



KMTTC is ISO 9001:2015 Certified

Kenya Medical Training College



**CORRUPTION PREVENTION
POLICY**

MAY 2019

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PREFACE

On behalf of the Kenya Medical Training College (KMTc) Board of Directors, I am delighted to approve this Corruption Prevention Policy for use by Management. The KMTc Board is determined to improve access to and equity of quality medical training and to ensure that the institution plays its role in the realization of Sustainable Development Goals (SDGs), Vision 2030, health sector policies and the government agenda on the “Big Four”. The Board continues to realize the set milestones which contribute to improving the quality and quantity of essential health care providers. Inadequate numbers of skilled care providers have had a negative impact on efforts to expand access and improve the quality of health services. This situation is compounded by continued high prevalence of communicable and non-communicable diseases in the country.

Towards this end, the KMTc Board of Directors under my leadership is determined to critically address the task of defining long-term strategies for addressing the constraints to training and development of quality health care providers through:

- i. Improved policy and corporate governance for enhancing accountability and decision making.
- ii. Enhanced access, quality, relevance and equity in medical training.
- iii. Prudent resource utilization and good infrastructural management.
- iv. Increased visibility of Kenya Medical Training College nationally and internationally as a premier institution focusing on training, research and consultancy.
- v. Improved resource base, partnership and linkages.

In response to the 2010 Constitutional agenda, the Board will continue to direct efforts at advancing community – oriented programs that respond positively to the country’s social and economic development agenda. This Policy therefore provides an analysis of the internal and external environment, and makes strong statement on the role KMTc will play in supporting the Government to realize sustainable growth in the health sector. The Board is dedicated to offer oversight on the operations and management of the College to ensure sustainable delivery of health coverage in the country and beyond. I believe successful implementation of this Policy will be realized through total commitment of the entire staff, students and other key stakeholders.



Prof. Philip Kaloki, MBS,

Chairperson, KMTc Board of Directors.

FOREWORD

KMTC is committed to the highest levels of integrity. This Policy echoes our commitment and belief that our business should be conducted in line with our code of conduct, the law and any other regulations that guide our operations. This Policy clearly stipulates national corruption legislation and a brief background to corruption prevention in Kenya. Of much importance to all of us is the section on KMTC's response to corruption. The Policy gives guidelines on how KMTC will address corruption through various measures of detection, prevention, investigation and resolution.

The Policy focuses more on corruption prevention measures as 'Prevention is better than Prosecution'. In order to prevent malpractices or malfeasance, I urge all to be adhere to our code of conduct which is our solemn promise that the core ethical values shall underpin every feature of our relationship or interactions. We need to constantly remind ourselves that the code sets out what conduct our stakeholders (students, staff, communities, suppliers, government, investors, international and local partners) can expect from us and forms the basis for their judgment.

I urge every employee to read and understand this Policy to which he/she will be held to account. The Policy contributes to KMTC's objectives and performance targets for effective and efficient delivery of service. Every employee has a personal responsibility to comply with the provisions detailed in this Policy and to maintain the highest standards of integrity to ensure the Institution's practices are beyond reproach.



Prof. Michael Kiptoo,

Chief Executive Officer.

VISION

A model institution in the training and development of competent health professionals

MISSION

To produce competent health professionals through training and research, and provide consultancy services

CORE VALUES

Accountability

Integrity

Responsiveness

Equity

Teamwork

Professionalism

Creativity and innovation

ABBREVIATIONS

ACECA	Anti-Corruption and Economic Crimes Act
AG	Auditor General
CEO	Chief Executive Officer
CPC	Corruption Prevention Committee
CPP	Corruption Prevention Policy
EACC	Ethics and Anticorruption Commission
EAC	East African Community
EMU	Efficient Monitoring Unit
HQ	Headquarters
IAO	Integrity Assurance Officer
KACA	Kenya Anti-corruption Authority
KACC	Kenya Anticorruption Commission
KENAO	Kenya National Audit Officer
KMTC	Kenya Medical Training College
KNAAB	Kenya National Anticorruption Advisory Board
MDA	Ministry Department and Agencies
NACCSC	National Anti-Corruption Campaign Steering Committee
NARC	National Rainbow Coalition
NEPAD	New Partnership for Africa's Development
PC	Performance Contracting
PCSC	Public Complaints Standing Committee
POEA	Public Officer Ethics Act
PP & DA	Public Procurement and Disposal Act
PPRA	Public Procurement Regulatory Authority
PSIP	Public Service Integrity Program
RBM	Result Based Management
RRI	Rapid Result Initiative
TI	Transparency International
UN	United Nations

