

JUDICIAL PERFORMANCE IMPROVEMENT PROJECT (JPIP)

ANNUAL PROGRESS REPORT - JULY 2017

1.0 Introduction

This progress report highlights the achievements realized by the project in the 2016/17 financial year. The project's objective is to improve the performance of the Judiciary to provide its services in a more effective and accountable manner. The project supported realization of the Judiciary Transformation Framework and currently supports the Judiciary's new strategy on Sustaining Judiciary Transformation.

The project has four components which reflect the Judiciary's vision and aspirations. These are: i) increased access to courts and legal information; ii) improved timeliness of Judiciary services; iii) enhanced performance and quality of decision making; and iv) Project Management. Each component has a number of outcomes to be realized through the implementation of various activities.

2.0 Progress

2.1 Increasing ACCESS to courts and legal information

This component aims at reducing geographical distance to courts, improving links to court users and potential users as well as reduction of knowledge barriers by publication and dissemination of legal information and court decisions. During the period under review the project achieved the following;

- The High Court, ELC and Magistrate courts held mobile court sessions in which a total of 1,475 cases were heard and determined as follows:

Court	Areas	No. of cases
Magistrate courts	Sigor, Sololo, Doldol Kwisero, Marafa Magunga, Olkalou, Lokichogio, Kachibora and magarini	701
High Court	Kakuma, Narok and Meru	596
ELC	Kericho, Nakuru, Machakos and malindi	178
Total		1,475

- In support of the implementation of the CUC workplans, Kshs. 34,173,270 was disbursed to 81 CUCs that applied for funding under the CUCs small grants programme. This was 85% of the CUC budget. A total of 236 activities were submitted for support and the most common activities being; open days (40), sensitization of chiefs and other local administrators (29), visiting of prisons, remand and children homes (27), CUC trainings and inductions (21), and outreach programmes and public barazas (20). Details are provided in annex II.
- Training Needs Assessment (TNA) for Kenya Law completed and report prepared.
- Rent for the Kenya Law office space for the first, second and third quarter was paid.
- Supported preparation of draft ESIA/ESMP reports for Kakamega, Mombasa, Kajiado, Olkalau, Wajir Kangema phase II and Mukurweini construction projects.
- Construction of four new courts Garissa, Nanyuki, Nakuru and Siaya was underway. The process of construction of additional six new courts (i.e. Kakamega, Olkalau, Mombasa, Wajir, Kajiado and Kapsabet) had been initiated. Progress is as detailed below:

	Court	Construction type	No. of court rooms	No. of chambers	Status	Design/supervision consultant	Construction contractor	Contract sum	Start Date	Planned end Date	Planned Contract Period (Wks)	Period elapsed (Wks)	Extension period granted (Wks)	Period remaining to completion (Wks)	Gross Amount Paid
1	Nakuru	New	10	15	On-Going	Otieno & Kung'u associates	Diwafa Investments Ltd	347,765,950	19/2/2016	18/8/2017	78	66	Nil	12	2740
2	Siaya	New	8	9	On-Going	Otieno & Kung'u associates	Nanchang/GL Williams	342,751,951	22/2/2016	21/8/2017	78	66		12	1594
3	Garissa	New	8	11	On-Going	Skair Associates	Inshallah Limited	351,323,457	6/2/2016	5/8/2017	78	68	Nil	10	14
4	Nanyuki	New	8	9	On-Going	Skair Associates	Pinnie Agency Ltd	318,559,759	24/3/2016	25/7/2017	78	61	Nil	17	15
5	Kajiado	New	8	9	Bids close on 11th April	Trioscapes planning services	-	370,500,000	15/5/2017	14/11/2018	78				
6	Wajir	New	8	9	2 bids evaluated were non-responsive	DBS	-	350,000,000	16/5/2017	15/11/2018	78				
7	Mombasa	New	8	9	Bid evaluation report submitted to CRJ for approval	DBS	-	400,000,000	17/5/2017	16/11/2018	78				

8	Kakamega	New	8	9	Bid evaluation report submitted to CRJ for approval	DBS	-	360,000,000	18/5/2017	17/11/2018	78					
9	Ol-Kalau	New	8	9	Bid evaluation report submitted to CRJ for approval	DBS	-	350,000,000	19/5/2017	18/11/2018	78					
10	Kapsabet	New	8	9	DBS working on bidding docs	Trioscape planning services	-	370,500,000	29/5/2017	28/11/2018	78					
Total																738,3

2.2 Improving TIMELINESS of Judiciary services

This component aims at reducing blockages in the registries by; streamlining business processes, clarifying reporting lines, and increasing training. It also aims at increasing efficiencies with improved facilities through upgrading courts. In addition it aims at increasing the speed of case resolution by embracing High Court-annexed mediation (in family and commercial cases) and active case management in criminal cases. During the period under review;

