

JUDICIAL PERFORMANCE IMPROVEMENT PROJECT (JPIP)
PROGRESS REPORT JAN – MAY 2018

1.0 Introduction

This implementation progress report highlights the achievements realized and challenges encountered by the project during the third and part of the fourth quarter of the 2017/2018 fiscal year. The report also provides a summary of the agreed actions of the November/December mission.

The project's objective is to improve the performance of the Judiciary to provide its services in a more effective and accountable manner. It has four components which reinforces the agenda for sustaining Transformation in the Judiciary as contained in Judiciary's blue print on Sustaining Judiciary Transformation (2017- 2021). These components 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 interventions.

The foregoing captures implementation progress under each component.

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;

- A workshop for AJS Taskforce members and experts was held.
- Capacity building workshop for AJS stakeholders (130 participants comprising of Elders, CUC members and the AJS Taskforce Members) was held in Marsabit.
- As part of enhancing the institutionalization of CUCs, scale up and sustain stakeholder participation in the administration of justice, 119 CUCs proposals containing various activities were approved out of the 120 received. 106 CUCs received funding, 13 had surrender issues which took long to be cleared and thus missed the funds after a

reclassification of the project budget from revenue to A-I-A. One CUC's proposal wasn't approved for none surrender of funds received in phase 1. 6 CUCs did not apply for funding. The most common activities submitted in phase II include CUC meetings, capacity building for CUC members, ICT equipment, and some works especially for registry improvements and customer care. Details on the CUC activities are provided in annex 1.

- CUCs stories were published as part of showcasing their role in the justice sector. CUCs include members of the Judiciary, justice sector agencies and the public and are an important transparency and participation tool.
- A policy paper on options for Phase III of small grants program was prepared by PIU in concurrence with the NCAJ's and submitted to the Bank for review.
- The CUC guidelines were reviewed by the NCAJ Special Working Group.
- In order to enhance access to justice, six tents were delivered for mobile courts.
- Ten (10) 4 by 4 vehicles were delivered to assist the PIU and the DBS in monitoring implementation of the projects' activities.
- Three (3) 10-seater vans were delivered and handed over to the Supreme Court, NCLR and JTI to facilitate transport.
- Rent for the National Council for Law Reporting (Kenya Law) office space for the second quarter of 2017/18 FY was paid.
- Construction of 18 new courts is underway. Progress on court construction was minimal across all courts due to delayed payments. The table below details the progress:

	Court	Construction type	No. of court rooms	No. of chambers	Status	Design/supervision consultant	Construction contractor	Design/supervision cost	Contract sum	Total cost	Start Date	Planned end Date	Planned Contract Period (Wks)	Period (Wks)
1	Makindu	New	4	4	Completed	Wambugu Mathews & associates	Gracan Construction Ltd	5,000,000	96,855,446	101,855,446	8/3/2016	7/3/2017	52	7
2	Makueni	New	8	9	On-Going	DBS	Admo Ltd	0	410,099,717	350,000,000	25/9/2017	24/3/2019	78	3
3	Mukurweini	New	8	9	On-Going	DBS	One Source Company Ltd	5,000,000	158,978,307	105,000,000	19/9/2017	18/9/2018	52	3
4	Kwale	New	8	9	On-Going	DBS	Inforserve Networks Ltd	0	389,998,592	389,998,592	24/4/2017	23/10/2018	78	5
5	Voi	New	8	9	On-Going	DBS	Concordia Buildings Ltd	0	347,582,674	347,582,674	29/3/2017	28/9/2018	78	6
6	Kapenguria	New	8	9	On-Going	DBS	County Builders Ltd	0	400,880,621	400,880,621	21/3/2017	20/9/2018	78	6
7	Maralal	New	8	9	On-Going	DBS	Debroso Co. Ltd	0	378,745,872	378,745,872	23/3/2017	22/9/2018	78	6
8	Isiolo	New	8	9	On-Going	DBS	Dallo Holdings Ltd	0	379,082,160	379,082,160	27/3/2017	26/9/2018	78	6
9	Nakuru	New	10	15	On-Going	Otieno & Kung'u associates	Diwafa Investments Ltd	25,000,000	347,765,950	372,765,950	19/2/2016	18/8/2017	78	1
10	Siaya	New	8	9	On-Going	Otieno & Kung'u associates	Nanchang/G L Williams	25,000,000	342,751,951	367,751,951	22/2/2016	21/8/2017	78	1
11	Garissa	New	8	11	On-Going	Skair Associates	Inshallah Limited	15,000,000	351,323,457	366,323,457	6/2/2016	5/8/2017	78	1
12	Nanyuki	New	8	9	On-Going	Skair Associates	Pinnie Agency Ltd	15,000,000	318,559,759	333,559,759	24/3/2016	25/9/2017	78	1

