

**MINISTRY OF TRANSPORT AND INFRASTRUCTURE
ANTI-CORRUPTION POLICY**

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1.0 Introduction

The Government recognizes the crucial role of an efficient public service in achieving its objectives and aspirations of Vision 2030. As a result it has declared total war against corruption and placed the fight against the vice at number one on its priority list. Further, the Government is committed to maintaining a policy of zero tolerance to corruption and “continue to intensify the anti-corruption programme already in place through prevention by eliminating discretionary decision-making in the public service that is prone to bribery; public education; and judicial and legal reform (Vision 2030).”

The Ministry of Transport and Infrastructure has an important role to play in enhancing the economic growth and development of the country. In order to achieve this, it is necessary that services are rendered to the public and stakeholders in an effective and efficient manner. We recognise that corruption can occur in our work environment. However, the Ministry in the delivery of services to the Kenyan citizen is committed to develop and promote standards and best practices of integrity in the work place.

The Ministry realizes the challenges it has in implementing this Corruption Prevention Policy. However, it reaffirms its commitment towards zero tolerance to corruption through implementation of this policy. We are therefore committed to eradicate any form of corruption within the Ministry.

Eng. M. S. M. Kamau, CBS
Cabinet Secretary
Ministry Of Transport and Infrastructure

Vision and Mission Of The Anti-Corruption Policy

Vision

Partner with our stakeholders to fight corruption and corruption related audit queries in all our programme activities to achieve effectiveness and efficiency in service delivery.

Mission

To create awareness among all the Ministry's staff on the effects of corruption and to come up with appropriate corruption prevention mechanisms to eradicate the vice.

2.0 Policy Statement

The Ministry of Transport and infrastructure (MoTI) recognises that in order to provide efficient and effective services to all stakeholders and play its role in enhancing economic growth in the Country, corruption must be addressed.

Various stakeholders must play their role if the nation must achieve the goal of eradicating corruption. The responsibility to fight corruption rests with management, staff and other stakeholders. The Ministry will put in place various measures to prevent corruption, receive and take action on reported cases of corruption. These initiatives will be strengthened through sensitization of staff and other measures to identify any loopholes in our operations and procedures so as to ensure that there are no opportunities for corruption.

The Ministry realizes the challenges it has in implementing this Corruption Prevention Policy. However, it reaffirms its commitment towards zero tolerance to corruption through implementation of this policy.

The Ministry is committed to:

- Conducting business in an honest and ethical manner;
- Adherence to the law;
- Zero tolerance approach to bribery and corruption;
- Professionalism, fairness and integrity in all dealings and relationships;
- Implement and enforce systems to counter corruption;
- Not to receive, be promised or be offered anything from any party including a customer, potential customer or business provider, with the intention/appearance of improperly influencing decisions; and
- Not to demand any form of bribe from anyone.

Eng. John Mosonik, EBS
Principal Secretary- Infrastructure Services

Nduva Muli, EBS
Principal Secretary- Transport Services

Definition

Corruption has no universal definition because it manifests itself in different ways and forms, in various environments and contexts. Its definition is influenced by the background, opinion and experiences. However, the Anti-Corruption and Economic Crimes Act, 2003 defines corruption as:

- a) an offence under any provisions of sections 39 to 44, 46, 47 and 47A; (Bribery involving agent, secret inducements for advice, deceiving principal, conflicts of interest, improper benefits to trustees for appointments, bid rigging etc., abuse of office and dealing in suspect property, attempts, conspiracies);
- b) bribery;
- c) fraud;
- d) embezzlement or misappropriation of public funds;
- e) abuse of office;
- f) breach of trust; or
- g) an offence involving dishonesty-
 - i. in connection with any tax, rate or imposed levies under any Act; or
 - ii. Under any written law relating to the elections of persons to public office.

3.0 Legislative and Administrative Requirements

The following legal instruments and institutional policies are applicable in prevention of corruption:-

- The Constitution of Kenya, Chapter six, Leadership and Integrity
- Anti-Corruption and Economic Crimes Act, 2003;
- Public Officers Ethic Act, 2003
- Public Procurement and Disposal Act, 2005 and Regulations, 2006;
- The Public Finance Management Act, 2012;
- Witness Protection Act, 2006;
- Ministry of Transport and Infrastructure Code of Conduct and Ethics;
- Staff rules and regulations;
- Leadership and Integrity Act, 2012; and
- Executive Order no. 2/2013 on organization of Government.

4.0 Scope/Applicability

This policy is designed to eradicate corruption within the Ministry of Transport and Infrastructure in line with the Government Policy on zero tolerance to corruption. It applies to the management, staff of the Ministry, clients/customers in dealing with each other.

The purpose of this policy is to:

- Articulate the MoTI's vision and mission in fighting corruption within its' programmes;
- Provide better understanding of acceptable service delivery system;
- Protect the image of the MoTI as public service delivery entity; and
- Ensure compliance with existing laws and regulations governing the public service.

4.1 Structures to Fight Corruption

The Ministry will put in place the following structures internally:

- Ministerial Corruption Prevention Committee comprising of HODs as members and chaired by the Principal Secretary;
- Departmental Corruption Prevention Committees chaired by HODs;
- Integrity Assurance Officers (IAOs) Forum; and
- There will also be established the following additional structures to fight corruption through Corruption Reporting and information Boxes, IAO Desk office, Direct telephone line and an e-mail address.

