

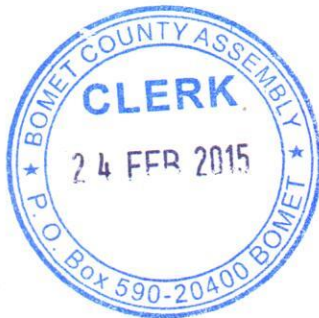
REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BOMET

COUNTY ASSEMBLY

**COMMITTEE ON APPOINTMENTS REPORT ON
THE VETTING OF THE COUNTY EXECUTIVE COMMITTEE MEMBER
IN CHARGE OF CHILDREN AND SOCIAL SERVICES SECTOR**



[Handwritten signature]

Tabled on 24/2/2015
[Handwritten signature]

FEBRUARY, 2015

1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Appointments and pursuant to Standing Order 190(5)(g), it is my pleasure and duty to present to the House, the Committee's report on the vetting of the member of the County Executive Committee in charge of Children and Social Services.

This is one of the select committees established under the Standing Orders 186(1) and the Second Schedule to the Standing Orders which provides that the select Committees, of which the Committee on Appointment falls, shall inter alia, vet and report on all appointments where the constitution or any law requires the County Assembly to approve.

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Appointment was constituted by the House on Friday 28th February 2014 comprising of the following members:-

1. Hon. G.K Kipngetich - Chairperson
2. Hon. Josphat Kirui
3. Hon. John Chepkwony
4. Hon. Joyce Korir
5. Hon. David Rotich Big Five
6. Hon. Christopher Ngeno

1.2 Committee's Mandate

The Committee is one of the Select Committees established under Standing Order No.186 (1) which provides that, the committee on Appointments shall consider, for approval by the House, appointments under Article 179(2)(b) of the Constitution (Members of the County Executive Committee) .The Committee therefore deals with the Public Appointments in accordance with the Standing Order 44(2).

2.0 NOMINATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER

Pursuant to Article 179(2)(b) of the Constitution, Section 35 of the County Government Act, 2012 and Standing Order No 44(2), H.E. the Governor, through the County Attorney forwarded to the Clerk of the County Assembly, the name of the one nominee vide a letter dated 30th January 2015 for vetting by the committee on Appointments and considerations by the County Assembly for appointment as the County Executive Committee member in charge of Children and Social Services:-

Nominee	Sector/Department
Samwel Kipkoech Barchok	Children and Social Services

Mr. Speaker Sir,

On Monday 2nd February 2015 the Assembly Clerk received the name of the nominee while the House was on recess. On Tuesday 10th February 2015, the Speaker directed that the said nominee be referred to the committee on Appointments for vetting and reporting to the house within 30 days as per the Bomet County Public Appointments (Assembly Approval) Act, 2014.

2.1 Committee meetings

The committee held a total of three meetings and in one of the meetings the said nominee appeared before the committee on Appointments and was vetted in accordance with the Bomet County Public Appointments (Assembly

Approval) Act, 2014 for appointment as Member of the Executive committee in charge of Children and Social Services.

On behalf of the committee on Appointments, I have the honour and pleasure to present the committee's report on the nominee for appointment as Member of the Executive committee in charge of Children and Social Services.

The Committee had resolved to invite the Member of the Executive Committee, Children and Social Services nominee for approval hearings at the County Assembly's Boardroom on Friday 20th February 2015. In conducting the vetting exercise, the Committee made reference to the Constitution, the Bomet County Public Appointments (Assembly Approval) Act 2014, the County Governments Act, 2012 and the Standing Orders.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured that public participation and openness in carrying out the proceedings was adhered to. Notifications and inviting the public to submit memoranda were placed in the mainstream print media (Thursday 12th February 2015) in tandem with the law.

3.0 Acknowledgements

Mr. Speaker Sir,

The Committee wishes to thank the Office of the Speaker, the Clerk and staff of the County Assembly for the logistical support accorded to it during the vetting exercise and execution of the committee's mandate.