13	Kajiado	New	8	9	On-Going	Trioscape planning services	-	20,500,000	398,407,995	391,000,000	15/3/2018	14/9/2019	78	
14	Wajir	New	8	9	On-Going	DBS	-	0	369,567,057	378,567,057	27/9/2017	26/3/2019	78	
15	Mombasa	New	8	9	On-Going	DBS	-	0	445,173,322	409,000,000	28/9/2017	27/3/2019	78	
16	Kakamega	New	8	9	On-Going	DBS	-	0	387,664,343	372,000,000	21/9/2017	20/3/2019	78	
17	Ol-Kalau	New	8	9	On-Going	DBS	-	0	399,323,129	362,000,000	18/9/2017	17/3/2019	78	
18	Kapsabet	New	8	9	Design in progress	Trioscape planning services	-	20,500,000	370,500,000	391,000,000	15/1/2018	14/7/2019	78	
	Sub-Total							131,000,000	6,293,260,352	6,197,113,539	85,108	85,782	1,352	1

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 on registry operations. It also aims at increasing efficiencies with improved facilities through upgrading of courts. In addition, it aims at increasing the speed of case resolution through High Court-annexed mediation and active case management in criminal cases. During the period under review;

- 1,473,342 million color coded file folders were procured and distributed to all High Courts, Magistrates Courts and & Kadhi courts. The folders will go a long way in improving of filing and in particular curbing disappearance/misplacement of files.
- The Kadhis Performance Review Workshop was held, attended by all the fifty five (55) kadhis. The workshop provided an opportunity for learning and experiences sharing. A framework for reviewing and analysing their individual performance was also developed.
- Heads of Court Stations forum was held, attended by 124 heads of court stations and divisions. The workshop focused on learning and sharing of best practices. This was aimed at improving on their managerial, administrative and leadership skills. Issues about enhancing CUCs collaboration/partnership and their contribution towards courts performance were also discussed.
- Sexual Offenders Register continued to be developed and implemented. A new electronic template for data entry in the Sexual Offenders Register was developed. A review workshop on emerging issues, challenges and possible interventions for personnel dealing with data collection was held.
- In the spirit of promoting alternative forms of dispute resolution as envisaged in article 159 (2) (C) of the Kenyan Constitution, the Court Annexed Mediation Programme continued to be supported. The programme had been piloted in the Family and Commercial Divisions of the High Court and has now been extended to the ELC, ELRC, Milimani Children's court and at the Chief magistrate Court in Milimani. The number of matters referred to mediation were 664 in 2017/18 up from 481 in 2016/17. The total value was Kshs. 20.6 billion. Since the launch of the programme, 168 cases valued at Kshs. 2.5 billion have so far successfully settled within an average duration of 66 days. This will go a long way in enhancing the ease of doing business in the country.
- Detailed of progress is as follows:

S. no	Description	Family			Commercial			ELRC	ELC	Mili mani CC	C M Co urt Mi lim ani	Overall Total
		2016/17	2017/18 achievement	Total	2016/ 17	2017/1 8 achiev ement	Total					
1.	Number of files screened	511	36	547	1055	57	1112					1659
2.	Matters referred to mediation	257	78	335	224	70	294	13	1	21	0	664
3.	Concluded matters	119	117	236	49	68	117	8		9		370
4.	Matters with settlement agreements	68	64	132	28	35	63	8		9		212
5.	□ Full settlement	60	53	113	17	25	42	4		7		166
6.	□ Partial settlement	5	6	11	3	2	5	2				18
7.	□ Consents	3	5	8	8	8	16			2		26
8.	Failed to reach agreement	51	53	104	21	33	54	2		9		169
	Non-compliance			34			10					44
9.	Terminated	3	4	7	3	9	12					19
10.	Settlement agreement adopted	42	54	96	22	47	69			3		168
11.	Total value of matters	2.15bil	0.35bil	2.5bil	8.6bil	9.45bil	18.05 bil	5.1bil				20.6bil
12.	Total value with settlement agreements	184.9mil	165.1mil	350mil	585.4 mil	1.57bil	2.1bil	2.8mil				2.5bil
13.	Average duration of matters in mediation	69 days			63 days		66 days					

- Thirteen courts were identified for upgrading. Six (6) including Kangema phase I have been completed and in use. Seven (7) others are underway and in various stages of completion. The completed courts are providing better working environment for judicial officers and staff to serve the public more efficiently. They also provide better facilities to court users including customer care services, waiting bays, toilets, separate cells for men, women and juveniles.

