



SIAYA INSTITUTE OF TECHNOLOGY

**PROCEDURES FOR PREVENTION OF BRIBERY
AND CORRUPTION**

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1.0 FOREWARD

Siaya institute of technology is a government tertiary institution for training middle level technical manpower in various fields. The institute was established in December 1986 and is registered as an educational institute under the education act chapter 211, laws of Kenya.

Gender mainstreaming refers to promoting equality based on gender, involving integration of the gender perspective and the inclusion of men and women, boys and girls in all activities.

The idea of mainstreaming gender perspective originates from development policies and the United Nation system.

The role of TVET is to promote skill acquisition, and with the increase of enrolment in TVET, gender mainstreaming becomes quite significant to ensure equity in terms of enrolment and retention of trainees for both girls and boys especially in STEM areas to promote employability among the young people.

The scope of Gender mainstreaming policy at SIT will include the following: integration of gender mainstreaming management system (GMS) into the SIT's machinery equal representation in decision making, access to services; with emphasis on health services- reproductive health, HIV/AIDS, and mental health), participation in programmes and activities, training, staffing, monitoring and evaluation, communication, research, and students' affairs,

The goal for gender mainstreaming at Siaya institute is to promote equality among boys and girls, men and women, for both teaching and non-teaching staff, and students at all levels and in all aspects to improve productivity for sustainable development.

Gender mainstreaming in learning institutions will therefore promotes productivity among the marginalized groups, women, youth and PWD, and youths from low resource households by giving them an equal opportunity to exploit their potential and unlock the much-needed human resource for economic growth both at household and national level. Inclusion of youths, women and PWD development in programmes ensures their participation in activities, and that their issues are addressed, enhance employability, and reduces dependency, increase productivity hence sustainable development.



MR. DANIEL O. RANDA

PRINCIPAL

2.0 INTRODUCTION

2.1 CORE MANDATE

The institute is mandated to offer course at Certificate, Diploma and Higher Diploma Level in various disciplines. The institute mainly produces middle level Human Resources that are well equipped with technical and business skills required in industry, informal sector and service sectors. The institution produces technicians and technologists who are expected to play a major role towards the attainment of Kenya's Vision 2030.

2.2. Vision

A market leader in the provision of top-notch training, research and innovation

2.3 Mission

To produce competent human resource for sustainable development.

2.4 Core Values

2.4.1 Integrity

At Siaya Institute of Technology we discharge our duties with transparency and accountability.

2.4.2. Professionalism

We uphold high levels of skill ethic and value judgement and in discharging our mandate.

2.4.3. Creativity

We embrace originality through research and innovation.

2.4.4. Team work

At Siaya Institute of Technology we value the community in which we operate, we endeavor to integrate through support and partnership in community-based initiatives and programs.

2.4.5 Social Responsibility

Siaya Institute of Technology community operates on cooperative and coordinated efforts for the common interest of our clientele.

2.4.6 Equity

At Siaya Institute of Technology, we value respect and treat everyone equally irrespective of position, gender, tribe, race or religious affiliations.

3.0 COMMITMENT

Siaya Institute of Technology is committed to implement prevention of bribery and corruption measures in adherence to the Bribery Act, 2016 (Bribery Act), the Bribery Regulations, 2021 (the Regulations), Guidelines to Assist Public and Private Entities in the Preparation of Procedures for Prevention of Bribery and Corruption (the Guidelines) and these Procedures.

Siaya Institute of Technology operates a zero-tolerance policy towards bribery and corruption by its employees, boards of management, contractors, agents and other associated persons. Siaya Institute of Technology is committed to the prevention, deterrence and detection of bribery and corruption.

4.0 OBJECTIVE

The objective of these Procedures is to serve as a reference and practical tool for the prevention of bribery and corruption as required under the Bribery Act. They provide the accepted standards in relation to prevention of bribery and corruption.

These Procedures supplement the Bribery Act, the Regulations and the Guidelines to promote a culture of integrity that does not tolerate bribery and corruption. In particular, these Procedures clarify the measures for the prevention of bribery and corruption by setting out a practical approach to bribery issues.

The specific objectives are to:

- i) To prevent bribery and corruption as required by the Bribery Act.
- ii) To provide accepted standards in relation to prevention of bribery and corruption.
- iii) To promote a culture of integrity that does not tolerate bribery and corruption.
- iv) To set out a practical approach in prevention of bribery and corruption.

5.0 SCOPE

The procedures shall apply to all employees, Senior Management, Board of Governors and Third parties who transact with Siaya Institute of Technology in adherence to the Bribery Act, the Regulations and the Guidelines.

6.0 DEFINITIONS

Bribe - An inducement whether monetary or non-monetary, by one person to another person who holds a public or private office with the intention to influence them to act or forego to act as required of them in their official capacity.

Bribery- Has the meaning assigned to it under section 2 of the Bribery Act.

Cabinet Secretary- The Cabinet Secretary for the time being responsible for matters relating to Justice.

Commission – means the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011, (No. 22 of 2011).

Corruption - Has the meaning assigned to it under the Anti-Corruption and Economic Crimes Act, 2003.

Enforcement structure –System put in place to provide for appropriate action for violation of the Bribery Act within the entity.

Reports - account of events observed or heard, regarding bribery or corruption within the entity and communicated through the authorized channels for action.

