



PERFORMANCE CONTRACT FOR 2022/2023 FINANCIAL YEAR

19TH CYCLE CORRUPTION PREVENTION GUIDELINES

This performance indicator aims to combat and prevent bribery, corruption and unethical practices and promote standards and best practices in governance. It is in line with the Ethics and Anti-Corruption Commission (EACC) Act No. 22 of 2011, Anti-Corruption and Economic Crimes Act of 2003, the Leadership and Integrity Act of 2012, the Bribery Act of 2016 and the National Ethics and Anti-Corruption Policy, 2018.

During the **19th Cycle**, all MDAs and other public organizations that have signed into the Performance Contract (PC) will be required to implement various prevention activities and submit quarterly reports in order to comply with the following sub-indicators.

a) Procedures for The Prevention of Bribery and Corruption

The entities will be required to put in place procedures for the prevention of bribery and corruption in line with Regulation 13 of the Bribery Regulations, 2021 by undertaking the following:

1. Constituting and operationalizing Integrity/Corruption Prevention Committee. Evidence of the formation and operationalization of the Committee should be submitted to EACC in the first quarter. Minutes of the deliberations of the committee to be submitted at the end of every quarter.
2. Establishing sufficient mechanisms to facilitate efficient and effective reporting of bribery and corruption within the institution and to EACC. Evidence of the established reporting mechanisms to be submitted in the first quarter
3. Establishing mechanisms to encourage and protect whistle-blowers, informants and witnesses to report bribery and corruption. Evidence (such as a policy) of the establishment of a mechanism to protect whistle blowers, informants and witnesses to be submitted before the end of the first quarter.
4. Provide for effective Communication, awareness creation and dissemination to internal and external stakeholders on the measures put in place to prevent bribery and corruption. Measures may include; Communication to staff, training and sensitization of staff and stakeholders, and dissemination of Information materials. Evidence on measures put in place to be communicated in each quarter.
5. Designating a person or persons (committee) in authority to set up the enforcement structure. Evidence of the designated persons to be submitted in the first quarter.

b) Bribery and Corruption Risk Assessment and Management

| | Key Indicator | Sub-Indicator | Weight | Total Weight |
|----|--|--|---------------|---------------------|
| 1. | Carryout a bribery and corruption risk assessment in all Directorates/Departments/sections and units and develop a plan to mitigate the risks. | A copy of an organizational structure (organogram) of the institution) submitted to EACC in the first quarter. | 5% | 45% |
| | | A comprehensive Bribery and Corruption Risk Assessment & Mitigation Plan submitted to EACC showing the risks identified in the various Directorates/Departments/sections and units shown in the organogram | 40% | |
| 2. | Implement measures / strategies outlined in the Risk Mitigation Plan. | No of measures /strategies implemented and reported in the quarterly progress reports submitted to EACC together with supporting evidence. | 35% | 35% |
| 3. | Submit quarterly performance reports to EACC using the prescribed reporting format | No of comprehensive reports submitted (not later than 15 th of the month following the end of the quarter) | 10% | 10% |
| 4. | Monitor, Evaluate and Review effectiveness of measures put in place to. | A report of the monitoring, evaluation and review of the strategies submitted within 45 days after the end of the PC period. | 10% | 10% |
| | Total | | | 100% |

INSTRUCTION NOTES

- 1.** Public Institutions are expected to put in place procedures for the prevention of bribery and corruption in line with **Section 9** of the Bribery Act, 2016, Regulation 13 of the Bribery Regulations, 2021 and Guidelines for the Prevention of Bribery and Corruption (Gazette Notice No.11125 of 22nd October, 2021). Failure to put in place the procedures will make the institution **ineligible** for evaluation of the Corruption Prevention Indicator.
- 2.** Public Institutions are expected to carryout Bribery and Corruption Risk Assessment in all functional areas and develop comprehensive Mitigation Plans to the EACC before the end of the first quarter of FY 2022/2023.The template for Corruption Risk Assessment and Mitigation Plan will be posted in the EACC website: www.eacc.go.ke.
- 3.** At the end of every quarter, MDAs will be expected to submit progress reports on the implementation of the corruption prevention strategies (outlined in the mitigation plan) together with observed outcomes (changes identified). This report should be accompanied with **relevant** evidence of the implementation of the prevention strategy. The implementation report will be evaluated only on the basis of concrete actions taken and changes identified. EACC will conduct sampled spot checks to ascertain the accuracy of the reports. MDAs are required to submit quarterly reports within fifteen (15) days following the end of a quarter.
- 4.** Reports to EACC will be in the format(s) which will be posted in the EACC website. Reports not in conformity with the format will be rejected.