DEFINITIONS OF TERMS

Corruption:	<p>Has no universal definition. World Bank defines corruption as the abuse of entrusted power for personal gain or for the benefits of a group to which one owes allegiance. It can be motivated by greed, by the desire to retain or increase one's power or perversely enough, by the belief in a supposed greater good.</p> <p>General Olusegun Obasanjo, former president of Nigeria, defined corruption as "The misuse of public office for profit or advantage. Acts of commission and omission in your employment resulting in loss or disadvantage to your employer and private gain to you or any other person associated with you.</p>
As stated in the ACECA corruption manifests itself is the following ways:	
Bribery:	The act of taking or receiving something with the intention of influencing the recipient in some way favorable to the party providing the bribe.
Fraud:	Wrongful or criminal deception intended to result in financial or personal gain.
Embezzlement and misappropriation of institutional funds:	The wrongful or willful taking of money or property belonging to someone else or for some purpose.
Abuse of office:	Dealing with property or persons contrary to law, agreement, and contract of employment or oath.
Breach of trust:	Any act which is in violation of duties or trust.
Discrimination:	Making a distinction in favor of or against persons or things.
Dishonesty:	Misrepresentation of information of any type or in relation to remittances and declaration of income for purposes of tax evasion or election to public office.
Inducement:	<p>As reward to provide service related to one's official duties.</p> <p>Soliciting or receiving an inducement or reward: to do or not to do something, or in order to show formalism as discrimination.</p> <p>Giving as or gearing to give an inducement or reward to silence: in order to make him do or put to use or do something, in order to make or show favor as discrimination.</p> <p>Secret inducement for advice.</p>

Other forms of corruption risks at KMTC include:

- i. Accepting bribe and inducement for purposes of influencing admissions to KMTC for sectarian benefit.
- ii. Knowingly using or giving a statement or a document that contains anything that is false or misleading.
- iii. Having a direct or indirect private interference in a decision and failing to declare interest in matters especially in areas of admissions, staff recruitment and promotion etc.
- iv. Being a KMTC officer but knowingly having or holding an interest in a contract, agreement or investment connected with the College.
- v. Fraudulently or unlawfully acquiring College's property, service or benefits.
- vi. Unlawfully mortgaging, charging or disposing of any KMTC's property.
- vii. Unlawfully damaging KMTC's property.
- viii. Interfering with the function of a computer or any other electronic machinery so that it directly or indirectly results in loss of revenue to the college or in some negative effect KMTC's revenue or any other service.
- ix. Failing to pay any taxes or any fees, levies or charges payable to any public body or unlawfully obtaining any exemption, remission, reduction from payment of any such taxes, levies or charges.
- x. Fraudulently making payment from KMTC's revenue for substandard or defective goods.
- xi. Fraudulently making payment for goods not supplied or not supplied in full.
- xii. Fraudulently making payment for services not rendered or not adequately rendered.
- xiii. Willingly or carelessly failing to comply with any laws, applicable procedures and guidelines relating to the procurement, allocation, sale or disposal of property, tendering of contracts, management of funds or incurring of expenditures.
- xiv. Engaging in a project without prior planning and approval.
- xv. Using ones office to improperly give benefit to oneself or to anyone else.
- xvi. Holding, receiving, concealing or transacting business with property that was illegally acquired.

1.0 INTRODUCTION

1.1 Legislative and Administrative Requirements

Kenyans enacted a Constitution in 2010 which provided a rich foundation on Leadership and Integrity that would enable Kenyans transform their moral fabric. The Constitution gives Kenyans the mandate to initiate reforms that support good governance, integrity, accountability and transparency as stipulated under the national values and principles of governance in Article 10.

The Constitution lays strong foundations on integrity with the whole of Chapter 6 dedicated to Leadership and Integrity. Chapter 4 on Bill of Rights, Chapter 2 Articles 10 on National Values and Principles of Governance and Chapter 13, Article 232 on Principles and Values of Public Service are the key constitutional provisions on integrity. The Constitution further ratifies international conventions and treaties such as the UN Convention on Anti-corruption.