- Furniture for 11 courts were procured and are being delivered. These includes court benches, desks, chairs, filing cabinets, as well as children court furniture.
- During the period under review, progress was minimal across all courts due to delays in paying contractors. Details of progress is as shown below:

JPIP COURT CONSTRUCTION UPDATE: 15/05/2018

	Court	Construction type	No. of court rooms	No. of chambers	Status	Design/supervision consultant	Construction contractor	Design/supervision cost	Contract sum	Total cost	Start Date	Planned end Date	Planned Contract Period (Wks)	Period elapsed (Wks)
1	Kitui	Rehabilitation	4	4	Completed	Mwacharo Associates	Harrikason Building Construction	5,000,000	57,378,275	62,378,275	15/12/2013	14/11/2014	52	49
2	Kangema I	Rehabilitation	2	2	Completed	Mwacharo Associates	Flooring and Interior	3,400,000	19,591,586	22,991,586	6/7/2013	5/5/2014	52	43
3	Kangema II	Rehabilitation	8	9	On-Going	DBS	High Octane Engineering Ltd	0	42,992,272	42,992,272	20/9/2017	19/9/2018	52	36
4	Kigumo	Rehabilitation	3	3	Completed	Kanyue and partners	Marimo Construction Ltd	7,051,666	94,160,933	101,212,599	29/6/2015	28/6/2016	52	110
5	Chuka	Rehabilitation	4	4	On-Going	Kanyue and partners	Philmark System Services Ltd	7,051,666	98,106,543	105,158,209	14/6/2015	13/6/2016	52	137
6	Engineer	Rehabilitation	2	2	Completed technically	Kanyue and partners	Yomason Contractors Limited	7,051,666	78,615,579	85,667,245	11/6/2015	10/6/2016	52	112
7	Vihiga	Rehabilitation	4	4	On-Going	Axis consulting architects	Lunao Enterprises Limited	5,525,000	78,476,529	84,001,529	16/9/2015	15/9/2016	52	132
8	Nyando	Rehabilitation	4	4	Completed	Axis consulting architects	Philmark System Services Ltd	5,525,000	74,827,121	80,352,121	4/9/2015	3/9/2016	52	123
9	Molo	Rehabilitation	4	4	Completed technically	Axis consulting architects	Atlas Plumbers Limited	5,525,000	99,910,995	105,435,995	19/6/2015	18/6/2016	52	111

JPIP COURT CONSTRUCTION UPDATE: 15/05/2018

	Court	Construction type	No. of court rooms	No. of chambers	Status	Design/supervision consultant	Construction contractor	Design/supervision cost	Contract sum	Total cost	Start Date	Planned end Date	Planned Contract Period (Wks)	Period elapsed (Wks)
10	Oyugis	Rehabilitation	3	3	On-Going	Complan consulting architects	Sasah Contractors Limited	4,550,000	109,731,080	114,281,080	29/6/2015	28/6/2016	52	149
11	Nyamira	Rehabilitation	4	4	On-Going	Complan consulting architects	JN Investments Ltd	4,550,000	118,305,748	122,855,748	18/6/2015	17/6/2016	52	153
12	Tamu	Rehabilitation	2	2	On-Going	Complan consulting architects	Philmark System Services Ltd	4,550,000	74,902,949	79,452,949	9/6/2015	8/6/2016	52	154
13	Kibera	Rehabilitation	10	10	On-Going	Wambugu Mathews & associates	Havi Construction	5,500,000	137,649,133	143,149,133	13/4/2016	12/4/2017	52	110
	Sub-Total							65,279,998	1,084,648,743	1,149,928,741				

2.2.1 ESMP Compliance

ESMP plans for all the courts under construction were to a great extent being adhered to. Assessments and reporting on the status of compliance were done during site meetings as well as during spot checks. The assessments and reports by the various contractors showed efforts were being made to fully comply with the ESMP requirements. Contractors complied with guidelines set forth by International Labor Organization (ILO) Written Convention (C.138) on child labor and Employment of Children Act, 1991 while employing workers. No child labor was observed on any construction sites as all the workers were above 18years old. Men and women had equal opportunities for employment. No gender-based discrimination was observed in providing jobs to the women and women were protected and not harassed at the sites. There was equal remuneration for youths, women and men workers. The Contractors sourced local labour in the proposed project activities except in few cases where skilled labourers did not exist locally. There was no labour influx as a result of the construction projects.

In addition, most of the construction sites had fire extinguishers, first aid kits, security guards, solid waste disposal mechanisms, soil erosion and compaction measures, and waste water management. However, the following weaknesses were noted in some projects:

- Not all workers wear full protective gear.
- No documented proof on sensitization of workers on fire safety and firefighting response plans.