As the chairperson, I also take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and commitment to serve the public under tight schedules which enabled us to complete the task within the stipulated period.

Mr. Speaker, Sir,



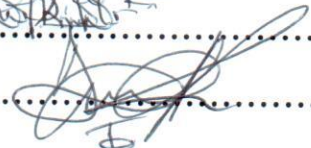

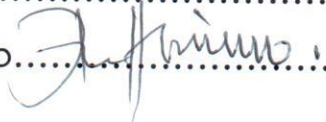
The Committee made several findings on the nominee during the vetting exercise. These findings guided the Committee in making its final recommendations. The Committee's final recommendations were based on the Constitution of Kenya, 2010, the Bomet County Public Appointments (Assembly Approval) Act, 2014, the County Governments Act, 2012 and information by the nominee from the proceedings of the Committee during the vetting exercise. The recommendations were agreed unanimously by the Committee Members during the adoption of the Report on Tuesday 24th February 2015.

SIGNED..........DATE: 24/02/2015.....

HON. G.K Kipngetich
Speaker of County Assembly/Chairperson
Committee on Appointments

4.0 Ownership of the Report

We the members of Committee do append our signatures against our names to this report to affirm the correctness of the contents and support for the report

1. Hon Josphat Kirui 
2. Hon. John Chepkwony..... 
3. Hon. David Rotich Big Five..... 
4. Hon. Joyce Korir..... 
5. Hon. Christopher Ngeno..... 

Dated this 24th day of February 2015.

Table of Contents

REPUBLIC OF KENYA.....	1
COUNTY ASSEMBLY	1
1.0 PREFACE	2
1.1 Committee Membership.....	2
1.2 Committee’s Mandate	3
2.0 NOMINATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER.....	3
2.1 Committee meetings	3
3.0 Acknowledgements	5
4.0 Ownership of the Report	6
5.0 BACKGROUND	8
5.1 APPOINTMENT PROCESS OF THE CEC NOMINEES	8
6.0. VETTING OF MR. SAMWEL KIPKOECH BARCHOK, CEC CHILDREN AND SOCIAL SERVICES	9
6.1 Issues for consideration in conducting the Approval hearing	10
6.2 Notification to the nominee.....	10
6.3 Notification to the Public	11
6.4 Committee meetings.....	11
6.5 Submission of memoranda	11
6.6 The Vetting Process.....	11
6.7. Mr. Samwel Kipkoech Barchok- County Executive Committee Member, Children and Social Services	12
7.0 COMMITTEE OBSERVATIONS	18
9.0 RECOMMENDATIONS OF THE COMMITTEE	20
10.0 COMMITTEE RECOMMENDATION TO THE HOUSE.....	20

5.0 BACKGROUND

The Committee on Appointments is one of the select committee established under standing order No. 186(1) and the Second Schedule to the Standing Orders which provides that the Committee on Appointment shall deal with all matters related to appointments that require the Assembly's approval particularly members of the County Executive Committee as provided for under Article 179(2)(b) of the Constitution.

The said Article requires H.E. the Governor to nominate and with the approval of the County Assembly, appoint members of the County Executive Committee. Additionally, Section 10(1) of the Bomet County Public Appointments (Assembly Approval) Act 2014 provides that, where the nomination of a candidate is rejected by the County Assembly, the appointing Authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.

5.1 APPOINTMENT PROCESS OF THE CEC NOMINEES

- (I) Pursuant to Article 179(2)(b) of the Constitution and Section 35 of the County Government Act, 2012, H.E. the Governor through the County Attorney forwarded to the Clerk of the County Assembly, the name of CEC Children and Social Services nominee vide letter dated 30th January 2015 for vetting by the Committee on Appointments and consideration for approval by the County Assembly for appointment as the County Executive Committee member in charge of Children and Social Services.
- (II) On 10th February 2015, the Honourable Speaker in Communication to the House, informed the members that the Clerk of the Assembly had received the name of the said nominee and directed that the nominee be referred to the Committee on Appointments for vetting and reporting to the House within 30 days as per Section 8(1) of the Bomet County Public Appointments (Assembly Approval) Act, 2014.