The enactment of the Ethics and Anti-Corruption (EACC) Act, 2011 signifies the adoption of ethics as a tool for preventing corruption. The Act mandates EACC to undertake initiatives and actions towards corruption prevention, detection, investigation and resolution. The Commission has initiated various institutional structures to guide public sector agencies in mainstreaming anticorruption mechanisms.

KMTC in line with the government reform agenda on controlling corruption has embarked on establishing policies, structures and strategies on corruption prevention over the last 5 years.

1.2 Background to the Fight Against Corruption in Kenya

One of the biggest threats bedeviling modern day business and service delivery in the world, East African Community (EAC) included, remains corruption. Indeed corruption is a sign of decayed moral standards. According to Transparency International's (TI) 2012 Global Corruption Barometer, corruption in and by the public sector is a growing concern. People from all walks of society with different backgrounds are demanding more transparency and accountability from their leaders. In this report Kenya was ranked 139, Rwanda 50, Tanzania 102 and Uganda 130 out of 176 countries.

International reports by World Bank, governments of EAC member states and New Partnership for Africa's Development (NEPAD) country review mechanism reports for the country's reviewed in this region's, have revealed that corruption has consumed colossal amounts of resources. Furthermore, Kenya dropped in ratings on the parameters for ease of doing business in the region.

Kenya like most African countries started the fight against corruption around earlier 1960. However it is only in 2003 with the coming to power of the NARC government that this fight got some boost.

KMTC is not exceptional and is equally affected and thus has to come up with ways to fight corruption just like other organizations.

1.3 Important Legislative Framework on Corruption

The fight against corruption can be traced back to 1965. Some of the important legislation aimed towards aiding this fight include:

- a) Prevention of Corruption Act Cap 65 which was in operation from August 1965 to May 2003. This Act illegalized corruption and left enforcement of the act to the police.

- b) Soon after independence, additional legal instruments and watchdog institutions were created.
- c) The Prevention of Corruption Act, was amended in 1997 and Kenya Anticorruption Authority (KACA) was established in early 1997.
- d) KACA was declared unconstitutional in 2000 through a High Court ruling which declared its creation as in conflict with Sections of the Constitution.
- e) The fight against corruption received momentum in 2003 when the National Rainbow Coalition (NARC) came to power on a platform of zero tolerance to corruption.
- f) Two pieces of legislation were enacted in 2003; the Anticorruption and Economic Crimes Act (ACECA) 2003 and the Public Officer Ethics Act 2003.
- g) The first Act created the Kenya Anticorruption Commission (KACC) as a body corporate and conferred powers and functions.
- h) The same Act created the National Anticorruption Campaign Steering Committee (NACCSC) and the Kenya National Anticorruption Advisory Board (KNAAB).
- i) The NARC government also created the ethics advisory position in the office of the President with a Permanent Secretary.
- j) The Public Officer Ethics Act (POEA) came into force in May 2003. The Act is an important pillar in the war against corruption. It focuses on the conduct of public servants and seeks to improve performance. The Act was enacted as a culmination of efforts by the Government to return the public sector to a high performing level.
- k) The starting point was the establishment of Public Service Integrity Programme (PSIP). Other initiatives like Results Based Management (RBM), Performance Contracting (PC) and Rapid Results Initiative (RRI) were subsequently introduced as components of PSIP.
- l) The Public Procurement and Disposal Act (PP&DA) 2005, was enacted to reinforce the Exchequer and Audit (Public Procurement) Regulations of 2001.
- m) The Public Procurement and Disposal Act, 2006 established the Public Procurement Oversight Authority (PPOA) to oversee procurement matters. The Witness Protection Act 2006 and Finance Act 2012 provides for protection of witnesses who assist with investigation and sanctions on corrupt financial acts.
- n) The appointment of an independent Auditor General (AG) of the Kenya National Audit Office (KENAO) as the Supreme audit and assurance body in Kenya is another step taken in line with the constitutional requirements.
- o) The government also established the Public Complaints Standing Committee (PCSC) now known Commission on Administrative Justice to receive, sort, classify and document all complaints against public officers on matters of corruption or misconduct. The current Ombudsman was appointed within the tenets of Chapter 6 and is independent in conducting his responsibilities.
- p) Article 79 made provisions for parliament to enact law to create the Ethics and Anticorruption Commission (EACC). The Ethics and Anticorruption Commission is mandated with the role of initiating mechanisms of preventing, investigating and resolving corruption cases in Kenya.
- q) The Anti Money Laundering Act 2011 sought to criminalize proceeds from illegal activities and to provide legislation for banks to know their customers.

