REPUBLIC OF KENYA

PERFORMANCE CONTRACT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF KENYA

THROUGH

THE MINISTRY OF LABOUR AND SOCIAL PROTECTION

AND

THE COUNCIL OF DIRECTORS OF THE NATIONAL COUNCIL FOR

CHILDREN'S SERVICES (NCCS)

FOR THE PERIOD 1st JULY 2018 – 30th JUNE 2019

12/7/2018
PERFORMANCE CONTRACT

This Performance Contract (hereinafter referred to as "Contract") is entered into between the Government of the Republic of Kenya (hereinafter referred to as "GoK") represented by the Cabinet Secretary, the Ministry of Labour and Social Protection P.O. Box 40326-00100 Nairobi (together with its assignees and successors) of the one part, and the Board of Directors of National Council for Children’s Services (hereinafter referred to as "The Council") a State Corporation having its registered offices at the NSSF Building, Bishops Road, Nairobi. (Together with its assignees and successors) of P.O. Box 6446- 00100 Nairobi on the other part;

WHEREAS;

The Government is committed to ensuring that public offices are well managed and are cost effective in delivering quality service to the public in line with provisions of the Constitution of Kenya;

The Government recognizes that the National Council for Children’s Services (NCCS) holds vital key in the implementation of the "Big Four" Initiative and other national priorities in order to improve the quality of lives of Kenyans and make the country globally competitive;

The purpose of this Performance Contract is to establish the basis for ensuring that efficient and effective services are delivered to Kenyans in line with the provisions of the Constitution and by requiring the Council to adapt systems that enable innovativeness and adaptability of public services to the needs of users.

This Performance Contract therefore represents a basis for continuous performance improvement that meets the needs and expectations of the Kenyan people.

Therefore, the parties hereto agree as follows:
PART I: STATEMENT OF RESPONSIBILITY BY THE COUNCIL OF DIRECTORS

The Mandate of the National Council for Children's Services is to exercise general supervision and control over the planning, financing and coordination of child rights and welfare activities and to advise the Government on all aspects thereof.

It is our responsibility to provide the required leadership in designing suitable plans and strategies that will contribute to high and sustainable socio-economic development. It is our undertaking to ensure that the Council has a credible strategic plan and performance contract that will deliver the desired goals.

It is also our undertaking that we will perform our responsibilities diligently and to the best of our abilities to support the achievement of the agreed performance targets.

PART II: VISION STATEMENT, MISSION STATEMENT AND STRATEGIC OBJECTIVES

a) Vision:
A vibrant agency in the realization and protection of the rights and welfare of children for national prosperity

b) Mission:
To formulate policies, plan, monitor, coordinate and mobilize resources for the implementation, realization and safeguarding of the rights and welfare of the child.

c) Strategic Objectives:
The strategic Objectives of the Council are to:
1. Develop and review, legislation, policies and programmes for care and protection of children;
2. Advocate for child rights and welfare;
3. Establish and operationalize coordination service delivery mechanisms for children services;
4. Mobilize resources for delivery of child rights and welfare services;
5. Undertake research, monitoring and evaluation on children issues and create conducive environment for sharing findings; and
6. Enhance utilization of information communication and technology in service delivery.
PART III: STATEMENT OF STRATEGIC INTENT BY THE COUNCIL OF DIRECTORS

In carrying out our duties, we intend to put all our efforts towards contributing effectively and efficiently to the achievement of the national development agenda as espoused in the Kenya Vision 2030, keeping in mind the specific priorities of the National Council for Children’s Services.

Bearing in mind the imperative of inclusivity, we will implement the following Strategic Intentions during the Financial Year:

i) Provide the required leadership in supervision, planning, financing and coordination of child rights and welfare activities;

ii) Put in place strategies that will contribute towards achievement of Vision 2030 social pillar and sustainable development goals relevant to child protection and care; and

iii) Ensure organizational capacity to effectively deliver the Council’s mandate.

PART IV: COMMITMENTS AND OBLIGATIONS OF THE GOVERNMENT

(i) Acknowledgement of receipt of correspondences and approval of requests made are within three working days as stipulated in the Citizens’ Service Delivery Charter; and

(ii) Release of budgetary allocation within seven days after exchequer release.

PART V: REPORTING REQUIREMENTS

The Council will submit quarterly and annual performance reports in the prescribed format to the Inspectorate of State Corporations with copies to the Performance Management and Coordination Office, the National Treasury and Planning, and to the Ministry of Labour and Social Protection for the purpose of monitoring progress and annual performance evaluation.

