SECRETARY
NATIONAL TREASURY & ECONOMIC PLANNING

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PRINCIPAL SECRETARY
NATIONAL TREASURY

ACKNOWLEDGEMENT

The National Treasury wishes to recognize and appreciate all individuals and institutions that were in one way or another involved in the development and drafting of this Bribery and Corruption Workplace Policy. This Policy was developed through a consultative and participatory process between the various departments of the National Treasury and the Ethics and Anti-Corruption Commission to ensure that the policy reflected both the institutional and national aspirations.

I recognize with gratitude, the Cabinet Secretary, National Treasury and Economic Planning and the Principal Secretary, National Treasury, for providing the necessary guidance and direction in the development of the policy. I also thank all Director Generals as well as Heads of Department and Unit for their contribution and unwavering support to the process.

In particular, I wish to acknowledge the role played by the members of the National Treasury Corruption and Prevention Committee with the leadership of the Committee Chair, Mr. Abraham Ondeng, OGW, supported by the Mr. Tob Kimenye (secretary), Namema Sharack, Enda Atisa, Maurice Omete, Joseph Mutai, Damaris Onsomu, Paul Mutuvi, Elizabeth Chepkemboi, Fridah Kathure, Precious Nthenya, Simiyu Wekesa, Patrick Mwaluma, Johnathan Mutunga, Merioth Wangui and Felix Imoli. The National Treasury also acknowledges the technical assistance provided by the EACC during the drafting of the Policy.

MR. SAMSON WANGUSI,

PRINCIPAL ADMINISTRATIVE SECRETARY/THE NATIONAL TREASURY

LIST OF ABBREVIATIONS AND ACRONYMS

CPC	-	Corruption Prevention Committee
BCRAMP	-	Bribery Corruption Risk Assessment and Mitigation Plan
EACC	-	Ethics and Anti-Corruption Commission
IAO	-	Integrity Assurance Officers
IT	-	Information Technology
TNT	-	The National Treasury
TNT&EP	-	The National Treasury and Economic Planning
OGW	-	Order of Grand Warrior

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DEFINITION OF TERMS

Corruption

In accordance with the Anti-corruption and Economic Crimes Act Chapter 3 of 2003 states that; corruption is an offence under any of the provisions of sections 39 to 44, 46 and 47. It can be conducted in the various forms listed below;

- i. **Bribery:** offering or receiving a benefit as an incentive for an action which is illegal;
- ii. **Fraud:** it's a crime that encompasses the use of dishonest methods to take something valuable from another person;
- iii. **Embezzlement:** misuse of public funds placed in one's trust to one's employer;
- iv. **Extortion:** it's the act of getting something by force or threats;
- v. **Theft:** it's the unlawful taking of an individual's property or goods without their consent: and
- vi. **Suspicion:** it's the occurrence of suspecting something wrong without evidence

Bribery

This is an offence of giving a bribery if the person offers, promises or gives a financial or other advantage to another, who knows or believes the acceptance of the financial or other advantage would itself constitute the improper performance of relevant function or activity (Bribery Act, 2026, Part II). The National Treasury staff and its stakeholders are aware that it is an offence to give or receive bribes.

Unethical Conduct

The use of deception by an individual or an officer official with the aim of obtaining an advantage for himself and herself or for a third party or parties, avoiding an obligation, or causing loss to another party.

Abuse of office

The use of one's office to improperly confer a benefit to oneself or anyone else.

Conflict of Interest

The "interest of any person associated with the Ministry" include the interest of any person with whom an officer has a close personal relationship, including their spouse, children, parents, siblings, close family members, business Associate or Agent.

Ministry: mean "The National Treasury and Economic Planning"

Disclosure : means any disclosure of information regarding any improper conduct, made by a person who has reason to believe that the information concerned shows or tends to show that improper conduct has been committed, is being committed or is likely to be committed

Whistleblower means a person who makes a report of any personal knowledge of or access of data, information, fact or event constituting improper conduct, to the commission or the law enforcement agencies on acts of bribery or other forms of corruption.

Whistleblowing means making disclosure of improper conduct to the commission or a law enforcement institution

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1. INTRODUCTION

Overview

This section provides background information regarding bribery, corruption and unethical practices, mandate of the National Treasury, rationale for developing the policy, guiding principles, policy scope and objectives.

Background

Corruption is an offense that limits economic growth, weakens democracy and alters the composition of the government spending which contributes to poor economic decisions that will affect the country's economy in the long run. In addition, it lowers the country's credit rating which causes a major impact in the country in terms of discouraging investors and also an increase in the cost of borrowing.