These acts and bodies are meant to curb loss of public funds, stipulating strict operational measures and penalties for breach as major anticorruption scandals have dented the image of the country and governance regimes.

1.4 KMTC and Performance Contract Requirements

The government through the Performance Contracting Agency introduced performance targets on anti-corruption. The EACC has made tremendous contributions in setting of targets as well as supporting the activities to achieve these targets. Development of Corruption Prevention Policy is one of the agreed on targets between the College's Board and the performance contract secretariat.

The College like all public institutions is expected to achieve these targets as well as comply with the listed government legislation in all operations, processes and undertakings. All other institutional management practices must therefore be in agreement with the said Acts. Adherence to the rules and regulations will instill the principles of best practices, good governance and resource management in order to improve efficient service delivery.

1.5 KMTC's Response to Corruption

The College over the past 3 years has conducted corruption baseline surveys, sensitized staff, constituted and operationalized the Corruption Prevention Committees formerly and appointed Integrity Assurance Officers to coordinate integrity promotion in all the 65 campuses. KMTC undertakes integrity training continuously for staff and the Board of Directors through EACC.

In line with the requirements of Performance Contracting, KMTC has formulated a Code of Conduct to guide the conduct of staff in the organization and conducts corruption risk assessment on an annual basis to update the risk profile and manage risks. The development of the Corruption Prevention Policy is part of the on-going programs to enhance integrity levels at KMTC.

1.6 Scope of Applicability

- i. This Policy is applicable to all employees of the College although specific role players including the Board have specific responsibilities.
- ii. The Policy defines the College's definition and scope of corruption, the mechanisms for preventing, detecting, investigating and resolving corrupt conduct. The Policy is a guide and not conclusive on every aspect of corruption management. Where deemed necessary, the College may experience cases that may exceed the scope of these statements.
- iii. In such cases the policy will be considered in reference to other College manuals (such as Standard Operating Procedures, Financial Management Guidelines, Human Resource Manuals, Procurement Procedures, Academic Policies), any national legislation and resources that are in place to fight corruption.
- iv. This document will be subject to changes, modifications or revocation of certain aspects pertaining to corruption as the environment will from time to time dictate.
- v. The Policy applies to the staff of the College. The Policy tenets are a subject to application when engaging external stakeholders.

2.0 STRUCTURES FOR CORRUPTION PREVENTION

Corruption Prevention entails defining and establishing appropriate structures at all levels of the organization. The players, their appointment criteria and their roles should be clear. The Performance Contract obliges every public entity to constitute and operationalize a Corruption Prevention Committee and to appoint an Integrity Assurance Officer as the desk officer.

KMTC has set up structures by constituting committees and appointing desk officers to mainstream anticorruption mechanisms within the institution and respond to corruption issues.

2.1 Role of the KMTC's Board of Directors

The KMTC Board of Directors as the apex of institutional governance is committed to steering the organization in line with its values. The agenda of promoting integrity is a responsibility of the Board and is delegated to the CEO who chairs the Corruption Prevention Committee. At the strategy level, the Board's overall role is to approve policies, strategies and resources for promoting integrity. Roles of the Board are:

- i. Set the tone at the top and be guided by the College's values in its decision making.
- ii. Govern ethical conduct by providing direction, strategy, policies and resources for managing behavior.
- iii. Ensure the framework for mainstreaming anti-corruption framework is in place.
- iv. Define core values and approve KMTC's Code of Conduct.
- v. Receive reports from internal and external stakeholders, monitor and evaluate ethics performance as part of the organizations performance.
- vi. Regularly develop its capacity on anti-corruption and if need be source for advisory services from experts or other agencies such as EACC.