PART VI: DURATION OF THE PERFORMANCE CONTRACT

The Performance Contract will run for one financial year, from 1st July 2018 to 30th June 2019.
PART VII: Signatories to the Performance Contract

For and on behalf of the Council of Directors

Signature: .................................................. Date: ........................................
Name: ..................................................................................................................

Designation: CHAIRPERSON
NATIONAL COUNCIL FOR CHILDREN SERVICES

Signature: .................................................. Date: ........................................
Name: ..................................................................................................................

Designation: INDEPENDENT COUNCIL MEMBER
NATIONAL COUNCIL FOR CHILDREN SERVICES

For and on behalf of Government

Signature: .................................................. Date: ........................................
Name: HON. (AMB) UKUR K. YATANI
Designation: CABINET SECRETARY
MINISTRY OF LABOUR & SOCIAL PROTECTION

COUNTER-SIGNED

Signature: .................................................. Date: ........................................
Name: MR. HENRY K. ROTICH, EGH
Designation: CABINET SECRETARY
THE NATIONAL TREASURY
PERFORMANCE CONTRACT MATRIX

<table>
<thead>
<tr>
<th>S/ No.</th>
<th>PERFORMANCE CRITERIA CATEGORY</th>
<th>UNIT OF MEASURE</th>
<th>WT (%)</th>
<th>PREVIOUS FY (2017/18)</th>
<th>TARGET FY 2018/19</th>
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<tbody>
<tr>
<td>A</td>
<td>Financial Stewardship &amp; Discipline</td>
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<td></td>
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<td></td>
</tr>
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<td>A1</td>
<td>Absorption of Allocated Funds</td>
<td>%</td>
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<td>A2</td>
<td>A-in-A</td>
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<td>Pending Bills</td>
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<td>B</td>
<td>Service Delivery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B1</td>
<td>Implementation of Citizens Service Delivery Charter</td>
<td>%</td>
<td>4</td>
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<td>100</td>
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<tr>
<td>B2</td>
<td>Application of Service Delivery Innovation</td>
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<td>40</td>
<td>100</td>
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<td>B3</td>
<td>Resolution of Public Complaints</td>
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<td>3</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>Weight Sub – Total</td>
<td></td>
<td></td>
<td></td>
<td>10</td>
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<tr>
<td>C</td>
<td>CORE MANDATE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Council’s Priority Projects/Programmes (Vision 2030 Flagship Projects, Projects/Programmes Aligned to SDGs and SPS)</td>
<td></td>
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<td></td>
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<td>C1</td>
<td>Oversight structures for key sector with children issues</td>
<td>%</td>
<td>15</td>
<td>N/A</td>
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<tr>
<td>C2</td>
<td>Regulate Charitable Children Institutions and children welfare programmes</td>
<td>%</td>
<td>12</td>
<td>20</td>
<td>100</td>
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<td>C3</td>
<td>State Party obligation on implementation of the International legal instruments on the rights of children</td>
<td>%</td>
<td>20</td>
<td>100</td>
<td>100</td>
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<td>C4</td>
<td>Undertake research in the children sub-sector</td>
<td>%</td>
<td>5</td>
<td>20</td>
<td>100</td>
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<tr>
<td>C5</td>
<td>Operationalize National Council for Children Services</td>
<td>%</td>
<td>10</td>
<td>N/A</td>
<td>100</td>
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<tr>
<td>C6</td>
<td>Develop Strategic Plan 2018-2022</td>
<td>%</td>
<td>3</td>
<td>N/A</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>Weight Sub-total</td>
<td></td>
<td></td>
<td></td>
<td>65</td>
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<td>D</td>
<td>Implementation of Presidential Directives</td>
<td>%</td>
<td>-</td>
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<td>N/A</td>
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<tr>
<td>E</td>
<td>Access to Government procurement opportunities (AGPO)</td>
<td>Kshs.</td>
<td>3</td>
<td>6,804,516</td>
<td>12,411,510</td>
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<tr>
<td>F</td>
<td>Promotion of local content in Procurement</td>
<td>Kshs.</td>
<td>2</td>
<td>9,072,688</td>
<td>16,548,680</td>
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<td>CROSS-CUTTING</td>
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<td>G1</td>
<td>Asset Management</td>
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<td>100</td>
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<td>G2</td>
<td>Youth Internships/Industrial Attachments</td>
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<td>G3</td>
<td>Competence Development</td>
<td>%</td>
<td>2</td>
<td>80</td>
<td>100</td>
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<td>G4</td>
<td>Disability Mainstreaming</td>
<td>%</td>
<td>1</td>
<td>80</td>
<td>100</td>
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<td>G5</td>
<td>Prevention of Infections</td>
<td>%</td>
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<td>100</td>
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<tr>
<td>G6</td>
<td>Safety and Security Measures</td>
<td>%</td>
<td>1</td>
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<td>100</td>
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<td>G7</td>
<td>National Cohesion and Values</td>
<td>%</td>
<td>1</td>
<td>70</td>
<td>100</td>
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<td>G8</td>
<td>Corruption Prevention</td>
<td>%</td>
<td>2</td>
<td>50</td>
<td>100</td>
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<td></td>
<td>Weight Sub Total</td>
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<td></td>
<td>Overall Total Weight</td>
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</tbody>
</table>
EXPLANATORY NOTES