Kenya's slight improvement of 2 point from 30 points in 2021 and over the years can be attributed to a sustained effort in developing policies, laws and building institutions towards the implementation of the Constitution of Kenya, 2010 specifically accountability-focused provisions. There has also been increased awareness on the manifestations of corruption at both national and county levels resulting from a higher media coverage, political rhetoric and civic engagements exposing corruption. The development of policies, laws, institutions and public dialogue on corruption notwithstanding, Kenya continues to suffer from a high level of petty and grand corruption.

The National Treasury concedes its obligation to institute innovative measures aimed at combating and preventing bribery, corruption, unethical practices and promoting standards and best practices in governance. This is geared towards achieving the Ministry's mandate of providing leadership in Economic and Public Finance Management, and development planning for shared growth through formulation, implementation and monitoring of economic, financial and development policies.

It is envisaged that, the policy will enable development and implementation of sustainable bribery, corruption, unethical practices prevention strategies geared towards combating bribery and corruption in the Ministry.

Rationale

The Bribery Act, 2016 requires all Ministries, Departments and Agencies to combat and prevent bribery, corruption and unethical practices and promote standards and best practices in governance in line with the Ethics and Anti-Corruption Commission (EACC) Act No. 22 of 2011, Anti-Corruption and Economic Crimes Act of 2003, the Leadership and Integrity Act of 2012 and the National Ethics and Anti-Corruption Policy, 2018. The National Treasury is thus required to implement various activities geared towards corruption prevention.

The National Treasury acknowledges that bribery and corruption may occur and be practiced within the organization by its employees, stakeholders and the general public. Therefore, this policy seeks to deploy innovative initiatives and measures aimed at fighting and mitigating inherent risks, create awareness about bribery and corruption prevention, provide a framework for the detection, prevention, and reporting of corruption and describes the mechanisms and structures for promotion of standards and best practices in governance with the State Department.

Policy Objective

This Policy outlines the Ministry's moral and legal responsibility to counter bribery, corruption, unethical practices and provide tools and methods to keep check and balance on such practices while creating awareness.

2. POLICY STATEMENT

The National Treasury (TNT) is committed to create a corruption free working environment for its staff and stakeholders. This policy takes into cognizance the provisions of key relevant legislations namely: Ethics and Anti-Corruption Commission (EACC) Act No. 22 of 2011, Anti-Corruption and Economic Crimes Act of 2003, the Leadership and Integrity Act of 2012, the Bribery Act of 2016 and the National Ethics and Anti-Corruption Policy, 2018; Leadership and integrity Regulation 2015 in addition to overall corporate governance of public resources.

The responsibility of addressing bribery and corruption practices rest with the management, staff, and other stakeholders guided by the relevant laws and regulation, Ministry's principles and core values. This policy, therefore, provides a framework that concedes its obligation to institute measures aimed at combating and preventing bribery, corruption, unethical practices and promoting standards and best practices in governance.

TNT is committed to fight against bribery and corruption through continuous sensitization of staff and stakeholders to cultivate the culture of integrity. In addition, the management shall deal with fairly, objectively and decisively and those found culpable shall be dealt with under the provisions of this policy and the relevant laws.

It is envisaged under the implementation of this policy that; TNT will work towards attaining a zero tolerance to bribery and corruption free zone working space. This will enhance the adherence of the Ministry's core values of: customer focus; results oriented; stakeholder participation; professionalism and ethical practices; transparency and accountability; and team and commitment.

3. LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS

This section highlights the various legal and policy instruments guiding the formulation of this workplace policy.

Legal and Policy Instruments

This policy is anchored on the following legal instruments:

- a) The Constitution of Kenya 2010
- b) The National Ethics and Anti-Corruption Policy-Sessional Paper No. 2 of 2018.
- c) Public Finance Management Act, 2012
- d) Public Procurement and Asset Disposal Act, 2015
- e) The National Ethics and Anti-Corruption Policy-Sessional Paper No. 2 of 2018.
- f) Anti-Corruption and Economic Crimes Act, No. 3 of 2003
- g) Public Officer Ethics Act, No. 4 of 2003
- h) Ethics and Anti-Corruption Commission Act, No. 22 of 2011
- i) Leadership and Integrity Act, No. 19 of 2012
- j) Bribery Act, No. 47 of 2016
- k) Human Resource Policy and Procedures Manual for the Public Service, 2016
- l) Employment Act, 2007
- m) The Pensions Act (cap 189)

SCOPE AND APPLICATION

The policy applies to all staff including state and public officers of the National Treasury and its stakeholders.