- (III) The public was expected to participate in the vetting process through submission of memoranda (affidavit) on the suitability of the nominee. On Thursday 12th February 2015, pursuant to Standing Order 44(3) the Clerk of the County Assembly placed an advertisement in the print media and the Assembly website inviting the public to submit memoranda by 18th February 2015 on the said nominee. However, there was no memorandum received from the public.
- (IV) Further, the committee received the following documents from the nominee; (Annex 1)
- Curriculum Vitae, Personal Credentials and Academic Certificates.
 - Online Compliance Certificate from Kenya Revenue Authority (KRA).
 - Statement of Accounts from the Higher Education Loans Board (HELB) on Clearance of the Loans Repayment.
 - Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
 - Receipt of the Police Clearance Certificate from the Criminal Investigation Department (CID).
 - Clearance Certificate from Credit Reference Bureau.

6.0. VETTING OF MR. SAMWEL KIPKOECH BARCHOK, CEC CHILDREN AND SOCIAL SERVICES

In conducting the vetting process, the Committee on Appointments examined the nominee against the following vetting criteria, amongst others, in accordance with the Bomet County Public Appointments (Assembly Approval) Act 2014.

- (i) Academic Qualification
- (ii) Employment Record
- (iii) Professional Qualification
- (iv) Potential Conflict of Interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for position
- (vii) Tax Compliance
- (viii) Integrity (Chapter Six of the Constitution)

The Committee further agreed to vet the nominee as per the new vetting form without scores being indicated since the nominee was only one with no comparisons to be done.

During its sitting held on Friday 20th February 2015 at the County Assembly Chambers, the Committee orally interviewed the CEC Children and Social Services nominee. The Minutes of the vetting proceedings are attached (Annex 2). Article 73(2) of the Constitution on leadership and Integrity provides as follows:

That the guiding principles of leadership and integrity include;

- a. Selection on the basis of personal integrity, competence and suitability in free in free and fair elections;
- b. Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices.
- c. Selfless services based solely on the public interest, demonstrated by:
 - i.) Honesty in the execution of public duties
 - ii.) The declaration of any personal interest that may conflict with public duties.
 - iii.) Accountability to the public for decisions and actions; and
 - iv.) Discipline and commitment of service to the people.

6.1 Issues for consideration in conducting the Approval hearing

In conducting the Approval hearing, the Committee was guided by Article 73 (2) (a)(b)(c) and (e) of the Constitution, and the provisions of the Bomet County Public Appointments (Assembly Approval) Act 2014.

6.2 Notification to the nominee

On 11th February 2015, the Clerk of the Assembly, Pursuant to the Bomet County Public Appointments (Assembly Approval) Act 2014 and the Standing order No 44(3), notified the nominee of the time and place for holding the approval hearing through a formal letter and an advert that was placed in the print media on 12th February 2015.

6.3 Notification to the Public

Further, Pursuant to Section 6(5) of the Bomet County Public Appointments (Assembly Approval) Act 2014 the Committee notified the public of the time and place for holding the approval hearing through the print media and the Assembly website. This was to allow public participation in Committee proceedings. The notification further gave provision for the submission of memoranda to the office of the Clerk on the suitability of the nominee, by Wednesday, 18th February 2015, at 10.00am by the public.

6.4 Committee meetings

The Committee held a one day vetting and approval hearing session on Friday, 20th February 2015. Before vetting the nominee, the committee held a debrief session in order to deliberate on the vetting procedure and questionnaire as provided for by the Bomet County Public Appointments (Assembly Approval) Act 2014.