A. Financial Stewardship & Discipline

A1. Absorption of Allocated Funds - (100%)

The Council will ensure that funds allocated amounting to Kshs. 46,500,000 from exchequer in 2018/19 Financial Year under recurrent budget are applied to programs, projects and activities for which they were appropriated and planned to achieve 100% level in utilization. The Council does not have externally mobilized resources.

A2. A-in -A

The Council will raise ten thousand shillings (Kshs.10,000) as its A-in -A, through the sale of identified disposable office equipment as tabulated below;

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Item Description</th>
<th>Projected (Kshs.)</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>1.)</td>
<td>Unserviceable Motor Vehicle Tires</td>
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</tr>
<tr>
<td>2.)</td>
<td>Unserviceable Laptop Computers</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

A3. Pending Bills

The Council intends to clear the pending bill incurred during the last FY 2017/2018 amounting to Kshs. 1,336,490 and ensure that the pending bills for FY 2018/2019 Financial Year does not exceed 1% of the Council’s annual budget amounting to KShs 465,000.

B. Service Delivery

B1. Implementation of Citizens’ Service Delivery Charter

The Council will implement the following:

(i) Display service delivery charter prominently at the point of entry/service delivery points in both English and Kiswahili. The size of the charter will be three feet in width, and four feet in height, i.e.(3’x4’) with clearly visible font size of contents by 2nd quarter-(10%);
(ii) Sensitize employees and cascading to all levels including the grassroots institutions by factoring realistic timelines by 2nd quarter- (20%);  
(iii) Ensure compliance with the commitments and standards in the charter by establishing mechanisms by 4th quarter- (50%); and  
(iv) Customize the charter to unique needs of the customers e.g. translating charter to braille and providing mechanisms for sign language by 4th quarter - (20%).

B2. Application of Service Delivery Innovation

The Council will implement the online registration of CCIs to enhance integrity in registration process in the 2nd quarter - (100%)

B3. Resolution of Public Complaints:

The Council will undertake the following:

i. Establish a complaints management and access to information infrastructure by 1st quarter- 10%;  
ii. Develop capacity building on effective complaints management and access to information for top management by 2nd quarter – 20%;  
iii. Create awareness of the institution’s complaints handling mechanisms and citizen service delivery charters as well as access to information on quarterly basis- 10%;  
iv. Promptly address and resolve all complaints received and documented - 40%;  
v. Implement decisions and recommendations of the Commission quarterly -10%; and  
vi. Submit quarterly reports to Commission on Administrative Justice (CAJ) – 10%.

C. CORE MANDATE

Priority Projects/Programmes (Vision 2030 Flagship projects/programmes aligned to Sustainable Development Goals (SDGs) and Sector Performance Standards (SPS))

C1. Oversight structures for all sectors with children issues

The Council will;

i. Establish and operationalize the four (4) thematic committees on key sectors with children issues to create oversight by 2nd Quarter- 40%;  
ii. Map stakeholders for strategic partnership on issues affecting children by 2nd quarter – 20%;  
iii. Institutionalize and deepen engagement by holding Bi-annual meetings with key stakeholders – 20%; and

C2. Regulate Charitable Children Institutions (CCIs) and Children Welfare Programs
The Council will:
1.) Develop a de-institutionalization (DI) strategy to reintegrate children with families from CCIs by 1st quarter - 30%;
2.) Coordinate Mapping of CCIs in 47 counties and develop a CCI database by 2nd quarter - 15%;
3.) Monitor compliance by CCIs to CCI regulations and standards in all the 47 counties.
   In addition, the Council will prepare quarterly monitoring reports - 25%; and
4.) Coordinate Closure of Non-Compliant CCIs in all counties 30%.