- Census of criminal appeals records was conducted in all prisons and High Court stations. 1,213 criminal appeals records were prepared out of 1260 pending notices of appeal. This exercise aims at clearing backlog on criminal appeals.
- The Draft Court of Appeal Case Digest and the Legal Framework for the Digest was developed under the coordination of an established committee.
- The High Court developed 16 station-specific strategies to clear case backlog for cases older than 5 years in Milimani Civil Division, Milimani Family Division, Meru, Nyeri, Nakuru, Machakos, Mombasa, Bungoma; Kisumu; Migori; Criminal Division, Nairobi; Commercial & Tax Division, Nairobi; Kakamega; Eldoret; Judicial Review Division, Nairobi; and Machakos ELC.
- Special Sessions/Justice@last were held under the Magistrate Courts, High Courts and Courts of Appeal in which a total of **46,235** cases were heard and determined (44,108 in Magistrate courts, 1,779 in the High Courts and 348 in Courts of Appeal).
- Alternative Disputes Resolution (ADR) was undertaken in the Family and Commercial Divisions of the High Court. A total of 1,566 files were screened, 481 were referred to mediation of which 150 were concluded of which settlement agreement for 64 matters have been adopted. The total value of the said matters in the family division was **Kshs. 10.7**

billion. The value of successfully concluded was **Kshs. 770 million.** The breakdown of this is provided in annex II.

- The average length of time to resolution was 66 days (69 days in the family division and 63 days in the commercial division).
- 100 mediators were inducted in a workshop organized by Mediation Accreditation Committee and the Judicial Training Institute.
- ADR technical working group developed and rolled out a publicity and stakeholder engagement strategy. Six publicity and stakeholder engagement sessions for Certified Public Accountants of Kenya (ICPAK), LSK, Advocates, FIDA, Students from the University of Nairobi (UON), court staff, members of the public as well as members of the CUC were held in Mombasa (three), Busia, Nyeri and Kakamega.
- Mediation E-diary was developed and is used track mediation notices to ensure that all mediation matters are effectively scheduled and finalized within the stipulated period. The diary is also instrumental in data collection and monitoring.
- Two program officers and six mediation clerks were hired and are helping in the implementation of the High -Court Annexed Mediation Program.
- Sixty (60) registry staff were sensitized on the new employment and labour relations procedure rules.
- 1,598 Judiciary employees (48% female) were trained on the High Court Registry Operational Manual (ROM) in courts listed below:

		Male	Female	Total
1.	Malindi	47	28	75
2.	Kisii	53	27	80
3.	Marsabit	29	14	43
4.	Milimani	41	39	80
5.	Murang'a LC	36	34	70
6.	Kabarnet LC	24	15	39
7.	Kisumu LC	73	57	130
8.	Bomet LC	16	19	35

9.	Constitutional and Human Rights Court	31	29	60
10.	Migori LC	38	25	63
11.	Nakuru LC	66	77	143
12.	Embu LC	35	37	72
13.	Narok & Naivasha LC	33	44	77
14.	Eldoret LC	60	69	129
15.	Bungoma LC	46	40	86
16.	Meru LC	53	38	91
17.	High Court Criminal Division NRB	33	45	78
18.	High Court Family Division NRB	45	57	102
19.	ELC NRB	16	29	45
20.	Milimani LC	46	54	100
	Total	821	777	1598

- Training on ROM included the development of an action plan/implementation framework for the manual for the said courts.
- Court of Appeal Registry Manual and policies were developed. This is aimed at streamlining Court of Appeal registry systems, processes and structures.
- A registry improvement review workshop for the Judges of the High Court, ELC and ELRC on was held and review report prepared.
- A Bi-Annual High Court leader's workshop for Judges and Deputy Registrars was held and report prepared.
- Records management policy was developed and validated by stakeholders. The process entailed situational analysis/needs assessment in 25 courts in 5 regions.
- The project supported technical assistance (a Legal Counsel) for the Office of the Deputy Chief Justice. Legal Counsel contributes to the overall effectiveness of the Office of the Deputy Chief Justice by providing legal assessments and advice on legal questions arising by virtue of the Deputy Chief Justice's role as Deputy Head of the Judiciary. In particular the Consultant played a central role in supporting the establishment and operationalization of the Implementation Monitoring Committee (IMC) for the Judiciary's blue print on 'Sustaining Judiciary Transformation'; coordinates the Technical Committee developing a Criminal procedure

Bench Book; represents the Chief Justice and the Office of the Deputy Chief Justice in the Task Force on Alternative Justice Systems; supported the Deputy Chief Justice in this role by undertaking research, ensuring effective and sustained stakeholder engagement as well as providing other support such as preparing speeches and presentation papers.