4.2 Corruption Risk Areas Assessment

The Ministry will conduct Corruption Risk Assessment (CRA) on annually and will develop an Action plan based on the findings of CRA and measures/strategies to prevent corruption.

4.2.1 Corruption Risk Areas

Procurement of goods and services
HRM services – Salaries, Pension and Registry
Accounting services
Financial services
Road Safety services
Transport services

4.2.2 Prevention Strategies

Procurement of goods and services

Strategies include: declaration of interest; whistle-blowers; corruption reporting boxes; blacklisting; Prequalification; Due diligence and frequent audit checks on stores.

HRM services

Strategies include: clean up payroll; Automation/digitization records; discipline; Proper filing of records; use of good and secure storage facilities such as fireproof filing Cabinets; control access; rotation of staff; and reward performance.

Accounting services

Strategies include: open office system; monitor through CCTV; Use of Corruption Reporting boxes; ISO certification; automation of manual registers; regular auditing; and Stop use of imprests to purchase goods and services.

Financial services

Strategies include: reconstitution of budget and planning committees; prioritization of expenditure; training of budget officers; automation of services; auditing of budget issues; and regular monitoring of AIE issuance.

Road Safety services

Strategies include: Enforcement; application of the punitive measures of the existing laws; enforcement code of conduct; regular integrity checks/tests; random checks; retrain PSV drivers; conduct sensitization of staff, drivers etc.; and review syllabus for PSV drivers.

Transport services

Strategies include: Using of Fuel cards; and proper management and auditing of work tickets.

5.0 Composition of the Ministerial Corruption Prevention Committee

- Principal Secretary (Accounting Officer) -Chair
- Heads of Divisions -Members
- Integrity Assurance Officer- Secretary

5.1 Mandate and Operations of the Ministerial Corruption Prevention Committee

The Committee will have a minimum of five (5) members and shall have the following responsibilities:

- i. Setting priorities in the prevention of corruption within the Ministry;
- ii. Planning and coordinating corruption prevention strategies;
- iii. Integrating all corruption prevention initiatives in the Ministry;
- iv. Receiving and reviewing reports on corruption prevention initiatives and recommending appropriate action;
- v. Receiving and taking action on corruption reports made by staff and other stakeholders;
- vi. Spearheading anti-corruption campaigns in the Ministry;
- vii. Monitoring and evaluating the impact of corruption prevention initiatives;
- viii. Setting Performance Contract Targets for the Ministry on Corruption Indicators;
- ix. Preparing and submitting quarterly progress reports to the Ethic and Anti-Corruption Commission and the Ministerial Performance Contract Steering Committee; and
- x. Approving work plans and other related Corruption Policy documents

6.0 How to Report Corruption Internally and Externally

The Ministry's staff, clients, stakeholders and members of the public may report corrupt practices through the following channels:

- Ministry's Corruption Reporting Boxes;
- To the Chairman of the Ministerial Corruption Prevention Committee telephone 2729200/2723232;
- To any of the Ministry's Integrity Assurance Officers telephone 2729200/2723232;
- Through the Ministry's web site www.transport.go.ke or email addresses info@transport.go.ke, ps@transport.go.ke, ps@infrastructure.go.ke ; or
- To the Ethics and Anti-Corruption Commission telephone 2717468/0727285663/0733520641 email report@integrity.go.ke

7.0 Handling of Corruption Cases

All reported cases of corruption will be handled by the Ministerial Corruption Prevention Committee (CPC) fairly and promptly within the law in order to maintain a high sense of transparency, honesty and integrity.

CPC will treat each and every employee and any other stakeholder equally regardless of their position, colour, creed and political affiliation. CPC members will be readily available at all times to receive reports on corrupt practices. Where such a report is supported by evidence or reasonable suspicion that a corruption offence has occurred or about to occur, cases will be reported to the Principal Secretary/Accounting Officer and subsequently to the Kenya Anti Corruption Commission and other law enforcement agencies for further action.

7.1 Protection of Whistleblowers

The Ministry will exercise due diligence and utmost care to ensure that the whistleblower or a person reporting on corruption is protected. The Ministry shall ensure confidentiality of the information availed by such whistle-blowers.

7.2 Disciplinary Measures

Any violation or breach of this policy will be met with disciplinary measures as outlined in the Code of Regulations revised (2006) and/or prosecution under the Anti-Corruption and Economic Crimes Act, 2003 and any other relevant law of the land.

8.0 Training

The management of the Ministry commits itself to sensitizing and training of staff on matters of anti-corruption, ethics and integrity.

9.0 Management/Implementation Authority

The implementation of this policy will be the responsibility of all Heads of Divisions in coordination with Ministerial Corruption Prevention Committee and the Accounting Officer.

10.0 Review

This policy shall be subject to review after every three (3) years or from time to time as the management will deem appropriate.

Effective Date

Issued on this day of 2014

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Eng. John Mosonik, EBS
Principal Secretary- Infrastructure Services

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Nduva Muli, EBS
Principal Secretary- Transport Services