2.2 KMTC's Corruption Prevention Committee (CPC)

At the Executive level in the Headquarters, the College has constituted the CPC whose membership shall comprise of Heads of Department (HoDs) as follows;

- Chief Executive Officer - Chairperson
- Corporation Secretary
- Deputy Directors
- Registrar
- Human Resources Manager
- Finance Manager
- Communications Manager
- PC Coordinator
- Procurement Manager
- Administration Manager

- Internal Audit
- Legal Service Manager
- Integrity Program Officer - Secretary
- Campus Representative

The Campus Principals shall constitute CPC at the campus level whose membership shall be representatives from all the departments at the campus and the members shall elect a chairperson.

The Committees will make reports to the CEO, who CEO shall keep the Board updated at all times through regular reports.

2.3 Roles and Responsibilities of Corruption Prevention Committee

- a) Develop corruption prevention plans.
- b) Implement strategies such as capacity building for the committee members.
- c) Review of Policy and advise the Board of Directors.
- d) Coordinate the formulation and review of Codes of Conduct, rules and guidelines that govern the behaviour of the members of staff in the College
- e) Receiving and reviewing reports on corruption cases.
- f) Receiving and taking appropriate action on corruption reports made by staff and other stakeholders.
- g) Through the CEO makes any referrals to EACC and other law enforcement agencies for further action.
- h) Implementing corruption prevention education and preventive measures within the organization in line with identified risks.
- i) Monitoring and evaluating the impact of corruption prevention initiatives.
- j) Preparation and submission of quarterly progress performance reports to the management and other agencies as may be sanctioned by the CEO or the Board of Directors.

2.4 Roles and Responsibilities of the Integrity Officer (IO)

The CEO shall appoint a desk Officer based at the Headquarters in Nairobi to coordinate the activities of Corruption Prevention Committee of the College and the constituent campuses. The Campus Integrity Assurance Officers shall be trained by EACC on their roles and responsibilities. The Integrity Assurance Officers report quarterly to the Headquarter desk officer on activities undertaken in their respective campuses.

The Desk Officer shall be the Secretary to the Corruption Prevention Committee and has the following responsibilities: -

- i. Guide the committee on constitutional, legislative, institutional and administrative requirements on mainstreaming ethics and integrity.
- ii. Implement the decisions and resolutions of the committee.

- iii. Is the reference point on all matters regarding anti-corruption and continuously defines values to employees.
- iv. Reports to the CPC on the progress of implementation of plans.
- v. Co-ordinate integrity/corruption risk assessment and develop appropriate strategies to address the risks.
- vi. Ensure that all initiatives are integrated in College.
- vii. Take action on corruption reports and co-ordinate reports on anti-corruption programmes and activities.
- viii. Ensure the organization has instituted systems for corruption prevention, detection, investigation and resolution.

2.5 Roles and Responsibilities of Complaints Office/Ombudsman Office

KMTC has created a complaints office to receive, sort, classify and respond to complaints in accordance with requirements of the Commission on Administrative Justice (CAJ). Complaints received by the complaints officer include corruption cases or allegations. The role of the complaints officer include:

To inquire into allegations of misuse office, corruption, unethical conduct, breach of integrity, maladministration, delay, discourtesy, inattention, delay, injustice, incompetence, misbehavior, inefficiency and ineptitude, among others.

- i. Any staff, customers and members of the public who are aggrieved can complain to the desk officer.
- ii. Verbally or in personal visits to the complaints office in the main administration block.
- iii. Through the following email address- complaints@kmtc.ac.ke. Through the mobile phone number 0787835726.
- iv. To oversee, coordinate, monitor and follow up specification on channeled complaints.
- v. To review regulations, codes of conduct, processes and procedures and recommend changes necessary to avoid or reduce complaints.
- vi. Reports of received cases will be handled by the committee, referred to relevant departments and other relevant government agencies.
- vii. A complaint received by the desk officer should avail the following information- complaints contact information, officer complained against, summary of the complaint, statement on exhaustion of other available means, expected action and any other relevant documentation.

2.6 Roles and Responsibilities at Department Level

The College has structures of promoting integrity at all departmental levels. More emphasis is placed on high risk areas such as Admissions, Accommodation, Human Resources and Procurement departments. The Heads of departments are charged with the responsibility of ensuring that corruption is prevented by all means. The HoDs also monitor and evaluate progress in implementing corruption prevention plans.