- Supported preparation of draft ESIA/ESMP reports for Kwale, Maralal, Kapenguria, Voi and Isiolo.
- Upgrading of 11 courts is underway. The cumulative progress on construction is as shown below.

COURT CONSTRUCTION UPDATE: 30/05/2017

	Court	No. of court rooms	No. of chambers	Contract sum	Start Date	Planned end Date	Planned Contract Period (Wks)	Period elapsed (Wks)	Time exceeded (Wks)	Revised completion date	Period remaining to completion (Wks)	Gross Amount Paid	% Paid	Expected progress %
1	Kitui	4	4	57,378,275	15/12/2013	14/11/2014	52	49	-3	-	0	57,378,275	100%	100%
2	Kangema	2	2	19,591,586	6/7/2013	5/5/2014	52	43	-9	-	0	19,591,586	100%	100%
3	Kigumo	3	3	94,160,933	29/6/2015	28/6/2016	52	110	58	31/1/2017	0	92,890,293	98.65%	100%
4	Chuka	4	4	98,106,543	14/6/2015	13/6/2016	52	112	60	31/1/2017	0	75,493,195	76.95%	100%
5	Engineer	2	2	78,615,579	11/6/2015	10/6/2016	52	112	60	21/12/2016	0	73,864,625	93.96%	100%
6	Vihiga	4	4	78,476,529	16/9/2015	15/9/2016	52	98	46	14/1/2017	0	64,114,276	81.70%	100%
7	Nyando	4	4	74,827,121	4/9/2015	3/9/2016	52	100	48	3/2/2017	0	62,831,208	83.97%	100%
8	Molo	4	4	99,910,995	19/6/2015	18/6/2016	52	111	59	24/2/2017	0	97,418,240	97.51%	100%
9	Oyugis	3	3	109,731,080	29/6/2015	28/6/2016	52	110	58	28/12/2016	0	95,502,944	87.03%	100%
10	Nyamira	4	4	118,305,748	18/6/2015	17/6/2016	52	111	59	28/12/2016	0	78,608,293	66.45%	100%
11	Tamu	2	2	74,902,949	9/6/2015	8/6/2016	52	112	60	28/12/2016	0	57,439,593	76.69%	100%
12	Kibera	10	10	137,649,133	13/4/2016	12/4/2017	52	68	16	-	1	57,126,710	41.50%	100%
13	Makindu	4	4	96,855,446	8/3/2016	7/3/2017	52	73	21	-	0	87,683,591	90.53%	100%
14	Makueni	8	9	350,000,000	22/5/2017	21/11/2018	78						0.00%	
15	Mukurweini	8	9	100,000,000	23/5/2017	22/11/2018	52						0.00%	
16	Kwale	8	9	389,998,592	24/4/2017	23/10/2018	78	15	-	-	63	22,898,000	5.87%	
17	Voi	8	9	347,582,674	29/3/2017	28/9/2018	78	18	-	-	60	27,858,160.00	8.01%	23%
18	Kapenguria	8	9	400,880,621	21/3/2017	20/9/2018	78	19	-	-	59	8,399,797.00	2.10%	24%
1	Maralal	8	9	378,745,87	23/3/201	22/9/2018	78	19	-	-	59	30,986,414.	8.18%	24%

9				2	7							00		
20	Isiolo	8	9	379,082,160	27/3/2017	26/9/2018	78	18	-	-	60	21,129,000.00	5.57%	23%
21	Kangema	8	9	40,000,000	11/4/2017	10/4/2018	78	0	-	-	-	-		0%
	Total											858,604,696		

2.2.1 ESMP Compliance

Implementation of the ESMP plans are going on for all the courts under construction. Assessments on compliance are done on monthly basis and feedback provided during the site meetings. From the site meetings reports compliance is observed in the following areas: fire extinguishers in place, workers are provided with protective gear, first aid kits are in place, security guards are in place, solid waste are disposed accordingly, soil erosion and compaction measures are in place, and waste water is managed according to compliance provisions. The reports however show the contractors need to do the following:

- Develop risk assessment and health and safety plan.
- Develop firefighting response plan and ensure the workers are trained on fire safety.
- Put in place fire hazards and directions to emergency exits, routes to follow and assembly point in case of any fire incidence.

In addition to the feedback reports from site meeting the PMU conducted compliance spot checks in Kibera, Kigumo, Engineer, Makindu and Nyamira. It was also generally noted that the contractors need to develop risk assessment, health, and firefighting response plans. They also need to train the workers on health and safety and designate a person on site to attend to injured workers. They also need to ensure first aid kits and fire extinguishers are replenish, ensure they provide their own security guards on site at all times.

