



WATER SERVICES REGULATORY BOARD

WORKPLACE ANTI-CORRUPTION POLICY

MARCH 2011

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List of acronyms

Wasreb	Water Services Regulatory Board
Kacc	Kenya Anti-Corruption Commission
CPC	Corruption Prevention Committee
CPP	Corruption Prevention Plan
CEO	Chief Executive Officer
HR	Human Resource
IAO	Integrity Assurance Officer

Vision

To be the leading regulator for the provision of water supply and sanitation services in Africa.

Mission

To regulate the provision of water supply and sanitation services in Kenya by setting rules and standards, monitoring and enforcing regulations to ensure that consumers are protected and have access to efficient, adequate affordable and sustainable services for their basic and economic development needs.

Mandate

The Water Service Regulatory Board is mandated to oversee the implementation of policies and strategies relating to provision of water and sewerage services. The Water Services Regulatory Board sets rules and enforces standards that guide the sector towards ensuring that consumers are protected and have access to efficient, adequate, affordable and sustainable water and sanitation services.

The key responsibility of the regulator is issuance of licences to Water Services Boards which become responsible for the efficient provision of water services within their areas of jurisdiction.

The Water Services Regulatory Board monitors the performance of Water Service Boards and Water Service Providers on continuous basis.

MESSAGE FROM THE CHAIRMAN

Kenyans have waited for better services from their Public Institutions for a long time. Thus Wasreb has taken the initiative to develop an anti-corruption policy so as to foster and maintain public trust and confidence in the integrity and professionalism of its employees.

The anti-corruption policy is meant to instill honesty, transparency and result oriented performance in Wasreb. The policy seeks to maintain appropriate standards of conduct and improve efficiency in duty performance. It also seeks to maintain fairness and equity in decision making and enhance the reputation of the organization.

It is imperative to note that corruption occurs in organizations in various forms. Whether grand or petty, corruption is evil and it is important to acknowledge that it can occur in this organization and therefore there is need to have a policy in place to counteract it if and when it occurs. This policy guideline is therefore meant to go along with other official documents like Public Officers Ethics Act (2003), Wasreb strategic plan 2009-2012, Public Service Integrity Programme, Government of Kenya Security Manual (2005), Wasreb code of conduct and ethics, Wasreb HR policy (Rev.2009) and Wasreb Corruption Prevention Plan (CPP).

Prof. Albert Mumma

CHAIRMAN BOD, WASREB

POLICY STATEMENT

Wasreb which subscribes to the policy of zero tolerance to corruption is committed in the fight against all types of corruption and recognizes the fact that corruption eradication is the responsibility of everyone in the organization. Wasreb also recognizes that Corruption practices can adversely affect the reputation and resources of the organization. Both the management and staff as well as the stakeholders have a responsibility to fight corruption. The Management of Wasreb will ensure that proper measures are put in place to eradicate all forms of corruption. This policy seeks to provide a framework for efficient and effective detection and prevention of corruption at the workplace. To this end Wasreb has developed a corruption prevention plan to guide it in the identification of corruption prone areas and ways of dealing with the cases if and when they occur. The management is committed to ensure that corruption cases are dealt with decisively and any member of staff suspected of any involvement in corrupt activities will be compelled to step aside as investigations into the corruption are being carried out. This policy document is therefore very important and will be brought to the attention of all the employees of the organization as well as the stakeholders.

Eng. Robert Gakubia

CEO WASREB

1.0 LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS

This policy document will be complemented by other legislative and administrative documents currently in place and which deal with the issues of integrity and good governance. Such documents include:-

- The Anti-corruption and Economic Crimes Act 2003
- The Public Officer Ethics act, 2003
- The public Procurement and Disposal Act 2005
- The Government Financial Management Act 2004
- Performance Contract
- Strategic Plan
- Wasreb Human Resource Policy (Rev. 2009).

2.0 SCOPE/APPLICABILITY

Wasreb anti-corruption policy applies to both management and support staff. That is why it is the responsibility of everyone within the organization to fight against all forms of corruption. The policy will also be brought to the attention of all stakeholders.

3.0 DEFINITION OF CORRUPTION

There are various definitions of corruption but generally corruption is defined as dishonest behaviour where individuals or groups of people abuse public officer for private profit. Other definitions are:-

- Abuse of public power for private gain
- Misuse of public power, office or authority for private benefit
- The abuse of power for personal gain or for the benefit of a group to which one owes allegiance (World Bank)
- The abuse of authority for personal advantage, for the advantage of another person or group and includes bribery, theft, embezzlement, fraud and evasion of payment of government revenue/taxes (Kacc)

Under the Anti-corruption and Economic Crimes Act 2003, the following are corruption offences:

- Bribery and bribing of agents (employees)
- Secret inducements for advice

- Deceiving the principal (employer)
- Conflict of interest
- Improper benefits to trustees for appointment
- Bid rigging
- Abuse of office
- Dealing with suspect property
- Fraud
- Embezzlement or misappropriation of public funds
- Breach of trust
- An offence involving dishonesty in relation to taxes, rates or imposed levies and election of persons to public office.