3.0 KMTC'S RESPONSE TO CORRUPTION

KMTC has set an integrated mechanism of fighting corruption by recognizing various steps necessary to prevent, detect, investigate and resolve corruption. The College works with the established structures to control corrupt practices in the College. Major players are Integrity Assurance Officers and the CPCs. All employees shall use the structures.

3.1 KMTC's Corruption Prevention Initiative

There has been a policy and plan towards corruption prevention in KMTC since the formation of the CPC in the 2004. KMTC established and operationalized the Corruption Prevention Committees (CPCs) in the campuses. The CPC at the headquarters receives reports from the campuses and compiles for reporting to the EACC. During the defunct KACC tenure the function and reporting of CPC activities were motivated by the PC requirements. The CPC was boosted by appointment of a Program Officer and Analyst under the Integrity Testing Program (ITP) in 2010. The College has managed to boost communication to all staff through memos, notice boards, newsletter, complaint boxes and the website.

The College established the complaints office with a desk officer in line with the requirements of the Commission on Administrative Justice. The College improved on application process supported by ICT and fee collection through banking and ICT tracking. The Board of Directors and academic board have been sensitized on corruption prevention mechanisms. The College plans to sensitize other staff in all campuses and to carry out integrity testing of the top management with an aim of complying with the Leadership and Integrity Act. This will also help in the fight against corruption.

3.2 KMTC'S Steps for Corruption Prevention

3.2.1 Capacity Building and sensitization programs

The College undertakes various capacity building and sensitization programs that are conducted by internal trainers, through EACC and other providers. The aims of training programs are to enhance value based culture by promoting compliance with the code of conduct as enacted in July 2012, enhance technical skills and elevate moral development of staff.

Members of staff must take initiative to understand all legislation in regard to corruption and particularly in their fields of operations. The Integrity Assurance Officer prepares an annual plan including an integrity training plan which is submitted to EACC during the first quarter of a financial year. Implementation report is also submitted to EACC quarterly.

3.2.2 Code of Conduct and Ethics

KMTC's main tool in preventing corruption is through the code of conduct that aims at developing an ethical culture in the College. The code of conduct is revised from time to time and stipulates principles of expected behavior as per the Public Officers' Ethics Act 2003 to guide behavior of employees. All employees commit to the code and are expected to comply with its provisions.

3.2.3 Policies

In addition to the code of conduct the College has policies that guide its operations including the Human Resource Manual, the Standard Operations Procedure Manual, The Students Admission's Policy and the Procurement Policy and Manual which are binding to all employees.

3.2.4 Corruption Risk Assessment

The College as part of its annual performance targets conducts annual corruption risk assessment; develops strategies and actions to minimize or manage risks. Progress on implementation of integrity plans shall be reviewed regularly. All campuses, departments and unit heads are tasked with implementing the respective actions. Their performance review will take into account the implementation of the corruption prevention plans. The areas of concern for the College include:

- i. Admissions
- ii. Accommodation
- iii. Examination
- iv. Human Resources (HR)
- v. Information Communication Technology (ICT)
- vi. Procurement of goods, works and services, bid rigging, boarding and disposal of boarded stores
- vii. Finance
- viii. Security
- ix. Research and Collaborations

Management will develop risk action schedules for each area of risk and document risk management plan and processes.

The other tools used by the College are as follows:

3.2.5 Employee Vetting

The Human Resource Manual guides recruitment, selection and promotion, disciplinary procedures, staff development and training, performance management, staff benefits and terms and conditions of service. The Head of Human Resources function is responsible for pre-employment vetting, screening and verifying qualifications of current and potential employees or employees applying for promotions. It is the responsibility of every employee to update their records on personal records, academic and work achievement.

The College commits itself to the tenets of Chapter Six (6) of the Constitution and as is a requirement and will engage EACC in vetting of all senior officers of the College.

3.2.6 Safe Reporting and Whistle Blowing

Every employee of the College is responsible for reporting corrupt practices. The College encourages safe and responsible reporting and disclosures to Board of Directors. Members of staff are assured of protection or non-retaliation as stipulated under the Witness Protection Act, 2006.