A resettlement audit Nanyuki was also conducted and report forwarded to the accounting officer of the Judiciary for implementation.

2.3 Enhancing PERFORMANCE and QUALITY of decision making

This component aims at increasing use of standards and data in management of the Judiciary e.g. Daily Court Returns Template (DCRT); Performance Management and measurement Understandings (PMMUs); Judicial Integrated Performance Management Appraisal system(JIPMAS). It also aims at improving consistency and clarity of decision making by training of magistrates and registry staff; and providing laws and legal texts for judicial officers. In addition it aims at strengthening integrity in decision making e.g. through corruption mapping and by audio recording and transcription of proceedings in Magistrate Courts. During the period under review the project facilitated achievement of the following;

- A comprehensive performance management system in the Judiciary continued to be implemented. This system provides an excellent approach to planning, organizing, monitoring and evaluating performance for courts and administrative units. It largely focuses on enhancing productivity and accountability for results.
- Evaluation of all the Implementing Units which had signed 2015/16 PMMUs was done, report prepared, reviewed by the PMMSC/PMS and adopted. The final report was presented to the Chief Justice on 5th April 2017. The Report shall be printed and launched before the end of the financial year. A total of **207** implementing units had negotiated, set targets and signed their understandings. They included the Supreme Court, 5 Courts of Appeal, 41 High Courts and Divisions, 6 Employment and Labour Relations Courts, 119 Magistrates' Courts, 20 Kadhis' Courts, 9 Directorates, 5 Registries and the National Council of Law Reporting.
- The PMMSC conducted spot checks on selected PMMU indicators by visiting 20 courts in hardship areas to appreciate the challenges the courts faced in their operations. Additional spot checks were conducted concurrently with negotiation and target setting in Kitui, Mwingi,

Garissa, Malindi and Mombasa. The committee has since made proposals on their assessment of the courts and identified a number of interventions to be forwarded to the management for action.

- PMMU targets for FY 2016/17 were set and signed by 227 Implementing Units with additional 20 Implementing Units being put under performance management. They include: National Council for Administration of Justice, Judiciary Training Institute, Environment and Land Courts, Library Services, Office of the Judiciary Ombudsperson and more Kadhis' courts.
- As part of entrenching/institutionalizing Performance Management in the Judiciary, critical information on PMMUs Guidelines were collected during PMMUs evaluation, negotiation and target setting. These were on emerging issues, successes, lessons learnt, and challenges experienced during implementation. In addition, PMMSC held review meetings on the guidelines centring on the evaluation of PMMUs, case weighting, data collection and other initiatives. The information will be used to review the third cycle PMMUs Guidelines.
- Directorates and Registries revised their PMMUs as part of aligning them to the Judiciary's strategy on "Sustaining Judiciary Transformation (SJT)".
- The development of IPMAS and ASPRS has been advanced. The system aims at enhancing the use of data and standards in decision making. Upon completion it will enable production of real time data on performance and generation of reports on a continuous and consistent manner across the entire spectrum of the Judiciary's operations. The Consultant undertook a gap analysis, surveyed staff categories, procured and delivered two servers, two operating systems, and one SQL Server. A demo was presented to the client in December 2016 and validated. The systems' analysis, development, hosting, and installation of four modules i.e. PMMUs, Performance Appraisal System

(PAS), DCRT and leave to the servers have been done. The remaining works include: pilot testing, data migration and documentation, training, and commissioning of the project.

- A Performance Appraisal System (PAS) Framework and tools were developed and sensitization on negotiations, target setting and appraisal PAS was undertaken. Thereafter 2,230 Judiciary employees (magistrates and staff) in 100 court stations set targets and signed Performance Appraisal Forms. Monitoring of implementation of PAS is on-going.
- Implementation of DCRT at court level was enhanced. During the period under review the Directorate organized a DCRT workshop for Court Clerks, Registrars, and Deputy Registrars in which views on the improvement of DCRT was collected.
- The Directorate developed data entry face for DCRT and cases resolved summary sheet.
- Corruption mapping and the development of the Governance and Anti-Corruption Strategy (GAC) is underway. Desk review report was developed and presented to stakeholders for validation.
- A core team to spearhead the process of conducting Impact Evaluation on specific programs was established. A number of possible interventions were identified and implementation roadmap drafted. A Video Conference was conducted between the local team and the World Bank. A concept paper was presented to PMMSC members and feedback received.
- An optimal allocation criterion for judges, judicial officers and staff was under development. A tool was designed and used to capture data on average time magistrates take in different case events including case hearing, taking plea, judgement, adjournments among others.
- Court users/customer, employee satisfaction and work environment survey was carried out in all the courts in the country. A sample size of 5,200 court users was used while a census on the employees was applied.