4. INSTITUTIONAL FRAMEWORK FOR FIGHTING CORRUPTION

Bribery and Corruption Risk Areas mapped out at TNT:

- i. Directorate of Accounting Services and Quality Assurance
- ii. Directorate of Budget, Fiscal and Economic Affairs
- iii. Directorate of Public Investment Portfolio Management
- iv. Directorate of Public Debt Management Office
- v. Directorate of Public Private Partnerships
- vi. Directorate of Administrative Services

Some of the corruption risks identified in these functions are in the Corruption Risk Assessment and Mitigation Plan (CRAMP). The identified risks are dynamic in nature depending on the operating environment.

THE MINISTRY'S STRUCTURES TO MITIGATE BRIBERY AND CORRUPTION

To detect, prevention, investigate and sanction corrupt members, TNT has put in place the following structure:

Corruption Prevention committee (CPC): To coordinate and offer policy direction towards fighting corruption in the TNT and report to Ethics and Anti-Corruption Commission. This committee shall be appointed by Accounting officer from various Departments/sections/units at TNT.

Integrity Assurance Officers (IAO): To liaise with the CPC in carrying out the corruption risk assessment, initiating actions in response to corruption risk assessment, assisting in preparation and implementation of corruption risk mitigation plans, coordinating and facilitating the implementation of corruption risk mitigation plans, coordinating and facilitating the implementation of corruption prevention programs and anti-corruption education and awareness programmes;

Internal Audit Department: To independently appraise all the activities of the TNT and help in detecting any forms of bribery, corruption and unethical practices:

Corruption reporting channels: These include: Suggestion boxes, email, hotlines, IAOs, TNT social media handle;

Human Resource Advisory and Disciplinary committee: To review, consider and make recommendations to management on corruption related cases using Human resource Guideline policy (2016).

Whistle blowers: The policy provides a mechanism for reporting corruption and protecting whistleblowers.

Budget implementation committee: To oversee budget implementation and regularly advise the Accounting Officer on any challenges related to the budget implementation to ensure the effective and efficient budget implementation;

Roles and Responsibilities of Key Stakeholders

The implementation of this policy requires involvement of different players. The roles and responsibilities of the key stakeholders are outlined below:

The Apex of TNT bribery and corruption prevention committee shall comprise of the following and their responsibilities outlined below;

- ▶ Chairperson – Principal Secretary.
- ▶ Members – Heads of department/Directorates.
- ▶ Secretary – Chairperson of IAO Committee.

Principal Secretary

The Principal Secretary, National Treasury, shall;

- (a) Establish a committee bribery and corruption prevention to oversee the incorporation of good governance and ethical practices within the State Department;
- (b) Strengthen the commitment of all levels of management towards implementing the Policy
- (c) Ensure sufficient allocation of resources and budget approval to carry out the Policy
- (d) Endorse the development, execution, and periodic review of the Bribery and Corruption Workplace Policy; and
- (e) Enable staff and stakeholders to take part in diverse Anti-corruption seminars, events and activities.

Corruption Prevention Committee

The responsibilities of the CPC are:

- a) Develop, Implement, review and monitor corruption prevention framework (corruption prevention policy, whistle blowing protection mechanism, gifts and conflict of interest registers, codes of conduct and ethics and reporting mechanisms).
- b) Prepare annual corruption prevention plan (resource mobilization and responsibilities).
- c) Coordinate bribery and corruption risk assessment and management.
- d) Handle complaints on alleged corruption and unethical conduct.
- e) Coordinate preparation and submission of quarterly reports to the Commission.
- f) Identify and recommend training needs on ethics, integrity and anti- corruption.
- g) Collaborate and cooperate with anti-corruption stakeholders.
- h) Supervise activities of the Integrity Assurance Officers
- i) Monitor and evaluate the effectiveness of anti-corruption initiatives.

Integrity Assurance Officers

An IAO shall provide technical support to the CPC and is charged with the following responsibilities;

- a) Provide secretariat services to the CPC.
- b) Conduct Bribery and Corruption Risk Assessments and develop Risk Mitigation Plans.
- c) Develop and implement action plan for the Corruption Prevention Plan.
- d) Train and sensitize staff on integrity and anti-corruption.
- e) Prepare and submit progress reports to CPC.
- f) Record and present to the CPC reports on corruption and unethical conduct.

5. STRATEGIES FOR FIGHTING CORRUPTION

The policy provides strategies for prevention of corruption, bribery and unethical in the Ministry which shall include:

- a) Conducting Bribery and Corruption Risk Assessments in all Departments /Section/units and developing Risk Mitigation Plans;
- b) Conducting Training and Awareness Creation;
- c) Service charters in all the key areas of operations;
- d) Enforcing provisions in the Code of Conduct and Ethics;
- e) Maintaining gifts and conflict of interest registers;
- f) Facilitate Declaration of Income, Assets and liabilities as provided in Public Officer Ethics Act, 2003 among others.