This will facilitate ease of investigation as more information can be accessed from the report. However, employees can still report anonymously but must endeavor to provide as much information to facilitate investigations. Reports must however be responsible and any abuse of system of anonymous reporting will be severely punished.

Employees can report potential corruption or corrupt practices through the following channels;

- a) Written or verbal to the Audit Committee and Board of Directors.
- b) Via email to the CEO or complaints office.
- c) Verbal or written to the Internal Audit Department or any other manager in the College.
- d) Verbal or written to the Complaints Officer/Ombudsman.
- e) Post complaints in the complaints or corruption boxes.
- f) Written or verbal to the supervisor or Integrity Officer.

The reported cases shall be investigated by the Internal Audit or an ad hoc investigation team set up by the KMTC's Board of Directors or any other relevant authority.

It is expected that corruption cases/reports shall come from KMTC staff, members of the public, media, customers, EACC, and audit reports. However, all external reports shall be filed to the CEO, Internal Audit or the Board Audit Committee Chairperson. No report(s) not meeting the above stipulated requirements shall be deemed official.

3.2.7 Important Committees

The College has various committees established to carry out various functions and responsibilities. The committees shall help in corruption prevention and the constitution and establishment of these committees shall be reviewed from time to time to determine responsiveness to address the changing needs and challenges of corrupt circumstances. Such Committees include:

- i. Human Resources Advisory Committee
- ii. Corruption Prevention Committee
- iii. Governance Audit Committee
- iv. Academic Committee at HQ

3.3 KMTC's steps for Detection

3.3.1 Internal Systems Audit

Detection of corruption is a responsibility of every employee of the College. The College's Internal Audit plays a crucial role in prevention, detection and reporting of corruption within the institution. The Auditor shall provide an institutionalized mechanism for supervision, control and assessment of operational systems within the institution. It plays an important role in assessing the nature and extent of any fraud and corruption risks in the College. The College's Internal Audit function is however an important internal assurance functions and is tasked with detecting corruption in the following ways.

- i. Review financial and operational systems and report on any weaknesses.
- ii. Perform value for money audits.

- iii. Conduct internal financial investigation.
- iv. Determine whether the risk management, control and governance processes are adequate and functioning effectively.
- v. Advising management generally on key business risks and governance issues.
- vi. Development and Implementation of Internal Controls.
- vii. Due to the varied nature of operations, the College has developed internal controls, guidelines and procedures to check the systems, processes and procedures, used in the institutional management and service delivery. The procedures form part and parcel of the ISO Standards. The control measures shall be subject to review from time to time and are meant to enhance performance, audit and accountability in the College.
- viii. Proper controls and procedures shall assist in reinforcing transparency and accountability

3.3.2 Safe Reporting

Safe reporting mechanism under 3.1 above applies to detection and reporting of corruption.

3.3.3 Management's Action

The Management shall ensure that persistent and consistent corruption prevention initiatives are maintained for better service delivery and enhanced productivity in the College. The Management is well aware of the importance of corruption prevention and shall commit resources in order to develop and sustain initiatives to fight it.

All corruption cases are criminal cases and shall be handled as such. The College has put in place plans and structures to prevent, detect, investigate and determine corruption cases and officers to undertake the said responsibilities. Appropriate punishment shall be meted out on the errant officers to make corruption a 'high risk' – 'low gain' venture as follows:

- i. Repaying for the damage or loss of any item by three times its current value.
- ii. Case being referred to EACC for further investigations and determination.
- iii. Case being presented before the Board of Directors for determination.
- iv. Case being referred to the Police for further action.
- v. Cases referred to other agencies

3.3.4 Other Strategies to Detect Corruption include:

- i) Deliberate efforts in sealing loopholes that induce corruption.
- ii) Include provision of reporting corrupt cases and handling them judiciously.

3.4 Steps for Investigation

In order to understand what legal tools can assist in investigations and what charges can be

brought before an accused person, the investigators will need to familiarize themselves with all the legislation listed in 1.1. The College will engage both internal and external mechanisms for investigating corruption.