- Organisational review of the Judiciary was under development. Views from the employees were collected through questionnaires.
- Qualitative interviews at leadership level conducted for the Legal Needs Survey.
- 1590 copies of Library books (Legal books, law reports and dictionaries) purchased and delivered.
- JTI coordinated the training/capacity building for 3,614 Judicial employees and other court users i.e 44.7% female and 55.3% male as specified below:

	Course/workshop	Male	Female	Total
1.	Magistrates Continuous Judicial Education	63	37	100
2.	Magistrates and Kadhis Colloquium - Group 1	146	82	228
3.	Magistrates and Kadhis Colloquium - Group 2	125	118	243
4.	Annual Judges Colloquium	71	48	119
5.	Induction for the newly - recruited Court Assistants (Clerical Officers)	452	429	881
6.	AJS - Informal knowledge & capacity building workshop for Elders from Isiolo, Kangema, Othaya and AJS Taskforce	86	26	112
7.	Professionalism, Values & Communication in Daily Work	170	185	355
8.	AJS informal knowledge & capacity building workshop for elders from Isiolo, Kangema and Othaya and AJS Taskforce	86	26	112
9.	ICT Essentials	88	49	137
10.	Training of Trainers of the Election Dispute Resolution (EDR)	26	24	50
11.	EDR for High Court Judges	41	38	79
12.	EDR for Court of Appeal Judges	20	11	31

13.	EDR for Judicial Officers	143	112	255
14.	Training for Special Gazetted Magistrates on Electoral Offences	53	39	92
15.	Task force on AJS study visit, observation and capacity building workshop	47	31	78
16.	Induction for newly recruited secretaries, archivists and ICT officers	76	139	215
17.	ELC capacity building	25	27	52
18.	EDR for SC Judges	8	11	19
19.	Magistrates and Kadhis Colloquium Group 1	150	83	233
20.	Magistrates and Kadhis Colloquium Group 2	122	101	223
	TOTALS	1,998	1,616	3,614
		55.29 %	44.71%	

- Rent for the JTI office space for the first, second and third quarter was paid.

During the period under review:

- The percentage of courts submitting monthly court data was **85%**.
- The average time it takes to dispose of cases in courts was **13.17 months**
- Percentage of cases completed within 360 days of filing was **60%**.
- The number of direct project beneficiaries (Litigants in new cases commenced in the respective year, in all courts) were **301,532**.

2.4 Project management

During the period under review overall coordination, monitoring and communication on project implementation proceeded as planned. In addition, there was remarkable performance in fiduciary aspects of the project i.e. in procurement and financial management. This is evidenced by the increased number of initiated activities that were underway and the improved disbursement during the financial year.

During the period under review:

- A program Officer was hired and is assisting in the implementation of CUC and social safeguard activities.
- Two Accounts Clerks were recruited to assist in financial management.
- The 2016/17 JPIP workplan was prepared, implemented and monitored. The breakdown of the budget is as shown on the table below.

Summary of Budget by Components								
	Component	(Kshs'000)				TOTAL	US\$ (000)	% of Total
		2015/16	2016/17	2017/18	2018/19			
1	Increase Access to Courts and Legal Information	277,800	2,125,182	2,129,843	183,900	4,716,725	47,167	42%
2	Improve Timeliness of Judiciary Services	625,009	2,100,684	1,662,500	258,492	4,646,686	46,467	42%
3	Enhance Performance and Quality of Decision Making	105,284	879,684	333,184	110,448	1,428,600	14,286	13%
4	Project Management	29,600	120,500	123,500	44,150	317,750	3,178	3%
	Total	1,037,693	5,226,050	4,249,027	596,990	11,109,761	111,098	
	Total revised allocation		2,600,000					