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. through enhancing use of the Daily Court Returns Template (DCRT); Performance Management and Measurement Understandings (PMMUs); and Judiciary Integrated Performance Management and 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 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;

- Performance Management and Measurement Steering Committee (PMMSC) in conjunction with PMD finalized performance evaluations for 2016/17 for 257 implementing units (Supreme Court, 5 Courts of Appeal, 41 High Courts and Divisions, 123 Magistrates' Courts, 46 Kadhi Courts, Office of the Chief Registrar, 6 offices of registrars, 10 Directorates, Judiciary Training Institute, the National Council for Law Reporting, Office of the Judiciary Ombudsperson, and the National Council on Administration of Justice). The team also completed the 2017/18 PMMUs negotiations and target setting in 273 implementing units. The PPMUs focused on ten measures of court excellence comprising; access to justice, expeditious disposal of cases, remand custody, court files integrity, trial and delivery date certainty, case clearance rate, case backlog, court user satisfaction, and productivity.
- The PMMUs Evaluation Report, 2016/2017 was finalized a report prepared and disseminated. Best performing units were recognized and appreciated.
- Implementation of DCRT at court level was enhanced. All courts were using an updated DCRT version 3.0. Technical support was offered and spot checks conducted in Nakuru, Nyeri, Machakos, Meru, Mombasa, Bungoma.
- The PMD prepared Courts Statistics Reports for quarters 1 to 3 using DCRT 3.0 and shared with courts, JSC, OCJ, DCJ, CRJ Registrars, Heads of stations, Judges and Deputy Registrars. Statistics for the three Quarters were as follows: filed cases (220,231cases), resolved cases (238,909 cases), Case Clearance Rate (108%), DCRT monthly submission (100%).

- DCRT statistics were used by JSC for promotion interviews on judicial officers as well as for the preparation of the State of the Judiciary and Administration of Justice Report.
- The PMD engaged courts on varication of data. The Directorate also engaged Prof. Matheiu Chemin and Thomas Kokossou on developing stats codes for data analysis.
- Data on Performance reviews and Annual Performance Appraisals (PAS) was analyzed and report presented to PMMSC. The results show that:
 - a) 37% of the judges and judicial officers prefer their performance to be measured through DCRT.
 - b) 40% indicated that their administrative duties should be captured in the Performance Appraisal Framework.
- The JIPMAS and ASPRS continued to be developed. The system aims to introduce Judiciary personnel to modern tools and concepts that will enhance human resource management, performance monitoring and evaluation in the institution. IPMAS will be used as a platform for performance factors, criteria and scoring guidance; performance agreements at unit and individual levels; and links between performance and reward mechanisms. 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 Judiciary's operations. Key functions have been inputed into the system including; leave, DCRT and PMMUs.
- JIPMAS technical team comprising of PMD, ICT and HR met regularly with the consultant to update the system which is live and ready for official launch.
- Alongside JIPMAS, the Directorate of ICT was developing and rolling out a Case Tracking System (CTS) that has capability to generate comprehensive daily data and information. The system is compatible with JPIMAS and would send information and data directly onto it for analysis. To enable production of fast/real time data, capacity building on CTS within court stations and on JIPMAS within the Performance Management Directorate is highly required.
- Report on users/customer, employee satisfaction and work environment survey was finalized and disseminated. Court user satisfaction index, employee satisfaction and work environment indices were 64%, 64% and 59% respectively. The results are being used for judicial officers' promotion interviews.
- A heavy-duty printer was procured to assist PMD in printing of data reports including PMMUs Evaluation Reports.

- PMD continued to develop the Judiciary Data Policy. The Draft Report was shared with PMMSC members. A PMMSC sub-committee chaired by the Chair PMMSC is working on finalization of the policy.
- A roadmap for implementation of Impact Evaluation was prepared and shared with the Bank.
- The organisational review was completed and adopted by the JSC. The comprehensive organizational review of the Judiciary took into account the structure (existing and proposed), capacity, and roles of Judiciary officers and staff. It also took into consideration the reorganization of judicial cadres as a consequence of Constitutional changes and the establishment of new courts (e.g. Land and Environment, Employment and Labour courts etc. Furthermore, it provides clarity on the relationships between judicial leaders of the courts and other essential units, such as the JSC, the Chief Registrar's Office, and the National Council for the Administration of Justice. This is aimed at enhancing supervision of the courts, improve personnel deployment practices and ensure consistent in policy formulation on various aspects of court management.
- Implementation of the recommendations of the organisational review had commenced with the advertisement of the position of the Human Resource Officers who will spearhead its roll out.
- The library received 18 sets (592 copies) of standard package books and five sets of the Law Reports including: all England Law Reports (2337 copies), Commonwealth Law Reports (1299), Halsbury's Law Reports (1430), East African Law Reports (490) and Chancery Law Reports that were distributed to the following 33 courts.

Vihiga	Engineer	Kitale	Tamu
Kakamega	Molo	Nyahururu	Nyamira
Busia	Nakuru	Maralal	Oyugis
Bungoma	Eldoret	Limuru	Siaya
Migori	Kisumu	Kericho	Keroka
Kisii	Kigumo	Muranga	Nyeri
Kerugoya	Embu	Chuka	Meru
Kitui	Mombasa	Malindi	Makueni
Kwale			

- The library also received 442 copies each of English Dictionaries, Black's Law Dictionaries and distributed to individual judicial officers as well as 30 sets of Laws of Kenya for distribution to select court stations.