The Council will undertake the following activities:
2) Develop the country’s position reports on Day of the African child (DAC) 2018 by 1st quarter and State Party periodic report on African Charter on the Rights and Welfare of the Child (ACRWC) by 2nd quarter - 30%;
3) Hold a national validation forum on the state party on African Charter on the Rights and Welfare of the Child (ACRWC) by 1st quarter - 25%
4) Finalize and submit State Party periodic report to the Ministry of Labour and Social Protection for onward transmission to the African Union by 2nd Quarter - 15%
5) Commemorate Day of the African Child (DAC) 2019 by 4th Quarter 25%

C4. Undertake Research in the children sub-sector
The Council will:
1) Undertake research on child to child abuse by 2nd quarter -40%;
2) Propose recommendations to guide the interventions by 3rd quarter -20%; and
3) Hold two (2) forums, one for children and the other for adults to share findings for implementation by 4th quarter - 40%.
C5. Operationalize National Council for Children Services
The Council will;
   i. Implement 10% of the recommendation of the Directorate of Public Service Management Consultancy (DPSM) by 3rd quarter - 20%
   ii. Induct Board members and eleven (11) staff by 2nd quarter -20%
   iii. Develop and implement a resource mobilization strategy by 3rd quarter – 20%
   iv. Develop HR procedure and policy manual for the council by 1st quarter-20%
   v. Develop career progression guidelines by 2nd quarter - 20%

C6. Develop Strategic Plan 2018-2022
The Council will develop a strategic plan in line with MTPIII and the Big 4 Agenda. This will be done through:
   i) Preparation of a draft Strategic Plan 2018-2022 by 2nd quarter – 30%;
   ii) Holding a stakeholder consultation and validation forum by 2nd quarter – 20%;
   iii) Incorporation of stakeholders’ inputs by 2nd quarter – 30%; and
   iv) Launch and dissemination of the Strategic Plan by 3rd quarter -20%

D. Implementation of Presidential Directives
Currently the Council does not have a specific Presidential Directive.

E. Access to Government procurement opportunities (AGPO)
The Council will;
   a) Uptake of 30% value of tender awarded
     i) Award 30% per cent Kshs. 8,238,510 out of the total value of Kshs. 27,461,700 procurement budget to the Youth, Women and Persons with Disabilities as provided for in the Public Procurement and Assets Disposal Act, 2015 and other relevant regulations and statutes. Out of this, 2% translating to Kshs. 549,234 of the Council’s procurement budget will go to PWDs;

     | Procurement Budget | 28% award to youth and women | 2% award to PWDs | Total 30% Award |
     |---------------------|-------------------------------|-----------------|-----------------|
     | 27,461,700          | 7,689,276                     | 549,234         | 8,238,510       |

   b) Capacity building
     ii) Sensitize Youth, Women and Persons with Disabilities on government procurement procedures, requirements for accessing government procurement opportunities and specific opportunities in the Council; and
iii) Submit quarterly reports to PPRA, the National Treasury and the Ministry Labour and Social Protection a summary of the procurement allocated to Youth, women and persons with disabilities in the format provided by PPRA.

F. Promotion of Local Content in Procurement

The Council will carry out the following:

i. Award 40% (Kshs.10,984,680) out of the total value of Kshs. 27,461,700 procurement budget to procurement of local content; and

ii. Prepare quarterly reports and submit to Ministry of Industry, Trade and Cooperatives.

G. CROSS-CUTTING

G1. Asset Management

The Council will undertake the following:

a) **Inventory Management** - establish and maintain a catalogue of assets and properties including their status in terms of the working condition-60%; and

b) **Disposal of Idle Assets** - ensure disposal of unserviceable, obsolete and surplus assets by way of sale, transfer to other public institutions, destruction, donation or other authorized methods of disposal, and in all cases in full conformity to the existing legal requirements- 40%.

G2. Youth Internships / Industrial attachment / Apprenticeship

The Council will provide attachment opportunities to four (4) attachees and prepare quarterly reports on internship and attachment and submit to Ministry of Public Service, Youth and Gender Affairs.

G3. Competence Development

The Council will undertake the following:

a) Undertake institutional Skills Gap Analysis - 20%

b) Carry out Staff Training Needs Assessment-10%

c) Execute interventions to address the identified skills gaps and training needs through Recruitment, Outsourcing, capacity building/training - 15%

d) Data and Knowledge Management – 40%

   The Council will undertake the following:

   i. Identify and document data needs and data gaps under its mandate-5%

   ii. Capture, organize and process data and information in a consistent manner-5%
iii. Establish patterns, trends and attributes of the processed data and information-10%

iv. Draw insights from the data and knowledge intelligence in addressing critical problems to inform on policy and resource allocation-10%

v. Preserve and share knowledge and lessons learnt across the Council, sector and Government for continual improvement-10%

e) Performance Appraisal - 15%

The Council will assess the staff performance based on negotiated and agreed upon targets drawn from the Council work plan and Performance Contract. The Council will document evidence on employees’ performance appraisal using the prescribed format.