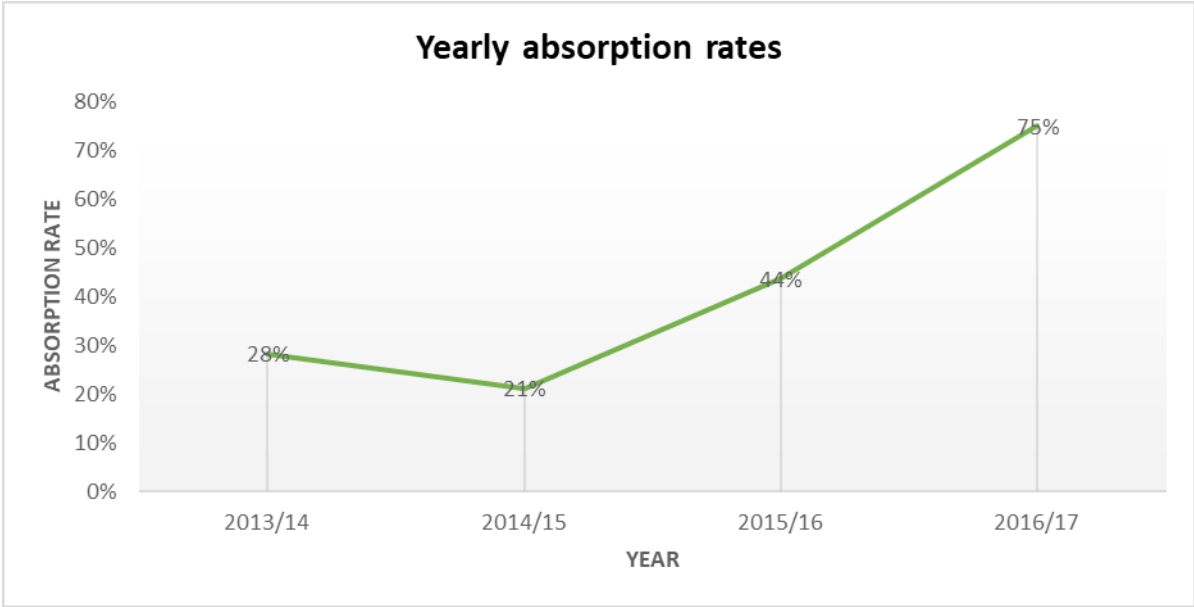
3.0 Expenditure

Total allocated revised budget for the project was Kshs **2.6 billion**. Actual expenditure during 2016/17 was Kshs 1.95billion.

	Actual 2012/13 (Kshs)	Actual 2013/14 (Kshs)	Actual 2014/15 (Kshs)	Actual 2015/16 (Kshs)	Actual 2016/17 (Kshs)	Total Actual	Committed	Actual + commitment	Total project sum

	M)	M)	M)	M)	M)			s	
Totals	51.935	337.96	599.03	985.77	1,949.28	3,923.98	3,439.78	7,275.45	11,500
Budgetary allocation		1,196	2,832	2,259	2,600				
Absorption rate		28%	21%	44%	75%				
	Actual expenditure of total project budget					34%			
	Actual + committed expenditure of total project budget					63%			

The table above shows expenditure over the last five years have steadily been increasing. The total project expenditure at the time of preparing this report was Kshs 3.92 billion (about 34% of total project sum). The actual expenditure plus commitments over the overall project sum was Kshs 7.27 billion - equivalent to 63% of the total project sum.



The figure above shows yearly absorption rates from the commencement of the project. In 2013/14 and 2014/15 absorption rate was 28% and 21% respectively rising to 44% and 75% in 2015/16 and 2016/17 respectively. The rise in the expenditure is attributed to the efforts that were made in addressing some of the challenges that existed in the earlier years of the project life. Notable solutions implemented included building capacity for the implementing units as well as addressing some of the procurement and financial bottlenecks.

3.1 Expenditure by components

The components were reorganized in 2015/16 during the mid-term review with the view of shifting focus away from institutional inputs and towards service delivery outcomes centered on three key areas of concern to citizens. Therefore, what constituted component 3 (Court infrastructure) was divided into two (construction of new courts now falls under increase access to courts and court rehabilitation falls under improved timeliness of Judiciary Services). Therefore, actual expenditure figures by component before restructuring have been omitted and only the totals are shown.

		Actual Expenditure (Ksh'000)					
	Component	2012/13 Exp	2013/14 Exp	2014/15 Exp	2015/16 Exp	2016/17 Exp	Total Exp
1	Increased Access to Courts and Legal Information				96,199	767,766	863,965
2	Improved Timeliness of Service				626,054	969,394	1,595,448
3	Enhanced Performance and Quality				195,663	133,683	329,346
4	Project Management				67,864	78,439	146,303

	Component	Actual Expenditure (Ksh'000)					Total Exp
		2012/13 Exp	2013/14 Exp	2014/15 Exp	2015/16 Exp	2016/17 Exp	
	Total	51,935	337,960	599,030	985,780	1,949,282	3,923,987

Total expenditure in absolute terms was highest for component two followed by component one. Spending under these two components was mainly on court construction.