6.5 Submission of memoranda

By close of business on Wednesday, 18th February 2015, the Committee had not received any memoranda from the public.

6.6 The Vetting Process

The committee on appointments while vetting the nominee for appointment of member to the executive committee was guided by the Constitution of Kenya 2010, the County Government Act 2012, the Bomet County Public Appointments (Assembly Approval) Act 2014 and the Standing Orders (Amongst traditions and other statutes)

Article 179 of the Constitution which states that:

(2)(b) The County Executive Committee consists of members appointed by the county governor; with the approval of the assembly, from among persons who are not members of the assembly.

(3) The number of members appointed under Article 2(b) above shall not exceed:

(a) one third of the number of members of the county assembly, if the assembly has less than thirty members; or

(b) Ten, if the assembly has thirty or more members.

The committee considered the provisions of section 35 of the County Governments Act which states as follows:-

Section 35(2) Of the County Governments Act, 2012 states that:

The County Assembly shall not approve nominations that do not take into account that;

(a) Not more than two thirds of either gender

(b) Representation of the minorities, marginalized groups and communities; and

(c) Community and cultural diversity within the county.

(3) A person may be appointed as a member of the executive committee if that person:-

1. Is a Kenyan citizen;
2. Is a holder of at least a first degree from a university recognized in Kenya;
3. Satisfies the requirement of chapter six of the Constitution; and
4. Has knowledge, experience and distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

(4) A member of the County Executive committee shall not hold any other State or Public office.

6.7. Mr. Samwel Kipkoech Barchok- County Executive Committee Member, Children and Social Services

Mr. Samwel Kipkoech Barchok appeared before the Committee on Friday, 20th February 2015. As per his vetting, Mr. Samwel stated to the committee the following:

1. He was born in 1961 in Chebaraa village. He hails from Chepalungu Sub County and Sigor Ward. He went for his primary education to Tumoi Primary School between 1970-1976, then to St. Mary's Yala for his A level Course and Kenyatta University for his Degree- Bachelor of Education in Science; he is currently pursuing a Diploma in Education Management. He has worked as a teacher since 1987-1997 and later promoted to a head of a department at Njoro Boys High School between 1987-1998. He was later promoted as a principal in 1999 and since then he has been a principal of four schools to date, he is currently the Principal of Bingwa High School.
2. The nominee stated that between 2006–2011 he requested to become a head of a department from a principal so that he could come closer home to take care of his sick mother.
3. The nominee was unable to state the functions of the CEC as provided for by the County Governments Act, 2012; he stated that being a CEC some of the functions he shall undertake in his office includes betting and casinos, assisting the vulnerable children, PWDs and the disbursement of the oldage funds in the County.
4. The nominee informed the committee that to address the challenges faced by the aged and PWDs he would ensure there are adequate funds to support the vulnerable families and ensure there are adequate amenities and special classrooms for special children.
5. He further stated that the relationship between the Gender, Culture and Social Services Sector and Health Sector would be critical since these sectors are interrelated e.g. His sector would need support from the health sector especially in terms of providing medical services to the old persons and treating children or people living with HIV and AIDS.
6. The nominee informed the committee that he would best fit in the position since he had experience in assisting the less fortunate in his

current work environment (School) where he has many vulnerable children who are his students.

7. The Committee noted that the nominee had not applied for the CEC position but was nominated by the Governor and he accepted the position.
8. The nominee was put to task by the committee to explain why he was leaving the teaching profession where he had been for the last 30 years and become a CEC. He informed the committee that having worked for that long in teaching, he was satisfied especially seeing his students succeed in life, however it was now time for change and being a CEC would grant him this.
9. The nominee further stated to the committee that the same passion he has in dealing with the students and their parents, it would also apply once he takes over the CEC docket, he mentioned that he would be dealing with the same people and that would not be a challenge to him.
10. On the question of the problems facing the old age in the County and how to address them, the nominee informed the committee that he had noted that there were delays in payment of the cash transfers to the old persons on a monthly basis, and also, after issuance of sim cards to the beneficiaries of these funds, they had not been educated on their use forcing them to be switched off due to lack of use after the 6 months expiry. He informed the committee that once in office he would undertake an assessment of the old persons to ensure an adequate budget is allocated so that they can get their funds on a regular basis and look for a better option to ensure the sim cards are in use.
11. The nominee was unable to explain why the old persons under the cash transfer could not get the funds on a regular basis; however he noted

that it may have been due to the daily registrations done of the old persons by the concerned Sector.