- A workshop for drafting of the Court Administrators Handbook was held.
- The development of Governance and Anti-Corruption Strategy/corruption mapping for the Judiciary re-commenced after the extension of the consultant’s contract recently.
- Rent for the JTI office space for the first quarter of 2016/17 FY was paid.
- JTI coordinated the training/capacity building at the Kenya School of Government for 86 Judiciary employees as specified below:

	Area of Training	Male	Female	Total Trained
Strategic Leadership Development Program (SLDP)		11	4	15
Senior Management Course		9	8	17
Supervisory Skills Development Course		34	20	54
	Total	54	32	86

2.4 Project management

During the period under review overall coordination, monitoring, reporting and communication on project implementation continued as planned. In addition, the fiduciary aspects of the project were sustained. Agreed actions on the November/December mission were followed up and most of which have been implemented. Outstanding action is on resettlement of PAPs for the Nanyuki contrsuction. Progress on actions is captured on annex 2.

During the period under review there was a notable disbursement challenges occasioned by the requirement of the inspection and acceptance committee which took inordinately long to be formed. In addition, some of the teams took long to finalise their reports to effect payments. This may have affected disbursements and thereby application of the exchequer.

The table shows the time taken between exchequer request and issue.

S No.	Request Date	Date Received	Amount Received (Kshs.)	Time in Days (Internal)	Time in Days (External)
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1	30-May-17	22-Jun-17	85,320,943		22
2	9-Jun-17	30-Jun-17	213,082,660	10	21
3	27-Jun-17	23-Aug-17	79,081,576	18	56
4	30-Aug-17	21-Sep-17	417,374,350	64	21
5	30-Nov-17	20-Dec-17	330,726,305	92	20
6	21-Dec-017	19-Jan-18	227,438,725	21	29
7	28-Feb-18	13-Mar-18	172,930,322	69	13

It would be noted that there was a delay in request of 39 days during the period under review (i.e. between December and February) against the one month stipulated time.

2.4.1 Implementation statistics

WORKPLAN SUMMARY STATS AS AT MAY 2018									
Implementing unit	Proc not initiated	Proc not initiated	Proc initiated	Proc initiated	Activity underway	Activity underway	Activity completed	Activities completed	Total
	%	no	%	no.	%	no.	%	no.	no.
Total	3%	5	12%	18	62%	95	23%	35	154
Jan-Mar									
Sep-Dec	4%	7	37%	59	53%	83	6%	9	158

The table shows improvement in the number of activities that are underway and those that are being completed.

A summary of the status of implementation of the activities is shown in annex 3.

2.4.2 Progress on the project result indicators

Indicator	Baseline	Current Status	Target
Backlog Cases cleared	-	114,458	162,000
Number of performance contracts signed	207	273	187

Average time it takes to dispose of cases in courts	15	10	11
Average distance to courts as a result of constructing new courts	194	188	110
Users' satisfaction with the delivery of court services	35	64	65
Direct project beneficiaries	157,000	918,805	1,266,000
Personnel trained	2,200	7,386	5,250
Access to legal information	350,000	1,177,278	460,000
Percentage of cases completed within 360 days of filing	70	55	80
Percentage of users reporting timely court services	50.8	74.9	63
Percentage of courts submitting monthly court data	50	92	85
Percentage of Court User Committees submitting quarterly reports	5	45	50
New courts constructed by the project to improve access to court	-	-	10
Existing courts renovated by the project	-	6	20
Users reporting court facilities are "satisfactory"	45	68	78

3.0 Expenditure

The 2017/18 JPIP had a total budget of Kshs. 2.9 billion. The breakdown of the budget is as shown on the table below.

SUMMARY OF BUDGET BY COMPONENTS										
	Component	2012/3-2014/5	2015/16 (Actual) (Kshs'000)	2016/17 (Actual) (Kshs'000)	2017/18 (Kshs'000)	2018/19 (Kshs'000)	2019/20 (Ksh'000)	TOTAL (Kshs'000)	US\$ (000)	% of Total
1	Increase Access to Courts and Legal Information		96,199	744,636	1,186,677	2,320,983		4,348,495	43,485	38 %
2	Improve Timeliness of Judiciary Services		626,054	713,119	1,237,984	2,055,646		4,632,802	46,328	40 %

3	Enhance Performance and Quality of Decision Making		195,663	413,164	508,056	158,448		1,275,330	12,753	11%
4	Project Management		67,864	78,364	65,716	60,830	58,080	330,854	3,309	3%
	Total	989,000	985,780	1,949,282	2,998,432	4,595,907	58,080	11,576,481	105,875	
					XDR	78,900				

Total actual expenditure against the project sum rose to Kshs. 5.1 billion (45% of project sum) from 3.9 billion (39% of project sum) last financial year. Total commitments (i.e. ongoing contracts not paid) was 5.2 billion. Details provided in annex 4. Actual expenditure plus commitments was Kshs. 10.3 billion (89.84% of the project sum).