3.2 Expenditure by Implementing Units

	Implementing Unit	2016/17 Budget (Kshs'000)	Actual exp. Q1	Actual exp. Q2	Actual exp. Q3	Actual exp. Q4	Total	% Exp. against annual budget
1	OCJ/NCAJ	17,114	3,920	2,654	0	3,203	9,777	57.13%
2	OCR	35,024	3,774	0	17,425	9,736	30,935	88.32%
3	DBS	1,549,968	171,323	334,486	105,499	497,192	1,108,500	71.52%
4	JTI	93,623	10,503	24,426	34,973	18,337	88,239	94.25%
6	KL	61,541	4,063	4,506	7,785	4,723	21,077	34.25%
7	HR	23,880	772	11,882	3,469	7,694	23,817	99.73%
8	DICT/DoF/Acs/SCM	25,038	1,038	1,153	10,155	10,490	22,836	91.21%
9	RSC	2,985	0	0	0	2,730	2,730	91.45%
10	RCA	113,930	4,719	23,465	22,093	12,899	63,176	55.45%
11	RHC	321,516	24,507	95,584	97,512	88,606	306,209	95.24%
12	RMC	135,453	0	55,658	40,575	14,089	110,322	81.45%
13	PMD	101,989	4,567	29,415	19,096	14,506	67,584	66.27%
14	DPAC	13,682	0	0	0	4,413	4,413	32.25%
15	OJO	7,463	0	0	0	0	0	0.00%
16	AOG	21,950	277	0	67.59	21,129	21,473	97.83%
18	PMU	72,950	7,875	15,822	20,464	22,138	66,299	90.88%
19	JSC	1,894	0	0	0	1,611	1,894	
18	Total	2,600,000	237,338	599,051	379,114	733,496	1,949,281	75%

The table above shows spending by the implementing units. In absolute terms expenditure under the DBS was the highest followed by RHC and RMC.

Spending under the DBS was mainly on court construction while spending under RHC and RMC was towards clearing of backlog. It could also be noted that the OJO did not spend during the financial year. This was due to capacity challenges.

The total actual expenditure as at the time of reporting was 75% of the allocated revised budget. Expenditure would have been much higher were it not for IFMIS downtime and delays in exchequer releases.

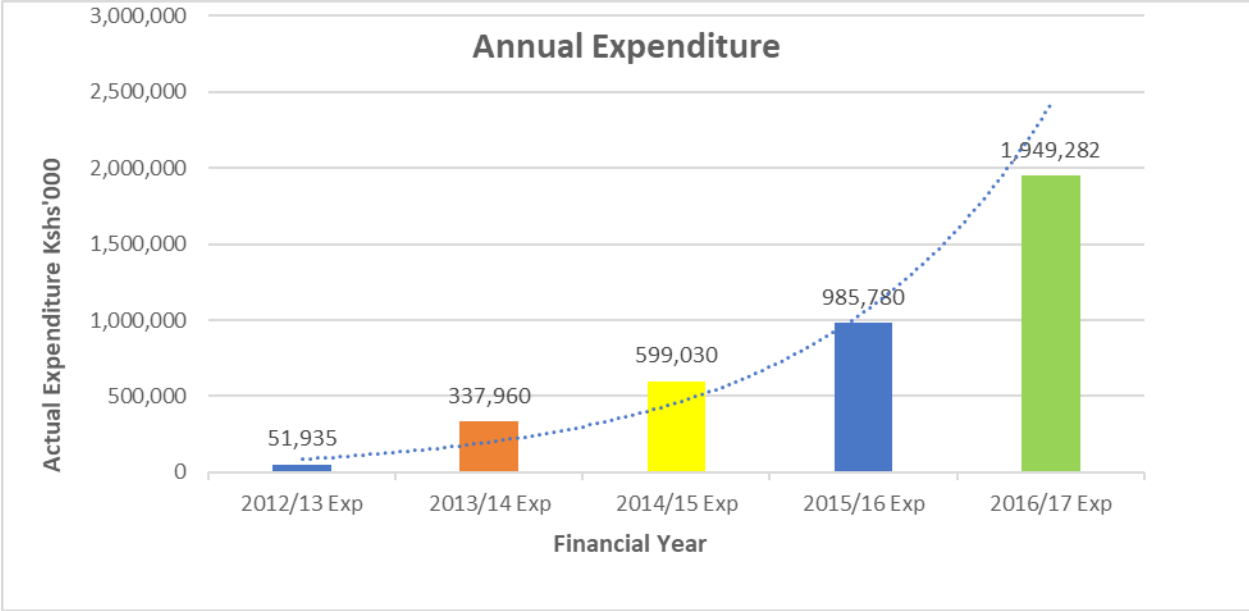
4.0 Causes of slow implementation/Challenges

Despite the improvement in implementation, the project encountered a number of challenges. These include:

1. Incomplete staffing of Directorate of Building Services i.e. Clerk of works, structural, electrical and mechanical engineers.
2. Capacity challenges, in terms of number, of Accounts staff following exit of Integrated Fiduciary Agent. Though two accounts clerk were engaged, the inadequate total number of staff to match the flow of activities has led to increased workload and lowered morale within the PMU Finance section.
3. Delays in exchequer releases by the Treasury leading to untimely or late implementation of activities and delayed payment of contractors.
4. Increased IFMIS downtime causing delays in payments.
5. Failure by some of the suppliers to deliver goods as per specifications leading to cancellation of supplies eventually distorting disbursements.
6. Delays in commencing assessments on Environment and Social Impact for construction projects and slow completion of ESIA/ESMP reports. This has affected timely commencement of construction of some courts.