12. The nominee informed the committee that some of the interpersonal skills he had that would assist him to perform his functions if he became the CEC would be; good listening skills as he has been a teacher for over 30 years dealing with students, other teachers and parents. In addition, he is social and very accommodative.
13. On the question of what measures and strategies would the nominee put in place to ensure uniformity in supporting PWDs, Old persons, Orphans and vulnerable children across all the 25 wards in Bomet County. The nominee informed the committee that he would undertake an assessment within all the wards to know the number of PWDs, the old persons, and the vulnerable so as to allocate enough budget for their needs, he would also listen to the citizens on the ground and work on policies on the same issue.
14. The nominee was unable to state the budget allocations for the last financial year and the current financial year within this sector as well as the current status of PWDs fund and their utilization.
15. The committee noted that the nominee was not well conversant with the Constitution of Kenya, 2010 especially he could not name the Chapter on devolution and the objects of devolution.
16. The nominee was conversant with the 4th Schedule of the Constitution and he indicated some of the functions of the County Governments including Agriculture, Health, Early Childhood Development Education (ECDE), Village Polytechnics and County Roads. However the nominee failed to mention the functions that are in the Gender, Culture and Social Services Sector.

17. On the question of the cultural heritage centers in the County and what can be done to promote them, the nominee was not able to name any of the cultural heritage centers within the County.
18. On the question of the county being one of the counties blessed with cultural musicians and if they are of value to their families and the society, the nominee indicated that the cultural musicians were of great value to the larger Rift Valley Province, however the Society has not placed much effort in supporting these musicians thus rendering them to live in poverty. The Nominee stated to the committee that he would strategize on training the musicians to ensure good management of the funds they receive after performance or from selling their CDs and curb piracy. He however did not mention on how he would promote these musicians and their music.
19. On the question of how the nominee would address the issue of FGM which was rampant in his ward, he informed the committee that he would ensure that the general public is educated on the disadvantages of the practice and work with the administration to ensure education for all applies and young girls do not drop out of School.
20. The nominee informed the committee that, to be able to raise revenue through the cultural heritage centers, once he is in office, he would create the cultural centers along our main road to tap on the many travelers and tourists using the road.
21. The nominee was unable to mention the progress of the Sector currently within the county, he noted that since not much could be seen especially the results in the Sector, therefore the Sector may have been in its policy making stage.
22. The nominee was unable to mention what new strategies and programmes he would bring into the docket since he was not conversant with the current programmes of the sector. The committee

noted that the nominee had not sought for any information from the Sector especially in understanding its current status. The nominee however, informed the Committee that once he takes charge of the docket he would familiarize with it and learn fast to fastruck on the pending issues.

23. On the question of the three documents that would guide the nominee to manage the docket once he is the CEC, the nominee only named the Constitution of Kenya, 2010.
24. On the question of what are some of the children services the CEC would provide on a daily basis, the nominee stated that he would ensure parental care is provided for neglected children by ensuring that their parents are accountable and provide care and support to the vulnerable children.
25. The nominee was unable to indicate any of the national values and principles of governance as provided for in Chapter 2, Article 10(1) of the Constitution.
26. On the question of separation of power, the nominee acknowledged its importance to ensure the autonomy and independence of both arms of government in performance of their functions.
27. The nominee stated to the committee that he would be submitting reports to the County Assembly on the sector progress and specifically give report to the Committee of Gender, Culture and Social Services.
28. On the question of the nominees stand if funds in his docket were to be reallocated by the Governor, the nominee stated to the committee that he would advise the Governor based on the actual assessments and budgets developed by his sector to avoid misuse of funds and be affirmative in the same.