BRIBERY AND CORRUPTION RISK ASSESSMENT MANAGEMENT

The National Treasury will undertake a comprehensive bribery and corruption risk assessment focusing on all its functional areas within its State Department. The bribery and corruption risk assessment highlights possible systemic and procedural weaknesses and loopholes. It further provides for strategies and activities to mitigate the identified risks.

6. INTERNAL AUDIT

The effectiveness of the National Treasury bribery and Anti-corruption policy and procedures will be subject to the regular internal audit review which may include the following:

- i) Auditing the efficiency of business processes, These processes include procurement, human resource management, finance management, asset management, IT service management, workplace health and safety and payroll among others
- ii) Ensuring the business adheres to policies, procedures, legislations and regulations

- iii) Gathering and analyzing data.
- iv) Checking the accuracy of financial reports.
- v) Stakeholder communication.

7. BRIBERY AND CORRUPTION REPORTS

Reporting channels

The National Treasury employees have a duty to report all incidences of corruption and bribery affecting public officers in the Ministry. The following reporting channels have been established to receive reports on corruption and unethical conduct:

- i. In person (Walk in)
- ii. Email: Corruptionreporting@Treasury.go.ke
- iii. Telephone: 0771 448232
- iv. Social media handles- **Twitter:** @KeTreasury, **Facebook:** The National Treasury and Economic Planning, Website: https://www.treasury.go.ke/contact_us/
- v. Reporting anonymously through the anti-corruption Suggestion boxes installed in the Service points at the National Treasury Building, and Bima Annex.
- vi. External reporting to law enforcement agencies such as Ethics and Anti-Corruption Commission, National Police Service and Commission on Administrative Justice.

All suspicions received will be taken seriously, treated confidentially and follow through The National Treasury response procedure.

Contents of a report

- Date and time of the act of bribery or corruption
- Name and contact details of the complainant (to be omitted upon request for anonymity)
- Name and contact details of the whistle-blower, informant or witness (to be omitted upon request)
- Particulars of the act of bribery or corruption
- place where the act of bribery or corruption is alleged to have occurred
- name and other relevant details of the parties involved in the act of bribery or corruption
- value or nature of advantage involved in the act of bribery or corruption including details of how the advantage was conferred: and
- Any other relevant information.

Handling of Corruption Report

Cases of Bribery, Corruption and any form of unethical conduct reported at the TNT shall be dealt fairly, promptly, expeditiously and within the Kenyan law. The following are steps which must be taken:

- i. All report is received, shall be acknowledged and registered in the Bribery and Anti-corruption Register;
- ii. All reports compiled and forwarded to the CPC for deliberation. All Bribery cases shall be forwarded to the commission within 24 hours as per section 14 of the Bribery Act, 2016;
- iii. The CPC will meet, deliberate and provide resolution on the report;
- iv. CPC will form an enforcement committee which will conduct an inquiry and report its findings and recommendation to the CPC within 14 days;
- v. The CPC considers the recommendation and determine appropriate action to be undertaken in accordance with the National Treasury and Economic Planning Policies and Procedures or by referring the matter to the Commission within 7 days from the date of determination.

Corruption cases are deliberated upon and supported by strong evidence or reasonable suspicion that a corrupt offence has occurred or about to occur should be reported to the Ethics and Anti-corruption Commission and other law enforcement agencies for further action.

Feedback

The Corruption Prevention Committee shall provide feedback to the informant and whistle blower (where applicable) on the action taken within a period of 14 days in the first instance and periodically until the matter is finalized.

If the whistleblower, informant, or witness is dissatisfied with the outcome the matter is then forwarded to the EACC or other law enforcement organization.

8. PROTECTION OF WHISTLE BLOWERS

Whistle-blower protection is crucial for the success of anti-corruption detection and enforcement and should be a key aspect of any whistle-blowing system. The National Treasury is committed to ensuring that employees can speak up with confidence if they have any concerns or need to ask for help. If they suspect or observe anything that they think might be in contravention of this policy, they have an obligation to report. The National Treasury has therefore come up with effective measures for the protection of whistle blowers including:

- a) Protecting the identity of whistle- blowers, informants and witnesses, details of the bribery or
- b) corruption report, and the sources of information relating to the bribery or corruption report;
- c) Creating avenues of communication for whistleblowers, informants, and witnesses who have suffered or are reporting acts of bribery or corruption within The National Treasury;
- d) Taking appropriate action in response to reports of informant, witness, and whistleblower retribution, victimization, or intimidation; and
- e) Putting in place safeguards for whistleblowers, informants, and witnesses within The National Treasury.