5.0 Conclusion and recommendations

There was remarkable improvement in the implementation of activities during the 2016/17 financial year compared to the other previous years. This is depicted by the increased number of the activities that had either been initiated, underway or completed i.e. 95% compared to 80% in 2015/16 financial year. Disbursement had also increased to about Kshs 1.95 billion compared to 0.98b, 0.59b and 0.33b in 2015/16 2014/15 and 2013/14 respectively.



Notable areas in which implementation improved include; clearing of backlog in which 46,235 old cases were heard and determined, increased access to courts through mobile courts, improving consistency and clarity of decision making through training of magistrates and the provision of laws and legal texts for judicial officers. In addition there was remarkable progress towards increasing use of data and standards in decision making through implementation of PMMU, DCRT and the user survey.

Despite the progress, implementation and thereby disbursements would have been much higher in 2016/17 if it were not for the intermittent hitches in exchequer releases, frequent IFMIS downtime, some human capacity challenges, and bottlenecks in the initial stages of procurement processes. There is therefore need to address the challenges that have been pointed out by for example speeding up recruitment of DBS staff, deployment of additional staff to PMU accounts section as well as resolving IFMIS bottlenecks.

Annex 1

WORKPLAN SUMMARY STATS JUNE 2017

	Implementing unit	Proc not initiated	Proc not initiated	Proc initiated	Proc initiated	Activity under way	Activity under way	Activity completed	Activity completed	Total
		%	no	%	no.	%	no.	%	no.	no.
1	OCR	0%	0	0%	0	50%	1	50%	1	2
2	DBS	0%	0	26%	11	58%	25	16%	7	43
3	KL	14%	3	71%	15	10%	2	5%	1	21
4	OCJ/OD CJ	0%	0	0%	0	100%	4	0%	0	4
5	JTI	17%	1	33%	2	33%	2	17%	1	6
6	OJO	0%	0	50%	1	50%	1	0%	0	2
7	DICT	0%	0	60%	6	30%	3	10%	1	10
8	HR	0%	0	0%	0	67%	2	33%	1	3
9	RSC	0%	0	0%	0	0%	0	100%	2	2
10	RCA	20%	1	0%	0	60%	3	20%	1	5
11	RHC	0%	0	64%	9	14%	2	21%	3	14
12	RMC	0%	0	71%	5	29%	2	0%	0	7
13	PMD	19%	3	13%	2	56%	9	13%	2	16
14	DPAC	0%	0	80%	4	0%	0	20%	1	5
15	OAG	0%	0	0%	0	0%	0	100%	1	1
16	PMU	0%	0	6%	1	94%	15	0%	0	16
	Total	5%	8	36%	56	45%	71	14%	22	157

Annex II

Progress on the implementation of the CUC Grant				
	Activity	Count	Activities (%)	CUCs (%)
1	Judiciary Open Days	40	17%	49%
2	Sensitization of chiefs and other local administrators through workshops	29	12%	36%
3	Visiting prisons, remand & children homes and schools	27	11%	33%
4	CUC Trainings and Inductions	21	9%	26%
5	Outreach programmes and public barazas	20	8%	25%
6	CUC Meetings	20	8%	25%
7	Furniture including desks, benches	13	6%	16%
8	ICT Equipment i.e. photocopying machines, computers and projectors	13	6%	16%
9	Capacity building through seminars and conferences	8	3%	10%
10	Printing, publication and photocopying services	7	3%	9%
11	Construction e.g. cells, waiting bays, shed, structures upgrade, fences	15	6%	19%
12	Legal Aid Clinics	4	2%	5%
13	Signage	5	2%	6%
14	Witness statement expenses	5	2%	6%
15	Feedback mechanism tools	2	1%	2%
16	Crime prevention initiatives	1	0%	1%
17	Civic education	1	0%	1%
18	Softwares i.e. case management system and SMS enquiry module	1	0%	1%
19	IEC Materials	1	0%	1%
20	Solar and electrical installations	2	1%	2%

0				
2				
1	Water storage tank	1	0%	1%
	TOTAL	236		
	Total Activities approved	236		
	Total CUC proposals approved	81		
	Total number of CUCs	124		
	Total amount approved	34,173, 270		
	Allocated budget	40,000,0 00		
	Average grant per CUC	421,892		
	% Achieved (CUC)	65%		
	% Achieved (Budget)	85%		