G4. Disability Mainstreaming

The Council will undertake the following:

a) Maintain disaggregated data by number, age, gender, placement and forms of disability for staff and individuals reached by the Council’s programmes – 10%;

b) Ensure that at least 5% of the new employees/interns/attaches/apprentices in the Council are Persons With Disabilities as categorized below:
   i. New Employees – 20%;
   ii. Attachees/Apprentices – 10%;

c) Ensure improvements for ease of access in public offices and to public information through:
   i. Access to communication for the deaf and hard of hearing through provision of a sign language interpreter – 15%;
   ii. Access to information for blind and low vision through accessible website, Braille and large print – 15%;
   iii. Ensure improvements of built environment for ease of access by PWDs through provision of lifts, washrooms, ramps, non-slippery floor and parking – 20%;

d. Submit quarterly reports to the National Council for Persons with Disabilities (NCPWD) – 10%.

G5. Prevention of HIV Infections

The Council will identify and implement the following interventions as per Maisha 1 guidelines:

i. Develop HIV workplace policy and ensure it is approved by the senior management of the Council -5%
ii. Establish and operationalize HIV & AIDS Control Unit with 40% of the membership drawn from the senior and middle levels. A senior officer will chair the committee – 5%;

iii. Develop an annual work plan and allocate resources for the HIV activities/programmes to be implemented – 5%;

iv. Identify and implement 4 HIV prevention activities every quarter – 80%; and
  ➢ Condom promotion – 20%
    ▪ Distribute 200 condoms to eleven (11) members of staff -10%;
    ▪ Sensitize the eleven (11) officers on condom use and disposal-10%;
  ➢ Create comprehensive HIV & AIDS knowledge for (11) members of staff -20%;
  ➢ Sensitize (11) members of staff on adherence to treatment and care literacy – 20%; and
  ➢ Sensitize (11) members of staff on HIV related stigma and discrimination – 20%

v. Report quarterly using the MAISHA 1 reporting tool – 5%

G6. Safety and Security Measures

The Council has put in place mechanisms to mitigate against technological hazards, terrorisms, fire and natural disasters.

During the contract period, the Council will undertake the following:

a) The Council will continue maintaining mechanisms to mitigate against technological hazards, terrorisms, fire and natural disasters – 20%

b) Implement the Information Security Management System (ISMS) Steps as follows – 40%

Step 1 (5%)
  • Appoint ISMS leader -1%
  • Appoint and train ISMS champions –2%
  • Define scope – 2%

Step 2 (5%)
  • Brief top management on ISMS -1%
  • Train implementers- (process owners) – 2%

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• Conduct awareness training for all employees -2%

**Step 3 (30%)**

• Create ISMS Risk Management (Risk Registers and Risk Management Action Plan) -10%
• Finalize documentation of ISMS i.e. policy procedures and launch the ISMS based on the standard (ISO/IEC) – 20%

**c) Establish information assets and secure them by determining the information assets to be secured based on Value, Integrity, Importance, Confidentiality, Accuracy and Authenticity – 40%.**

**G7. National Cohesion and Values**

a) The Council will undertake to implement five commitments related to its mandate and way forward on the 2016 Annual President’s Report on National Values and Principles of Governance as outlined below: – 60%.

i. Continual public awareness creation and capacity building on National Values and principles of governance – 12%;

ii. Enhance access to Government Procurement opportunities (AGPO) and other empowerment programmes – 12%;

iii. Embrace Information, Communication And Technology (ICT) and other innovative ways to enhance service delivery - 12%;

iv. Enhance the fight against corruption, dispensation of justice and observance of the rule of law - 12%; and

v. Enhance implementation of policies, legislation, programs and activities that promote national values and principles of governance -12%.

b) Submit an annual progress Report on the Implementation of the commitments to the National Cohesion and National Value Directorate – 40%.

**G8. Corruption Prevention**

The Council commits to implement the following interventions with an aim to combat and prevent corruption, unethical practices and promote standards and best practices in governance:

a) Undertake corruption perception survey in order to establish the corruption levels using a standard survey tool developed by EACC in the 1st quarter-40%;

...
b) Implement at least four (4) recommendations emanating from the recommendations from the survey - 50%;

c) Submit quarterly performance reports to EACC using the prescribed reporting format - 10%.