	Actual 2012/13 (Kshs M)	Actual 2013/14 (Kshs M)	Actual 2014/15 (Kshs M)	Actual 2015/16 (Kshs M)	Actual 2016/17 (Kshs M)	Actual 2017/18 (Kshs M)	Total Actual	Committed	Actual + commitments	Total project sum
Totals	51.935	337.96	599.03	985.77	1,949.28	1,192	5,115.92	5,216.00	10,331.92	11,500
Budgetary allocation		1,196	2,832	2,259	2,600	2,999				
Absorption rate		28%	21%	44%	75%	40%				
	Actual expenditure of total project budget						44.49%			
	Actual + committed expenditure of total project budget						89.84%			

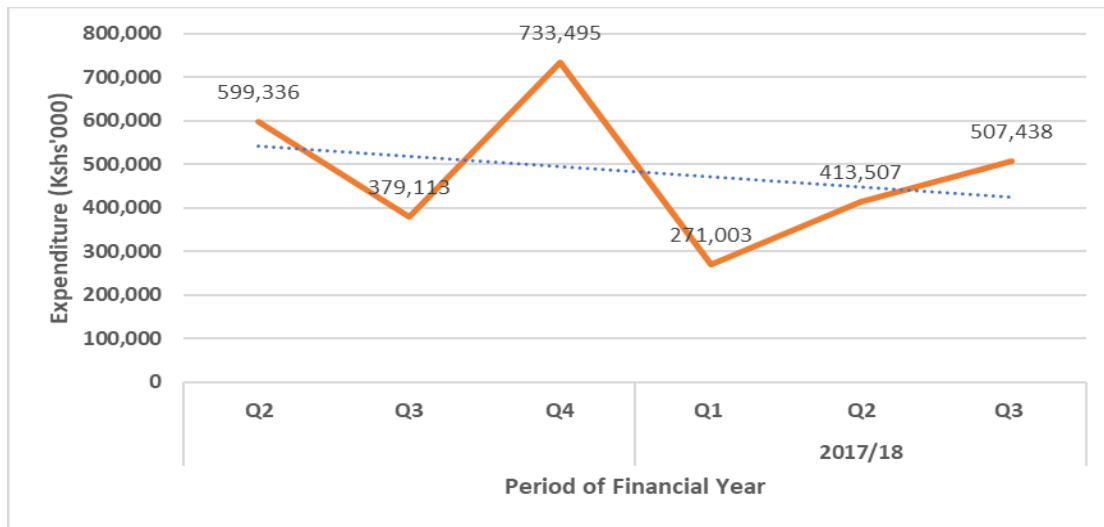
3.1 Expenditure by components

	Component	2017/18 budget	Q1 Actual Expenditure (Ksh'000)	Q2 Actual Expenditure (Ksh'000)	Q3 Actual Expenditure (Ksh'000)	Total Expenditure (Ksh'000)
1	Increased Access to Courts and Legal Information	1,186,677	139,422	256,033.30	338,643.54	
2	Improved Timeliness of Service	1,237,984	76,146	92,999.60	58,628.26	
3	Enhanced Performance and Quality	508,056	30,532	38,471.90	83,380.21	
4	Project Management	65,716	24,903	26,002.00	26,785.68	
	Total	2,998,433	271,003	413,507	507,438	1,191,948

Absorption		9.04%	14%	17%	40%
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Actual expenditure during the first three quarters were Kshs. 271m, Kshs. 413m and Kshs. 507m respectively. The expenditure rose from 9% in the first quarter to 17% by the third quarter. Overall expenditure against the annual budgetary allocation was 40%. Total expenditure in absolute terms was highest for component one followed by component two. Spending under these two components was mainly on court construction.

Quarterly expenditure comparison



The figure above shows the expenditure in each of the recent six quarters. Expenditure dipped in the first quarter of 2017/18 financial year and started rising again in the subsequent quarters. However, overall expenditure during the period was lower than projected due to delays in paying contractors.

3.2 Expenditure by Implementing Units

	Implementing Unit	2017/18 Budget (Kshs'000)	Q1 Exp.	Q2 Exp.	Q3 xp.	Total	% Exp. against annual budget
1	OCJ/NCAJ	35,001	450	6,550	11,253	18,253	52%
2	OCR	313,528	0	505	1,739	2,244	1%
3	DBS	1,842,054	125,640	86,016	346,022	557,678	30%
4	JTI	205,417	25,738.90	175,853	4,394	205,986	100%
5	KL	18,635	0	0	0	0	0%
6	HR	25,685	5,790.84	12,774	27,591	46,156	180%
7	DICT/DoF/Acs/SCM	107,800	2,927.60	32,589	18,874	54,391	50%
8	RCA	12,000	1,600.17	8,048	14,645	24,293	202%
9	RHC	165,587	33,041.32	36,321	17,921	87,283	53%
10	RMC	130,187	30,651.51	31,855	39,756	102,262	79%
11	PMD	66,975	20,464.30	6,395	1,066	27,925	42%
12	DPAC	3,600	0	0	3,212	3,212	89%
13	OJO	5,250	0	0	0	0	0%
14	PMU	65,716	24,700.32	16,601	20,965	62,267	95%
	Total	2,997,435	271,005	413,507	507,438	1,191,950	40%

The project supported 14 implementing units. Expenditure by the DBS was the highest followed by RMC and HR. Expenditure by the DBS was mainly towards construction activities, for the RMC was mainly towards the CUC grant and the Kadhis forum while for HR was towards the organizational review.