3.4.1 Internal Capacity for Investigation

Preliminary investigations will be conducted to determine whether there is evidence of corruption having taken place. The Internal Audit or a Special Investigation Team will be requested to conduct the investigation. The Legal Officer will be involved to ensure correct procedures are followed. Some of the actions that will be taken by the investigators include;

- Conduct regular audits at Management's request or following up on tip-offs.
- Report matters of concern to CEO, Audit Committee Chairperson or Board of Directors Chairperson.
- Compile reports with recommendations including engagement of external investigators or forensic audits.
- Refer any discovered fraud or corruption to the CEO or the Audit Committee Chairperson or the Board of Directors Chairperson.
- Conduct integrity tests on all processes or procedures of the College and make recommendations if deemed necessary.
- Support external investigators and agencies.

3.4.2 External Investigations

In serious cases involving sizeable resources or funds, the support of external agencies will be sought. Such cases will be referred to the Board for further direction on which agency shall be contracted/contacted for further investigation or forensic audits.

KMTC will cooperate with the following public agencies for external assistance;

- i. The Kenya Police
- ii. Criminal Investigation Department
- iii. Auditor General
- iv. Inspectorate of State Corporations
- v. National Intelligence Services
- vi. Efficiency Monitoring Unit (EMU)
- vii. Ethics and Anti-Corruption Commission

During the investigations, KMTC undertakes to protect the rights of all the accused persons including protecting them from media coverage which may dent their reputation particularly innocent persons.

3.5 KMTC's Steps to Corruption Resolution

Understandably, the College's focus is on anticorruption programs yet we will endeavor to resolve corruption cases successfully. Resolution will deter people with corrupt intent so that they can observe that they will not get off lightly.

The College will ensure these cases are concluded through:

3.5.1 Criminal Prosecution or Referring Cases

The College will pursue criminal cases to conclusion or refer them to other agencies such as CID, EMU, EACC and others who play important roles in the national fight against corruption.

3.5.2 Disciplinary Action

Management views these cases in serious light and immediate disciplinary action will be taken as soon as any irregularity is discovered. The College will avoid unnecessary delays that can seriously harm the organization's image. Discipline will be applied in a consistent, unbiased and fair manner. We hold the firm view that everyone is equal before the law and will not give impressions that might undermine the power to deter irregular behavior.

Cases will be handled with absolute procedural correctness. Adhere to all policies and procedures that specify how to go about disciplinary action. This will prevent cases from being unresolved due to a procedural technicality not being met.

3.5.3 Improving Internal Controls

KMTC will ensure that once corruption has been uncovered, internal controls and other prevention measures are reviewed to see whether any weaknesses in this area contributed to the incident. Recommendations of the investigation unit will be used to improve systems as a matter of good practice.

Cases of corruption must be recorded in a database which will be regularly be updated. Once a case has been determined the outcome is entered into the database. These cases can then be marked as resolved and should be kept in the system for trend analysis and record keeping

3.5.4 Recovery of losses

The College will penalize any employee whose negligence results in financial or other losses to the College as per service regulations. KMTC will also support other agencies in tracing, freezing and recovery assets of employees that are irregularly acquired. The Anticorruption and Economic Crimes Act (ACECA), 2003, the Public Officers Ethics Act, 2003 and the Anti-Money Laundering Act, 2011 provides for mechanisms to recovery such assets.

4.0 IMPORTANT RESOURCES

The Institution has the following resources that support this Policy.

- i. KMTC Code of Conduct
- ii. HR Manual
- iii. Corruption Risk Assessment Profile
- iv. Public Procurement Procedures
- v. Financial Management Guidelines
- vi. Various circulars and communications from the Government

5.0 POLICY REVIEW

This Policy is a guide that shows how KMTC's engine to fight corruption works. What is important however is the will to fight corruption and create an ethical environment in KMTC.

We note that due to new developments in corruption perpetuation, the outlined policies shall be subject to review after every 3 years.

The KMTC Board of Directors reserves the right to order for the review or add to the policies contained in this Policy.

Recommendations will be made to the Board of Directors for consideration and approval.

This Corruption Prevention Policy shall only become valid after formal approval by the Board of Directors.

APPROVAL

Title : Corruption Prevention Policy

Contact : Corporation Secretary

Approval Authority : The Board of Directors

Commencement Date : May 2019

SIGNED



Prof. Philip Kaloki, MBS,
Chairperson, KMTC Board of Directors.

15th May 2019

Date



KMTC is ISO 9001:2015 Certified.

Kenya Medical Training College


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