Appropriate action will be taken on report retribution, victimization or intimidation of informants, witnesses and whistle-blowers

Steps one can take should they suffer detrimental conduct due to reporting:

1. Report the incident to the cpc of the ministry or any other relevant external authority
2. Document the incident and any subsequent actions to be taken by the ministry
3. Seek legal advice from a qualified attorney
4. If experiencing retaliation n or harassment as a result of your report, report it immediately to the ministry's HR department.

Disciplinary Measures

The National Treasury has in place the Human resource manual and disciplinary handbook in line with the Employment Act,2007, The Fair Administrative Actions Act 2015 and the Discipline manual for the public service revised 2022, The handbook provides for administrative procedures that will be adhered to in handling and determining reports of bribery and corruption against the ministry's staff.

Disciplinary hearing process and the possible outcomes as listed below:

- a) Interdiction and Suspension of officers involved in the breach;
- b) Reprimand (including severe reprimand) of any officer;
- c) Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations; and
- d) Withholding, deferment and stoppage of salary increment; and Dismissal and reduction in rank in respect of officers.

TRAINING AND SENSITIZATION

The management commits itself to frequent staff sensitization and training on issues of ethics and integrity

9. IMPLEMENTATION FRAMEWORK

The management shall have an overall oversight of the policy and ensure that everyone within the National Treasury is equipped and supported to meet their responsibilities. The management shall provide resources, sensitize and train staff on matters of Anti-corruption, ethics and integrity.

10. MONITORING, EVALUATION, REPORTING AND LEARNING

The National Treasury shall monitor the effectiveness of the procedures set to combat corruption, bribery and any unethical practice.

The CPC shall review the outcomes and guide improvements. The Bribery and Anti-Corruption Policy will be monitored using a comprehensive monitoring and evaluation framework based on the objectives set out in the policy. Policy reviews will be conducted quarterly to assess performance and will involve all stakeholders.

There will be an interim policy review audits to make sure that it does not lose focus and that it keeps abreast with the ever-changing developments that may impact on corruption and corruption related practices. An Anti-Corruption Strategy which will translate the policy into an operational plan will be developed.

The Strategy will among other things outline critical activities, timeframes, responsible persons, measures, indicators and targets for the successful implementation of the policy.

11. POLICY REVIEW

This policy document shall be subjected to periodic review every **three (3) years** or as required to keep it up to date with the changes to the relevant regulations or best practice upon approval of the management.

12. EFFECTIVE DATE

Indicate the date that the policy comes into effect.

Issued this 1ST day of JULY 2023

Signed by the Cabinet Secretary for the National Treasury and Economic Planning (TNT&EP).

Annex 1: BRIBERY AND CORRUPTION REPORTING FORM



REPUBLIC OF KENYA

THE NATIONAL TREASURY AND ECONOMIC PLANNING
BRIBERY AND CORRUPTION REPORTING FORM

1. Please Note:

- (a) THAT this form shall be filled by anyone who wishes to report a case of bribery or corruption perpetrated by office or official(s) of the entity.
- (b) THAT this form shall be used by the entity in the investigation and determination of the matter.

2. I/ We (name/s) (Optional)

- (a)
- (b)
- (c)

(Tick appropriately)

- Staff Stakeholder Other (specify) _____

3. Wish to make a complaint against the following person(s):

- (a)
- (b)
- (c)

4. On the grounds of:

- Bribery Corruption Other (specify) _____

5. Please give details of bribery/corruption/concern (include as much details as possible e.g., date(s), time(s), location(s), amount of money involved, nature of advantage, circumstances of bribery etc.)

Attach separate sheet if space is not sufficient.

.....
.....
.....
.....
.....

6. Witnesses/person(s) who may be interviewed or person(s) with knowledge of matter being complained of: (where possible explain why such person(s) should be contacted) (Optional)

- (a)
- (b)
- (c)

7. Have you filed this report elsewhere? (Either internally or externally – the EACC, Police/OB No.)

.....
.....

8. Any other relevant information.....

I certify that:

- (a) The information provided is true and correct;
- (b) I have the right to expect highest level of confidentiality as relates to this report; and
- (c) Entity may take disciplinary action against me should the reporting be proven to be false, malicious or frivolous.

Signature (where applicable):.....

Date:.....

Email Address (optional):.....

Phone Number (optional):.....

ID (optional):.....

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