4.0 Causes of slow implementation/Challenges

The project encountered a number of challenges. These include:

1. General delays in payment on individual invoices;
2. The introduction of a new requirement (i.e. the inspection and acceptance committee) for payment certificates to be honored. Time taken to form the committees delayed payments and, in some cases, causing contractors to abandon sites;
3. Delays in approval of construction stages because of delayed recruitment of senior registered staff e.g. Senior Engineers because of the budget constraints;
4. Delayed extension of the contract for developing the Governance and Anti-Corruption Strategy thus delaying its completion and in paying PAPs for the Nanyuki project;
5. Temporarily putting on hold of the TNA process;
6. Slash in the project revised budget and reclassification of all the project funds from revenue to AIA. This has affected implementation of operational activities;

7. Uncertainty as a result of delayed feedback from Treasury on the request for a no cost extension.

5.0 Conclusion and recommendations

Generally, the review shows that key activities under each of the four project components continued to be implemented. The ultimate goal is the realization of the project objectives. Some examples include strengthening the role of Court Users Committees (CUCs) in courts; improving the speed of case resolution through the Court Annexed Mediation Programme (CAMP), enhancing performance and accountability through the DCRT and PMMUs. However, implementation of the activities was not spared of some challenges (already highlighted in this report) and affected the speed of implementation. The challenges ought to be addressed.

The following is thereby recommended i) enhanced financial management to address issues that occasion delayed payments to contractors and individual invoices. ii) Enhance the process of recruiting senior construction specialists (Engineers) to enhance supervision and approval processes. iii) Need to consider having some budgetary allocation in the form of revenue (not all in the form of A-I-A) to cater for operational costs. iv) Regular internal engagement and information flow for decision making and awareness v) More engagement with the National Treasury during budgeting process (particularly during the revised estimates) to address arbitrary budget cuts. vi) More engagement with the National Treasury on the no cost extension of the project to enable completion of construction projects that are ongoing.

Progress on the implementation of the CUC Grant				
	Activity	Activity Count	Activities (%)	CUCs (%)
1	CUC Meetings	88	22%	75%
2	ICT Equipment including computers for registry and customer care desks, photocopying machines, power backups etc.	64	16%	55%
3	Training of chiefs, IO, CO, CUC members etc. on various acts through workshops	56	14%	48%
4	Works including partitioning, rehabilitations, construction	45	11%	38%
5	Furniture including chairs, workstations, filing cabinets, benches etc.	32	8%	27%
6	Purchase and installation of water tank	21	5%	18%
7	Witness expenses	21	5%	18%
8	Visits to prisons/Remand homes/Schools	19	5%	16%
9	Stationery and office supplies including printing papers, toners, cartridges and furnishing children rooms	11	3%	9%
10	Purchase and installation of Solar panels	10	3%	9%
11	Legal aid clinics, service week and RRI	6	2%	5%
12	Signage	5	1%	4%
13	PA System and Bulk SMS system	4	1%	3%
14	CSO project	3	1%	3%
15	Service charter and Grey Books	3	1%	3%
16	Bulk SMS system	1	0%	1%
17	Canvas tent to be used as makeshift courts	1	0%	1%
18	Electrical works	1	0%	1%
19	Interpreter expenses	1	0%	1%
20	Metal detectors	1	0%	1%
21	Radio talk shows	1	0%	1%
	Grand Total	394	100%	
	Total Activities approved	394		
	Total CUC proposals processed	120		
	Total number of CUCs	125		
	Total Number of CUC approved	119		
	Total amount approved	48,303,184.70		
	Allocated budget	50,000,000.00		
	Average grant per CUC	405,909.12		
	% Achieved (CUC)	95%		
	% Achieved (Budget)	97%		

Annex 2: Agreed Actions from November 30 - December 11 2017 Mission

(Items carried over from last mission marked with *)