4.0 BREAKDOWN OF CORRUPTION RISK AREAS AND CORRUPT PRACTICES IN WASREB

It is appreciated that all functional areas in this organization are potential risk areas. The functional areas include:

- Finance
- Legal and Enforcement services
- Regulatory services
- Inspectorate services
- Human Resource and Administration
- Procurement
- Internal Audit
- Communications and Information Management

5.0 STRUCTURES FOR FIGHTING CORRUPTION

A well defined system of reporting and fighting corruption activities has been put in place. These include:-

- Anti-corruption suggestion box positioned at a strategic place within the organization.
- Protection of whistle-blowers from any form of victimization
- Use of Wasreb online reporting of corrupt practices through our website.
- Provision of various documents on corruption such as code of conduct, policy manual, anti-corruption and economic crimes Act 2003 etc to staff members to enable them know what constitutes corrupt practices.

6.0 COMPOSITION OF THE CORRUPTION PREVENTION COMMITTEE

- Chief Executive officer (Chairperson)
- Head, Legal and Enforcement services (Member)
- Head, Regulatory Services (Member)
- Head, Communications and Information Management (Member)
- Internal Audit Manager (Member)
- Inspectorate Manager (Member)
- Procurement Manager (Member)
- Human Resources and Admin Manager (Alternate Secretary)
- Finance Manager (Alternate Secretary)

7.0 MANDATE AND OPERATIONS OF THE CORRUPTION PREVENTION COMMITTEE (CPC)

- Setting priorities in the prevention of corruption within Wasreb
- Planning and coordinating corruption prevention strategies
- Integrating all corruption prevention initiatives in the organization
- Receiving and reviewing reports on corruption prevention initiatives and recommending appropriate action
- Receiving and taking action on corruption reports made by staff and other stakeholders
- Spearheading anti-corruption campaigns within the organization
- Monitoring and evaluating the impact of corruption prevention initiatives
- Preparing and submitting quarterly progress reports to the performance contract steering committee.

8.0 INTERNAL AUDIT REVIEWS

The Internal Audit Manager plays a crucial role in prevention and detection of corruption within Wasreb. The Internal Audit section provides an institutionalized mechanism for supervision, control and review of operational systems within Wasreb. The section also plays an important role in assessing the nature and extent of any fraud and corruption risk.

9.0 WAYS OF REPORTING CORRUPTION INTERNALLY AND EXTENALLY

Corruption reports may be made using any of the following channels in person or anonymously:

- Corruption reporting boxes
- Hotlines
- Websites
- Emails

Internally, corruption should be reported to the CEO, any member of the CPC or the Board of Directors. Management should also corruption incidents found out to the Board of Directors for information purposes.

Externally members of staff can report any corruption case to the Kenya Anti-Corruption Commission which has set up a report and data centre where all reports are received and processed. Members of the Public are also free to report suspected corrupt conduct involving this organization to Kacc. Quarterly reports sent to KACC should also be copied to the Board.

10.0 HANDLING OF CORRUPTION CASES

All corruption cases will be dealt with fairly, promptly, within the law and in accordance with the rule of natural justice. Where there is ample evidence that corruption took place, such cases will be forwarded to Kacc and other law enforcing agencies for further action.

11.0 PROTECTION OF WHISTLE BLOWERS

In accordance with the witness protection Act 2006, Wasreb will strive to protect the identity of persons making corruption disclosures and ensure that information that might identify the person making the disclosures is not released and if such information is to be released this will be discussed first with the person.

All persons making corruption disclosures will be protected against any reprisals or detrimental action in relation to the disclosures.

12.0 DISCIPLINARY MEASURES

The following disciplinary measures will be taken against employees implicated in corrupt undertakings:

- Interdiction, on half pay, on being charged with corruption from the date of the charge until the case is concluded.
- In case of conviction one will be placed on suspension without pay from the date of the conviction pending appeal
- Dismissal from service if the appeal is unsuccessful or the period during which the public officer should appeal lapses without an appeal being lodged.

13.0 TRAINING

Wasreb will train and sensitize its staff, CPC members and Integrity Assurance Officers (IAO) on matters of ethics and integrity. Continuous in-house sensitization sessions will be organized to equip the staff with integrity issues.

14.0 MANAGEMENT AND IMPLEMENTATION OF THE POLICY

The responsibility for the implementation of the policy will be vested on the management and the corruption prevention committee.

15.0 REVIEW

Wasreb anti-corruption policy will be reviewed from time to time as may be deemed fit by the management. This will be on a need arises basis.

16.0 EFFECTIVE DATE

The policy comes into effect immediately after approval by BOD.