29. The nominee informed the Committee that his office would work closely and compliment the services offered by the National Government especially on probation and bursaries, so as to avoid duplication of the same in the counties.
30. The nominee indicated that the first five priority areas he would tackle once in office would be to streamline the old age and needy funds (Cash Transfers), initiate cultural heritage centers and assess the current situation of PWDs and vulnerable children for allocation of an adequate budget in the subsequent financial years.
31. The nominee indicated that he was worth a net of three (3) million Kenya Shillings and he has been involved in the teaching profession only.
32. On the question of how the nominee would deal with his work environment, that is dealing with vulnerable persons visa a vie the school environment, the nominee stated to the committee that the CEC environment would be similar to the school one since some of the students he would assist were very vulnerable and poor and this would not be a challenge to him.

7.0 COMMITTEE OBSERVATIONS

After the vetting exercise, the committee made the following observations:

	KEY AREAS VETTED	COMMITTEE OBSERVATION
1	Academic Qualification	-Holds a degree (Bachelor of Education Science- the nominee fulfilled Section 35(3)(b) of the County Governments Act, 2012
2	Leadership and Integrity as per Chapter Six of the Constitution of Kenya, 2010.	-The nominee satisfied this requirement.
3	Vast Knowledge on the laws of Kenya and other guiding principles e.g. The Constitution of Kenya, 2010, The devolution laws, vision 2030, etc.	-The nominee was not conversant with the Laws of Kenya e.g. the Constitution of Kenya 2010, his performance on this was below average.

4	Professional Skills and Technical Skills	<p>-The nominee has been a teacher since 1987 and he was promoted as a principal in 1999, and currently he is a principal at Bingwa High School</p> <p>-The nominee therefore has professional skills in teaching.</p>
5	Additional Skills as per the position applied for.	<p>-The nominee has additional skills in administration, coordination and collaboration- since the nominee is a principal and therefore has interacted and handled students, teachers and parents as well as other stakeholders in the Education Sector.</p>
6	Self-awareness in relation to personal characteristics and career pursuits	<p>-The nominee had not done much research on the anticipated position, to understand its current status, programme and budget allocations. However, he promised and indicated his passion to familiarize and learn fast on the same.</p> <p>-The committee further noted that the nominee had not applied for the position but was nominated by the Governor.</p>
7	Specific Examples of appropriate length when talking about experiences, cause of action, personality traits and knowledge	<p>-The nominee having worked for 27 years in the teaching profession he possessed the required knowledge and experience to handle the sector of Children and Social Services as per Section 35(3)(d) of the County Government Act, 2012.</p> <p>-The Committee noted that the nominee would have best fit to handle the Education and Youth Sector due to his wealth of experience as a teacher and a principal.</p>

9.0 RECOMMENDATIONS OF THE COMMITTEE

At the end of the vetting and approval hearing process, the Committee APPROVED the nominee due to the fact that;

1. The nominee satisfied all the requirements of Section 35 of the County Government Act, 2012.
2. The nominee having worked in the Education Sector and as an administrator (dealing with students, teachers, parents and other stakeholders in the Sector) he possessed the required knowledge to handle the Children and Social Services Sector.
3. To handle the Children and Social Services Sector the nominee does not necessary require the technical skills, but be knowledgeable and well experienced in the field, possess good interpersonal skills and be creative, which were demonstrated by the nominee.

10.0 COMMITTEE RECOMMENDATION TO THE HOUSE

In view of the mentioned findings and observations, the Committee therefore recommends to the County Assembly to **APPROVE THE NOMINEE** for the position of CEC in charge on Children and Social Services.