	Section of AM	Agreed New Actions	By When	By Whom	Progress (as of what date)
	Section D: Status of Project Components				
1.	Component 1: ACCESS to Courts and Legal Information	Share specifications for additional works under provisional sums with main contractors and advise them to proceed by way of quotations	January 15	PIU (Procurement Officer)	Implemented and ongoing. Bidders have submitted quotations that are being reviewed by DBS.
2.		Prepare a policy paper on options for Phase III of small grants program, and with NCAJ's concurrence, submit to the Bank	February 15	PIU (Project Officer)	Reviewed by Nick and comments sent to the PIU on 11 th April 2018
3.	Component 2: Improve the TIMELINESS of Judiciary Services	Finalize the ICT equipment distribution table based on Organizational Review proposed staffing	January 15	DICT	Implemented. Tender advertised and evaluation ongoing.
4.	Component 3: Enhancing PERFORMANCE and QUALITY of decisions.	Move swiftly to complete the GAC study and share the results with stakeholders*	May 30	CRJ	Addendum No.1 sent to Consultant to sign.
5.		Provide October DCRT data to High Court to put online	December 15	PMD	Data for commercial division uploaded to website.
6.		Submit request to World Bank to streamline DCRT data capture and analysis architecture	January 15	PMD	Stata expert from WB seconded to PMD to assist in data cleaning.
7.	Component 4: Project Management	CJ's office to meet with Directorates of Finance and Accounts to resolve delays on payments	January 15	CJ Office/PC	Meeting Held. Resolved to have Inspection & Acceptance Reports for each payment certificate for works.
8.		Ensure payment of Nanyuki resettled persons*	January 30	CRJ/PC	Outstanding. Judiciary awaiting a decision from the NLC.
9.		Issue notice of termination to Computech*	January 30	CRJ/PC	Contract lapsed and so cannot be terminated.

10.		Publish stories on CuCs (January), and performance management (February)	February 28	PIU (Communications Officer)	Spread on CUC published. Media interviews planned with PMD & DBS.
11.		See option to use IFMIS reporting for SOEs and/or IFRs	January 15	WBG Task team	12 th April-Tina to feedback on discussions with WB Colleagues
12.		To ensure cash flow, submit withdrawal applications by the 15 th of each month	Monthly	PIU (Snr Finance Officer)	Done. Also, disbursement mode changed to Direct Payment to fast track payments.

Annex 3

WORKPLAN SUMMARY STATS MAY 2018										
	Implementing unit	Proc not initiated	Proc not initiated	Proc initiated	Proc initiated	Activity underway	Activity underway	Activity completed	Activity completed	Total
		%	no	%	no.	%	no.	%	no.	no.
1	OCJ/ODC J	0%	0	0%	0	50%	2	50%	2	4
2	OCR	0%	0	25%	1	50%	2	25%	1	4
3	DBS	0%	0	5%	2	81%	35	14%	6	43
4	JTI	0%	0	0%	0	71%	5	29%	2	7
5	KL	31%	5	31%	5	13%	2	25%	4	16
6	HR	0%	0	0%	0	0%	0	100%	4	4
7	DICT	0%	0	38%	5	38%	5	23%	3	13
8	RCA	0%	0	0%	0	50%	2	50%	2	4
9	RHC	0%	0	13%	2	56%	9	31%	5	16
10	RMC	0%	0	14%	1	71%	5	14%	1	7
11	PMD	0%	0	9%	1	73%	8	18%	2	11
12	OJO	0%	0	0%	0	0%	0	100%	2	2
13	DPAC	0%	0	0%	0	50%	1	50%	1	2
14	PMU	0%	0	5%	1	95%	19	0%	0	20
15	DSCM	0%	0	0%	0	0%	0	100%	1	1
	Total Jan-Mar	3%	5	12%	18	62%	95	23%	35	154
	Total	4%	7	37%	59	53%	83	6%	9	158

Annex 4: Commitments

Component	Activities	Amount committed (Kshs. '000)	
Access to courts and legal information	Court constructions	2,373,817	
	TA ESMP	722	
	4x4 Vehicles	78,000	
	AJS	20,482	
	Kenya Law TNA	1,725	
	KL reports	60,200	
	KL office space	2,632	
	TA ODCJ	4,050	
Subtotal		2,541,628	
Improve timeliness of the Judiciary services	Court upgrades	2,160,907	
	Supervision of upgrades	17682	
	Furniture	105500	
	Boreholes	74000	
	TA ESMP	1034	
	Registry partitioning	50,348	
	Shelving of registries	29825	
	Containers	6,345	
	File folders	66,197	
	TA court annexed mediation	2,628	
	ADR operational costs	13,187	
	Partitioning of ADR room	2,752	
	ADR equipment	1333	
	Subtotal		2,531,738
	Performance and quality	PMMU launch	10,202
IPMAS		24,725	
TNA		6,000	
Legal needs survey		11,987	
HoCS & Kadhis forums		25,000	
JTI Office space		11,244	
Library books		5,074	
GAC		21,528	
Subtotal		115,760	
Project management	Personnel	24,504	
	Office space	1,818	
	Fuel and Maintenance	883	
Subtotal		27,205	
Total Commitment		5,216,331	