Senior Management- The highest level of managers in SIT immediately below the board of governors this includes but not limited to; The Principal, The deputy principal administration planning and development, deputy principal academics and trainees affairs, registrar academics and trainee affairs, registrar administration planning and development, dean of students.

Board Of Governors-Members of the board composed of nine members.

Stakeholder – means a person with a vested interest or concern in the business of Siaya Institute of Technology.

Informant - means a person who makes a report to Siaya Institute of Technology, Commission or law enforcement agencies on acts of bribery or other forms of corruption.

Implementation structure- means the system put in place by management to oversee the implementation of the Bribery Act within Siaya Institute of Technology.

Third Parties – Shall include Trainees, Trainers, Parents, Guardians, Technical staffs, Suppliers, Contractors.

7.0 LEGAL FRAMEWORK

These Procedures are developed pursuant to section 9(1) of the Bribery Act which provides that public and private entities shall put in place procedures appropriate to their size, scale and nature of their operations for the prevention of bribery and corruption.

Under section 12(1) of the Bribery Act the Cabinet Secretary shall, in consultation with the Commission, publish Guidelines to assist public and private entities in the preparation of Procedures for Prevention of Bribery and Corruption. The Guidelines were gazette on 22nd October, 2021 by the Cabinet Secretary.

Section 9(3) of the Bribery Act obligates the Commission to assist private entities, public entities, and any interested person, to develop and put in place procedures for the purposes of this section.

Section 12(3) provides that the Commission may provide assistance as may be necessary to any private or public entity or any other person in implementation of the procedures.

Liability for failure to put in place Procedures

Under section 9 (2) of the Bribery Act, a private entity commits an offence when it fails to establish bribery and corruption prevention procedures.

Under section 19 of the Bribery Act, a private entity or its directors, senior officers or other responsible person shall be liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a term not exceeding ten years, or to both, for committing an offence under section 9 (2).

8.0 BRIBERY OFFENCES

8.1 The offences under the Bribery Act are: -

- i) Giving a bribe under section 5;
- ii) Receiving a bribe under section 6; and
- iii) Bribery of a foreign public official under section 8.

8.2 Other Related Offences are: -

- i) Failure of Siaya Institute of Technology to prevent bribery under Section 10
- ii) Engaging in activities intended to enable bribery under section 13
- iii) Failure to report bribery under section 14
- iv) To demote, admonish, dismiss from employment, transfer to unfavorable working area, harass or intimidate a whistle-blower or a witness under Section 21 (2).
- v) Knowingly or negligently disclosing information of informants and witnesses under Section 21 (5).

8.3 Extra territorial application of the Act

Section 15 of the Bribery Act provides that conduct by a stakeholder or Third party to Siaya Institute of Technology which takes place outside Kenya, shall constitute an offence if the conduct would constitute an offence under the Act if it took place in Kenya.

9.0 PENALTIES

9.1 An individual found guilty of an offence under section 5, 6, or 13 -

- i) on conviction shall be liable to imprisonment for a maximum term of ten years, or a maximum fine of five million shillings, or both; and
- ii) may be liable to an additional mandatory fine equal to five times the amount of the quantifiable benefit or quantifiable loss

9.2 A stakeholder or Third party of Siaya Institute of Technology found guilty of an offence under section 10 will upon conviction be:

- i) Restitution;
- ii) Confiscation;
- iii) Barred from holding public office for a period of ten (10) years;
- iv) Disqualification from holding position of Director and Partner for a period of ten (10) years;

- v) Disqualification from being elected or appointed to hold a State or Public Office for a period of ten (10) years; and
- vi) Disqualification from transacting business with the national or county government for a period of ten (10) years.

10.0 RELEVANT POLICIES

In preparation of these Procedures, Siaya Institute of Technology will take cognizance of the following policies:-

- i) Academic policy
- ii) Human Resource policy
- iii) Procurement policy
- iv) Finance policy
- v) Risk management policy
- vi) Waste Management policy
- vii) Corruption prevention policy (to be developed)
- viii) Whistleblower Protection Policy(To be developed);
- ix) Codes of Conduct and Ethics for employees and third parties that prohibit bribery and corruption in any form.

11.0 BRIBERY AND CORRUPTION RISK ASSESSMENT AND MANAGEMENT

Siaya Institute of Technology through bribery and corruption committee shall conduct a bribery and corruption risk assessment mitigation plan detailing the bribery and corruption risks in each department as per the Siaya Institute of Technology organogram, the mitigation strategies and the mitigation activities under each strategy.

The bribery and corruption risk assessment and mitigation plan shall be submitted to EACC during the first quarter.

Siaya Institute of Technology shall submit quarterly reports on the implementation of the bribery and corruption risk assessment plan.

Siaya Institute of Technology shall develop procedures to monitor and evaluate systems, controls as per the bribery and corruption risk assessment reports, and submit the report to the EACC at the end of the financial year.

Principal shall sign the bribery and corruption risk assessment and mitigation plan and quarterly reports.

12.0 HIGH RISK AREAS

The high-risk areas at Siaya Institute of Technology (not in a particular order) are: -

- i) Finance
- ii) Procurement
- iii) Human Resource
- iv) Training and Assessments
- v) ICT Services

13.0 MANAGING THIRD PARTIES

In the anti-corruption context, Siaya Institute of Technology will gather enough evidence, within legal limits, to be able to determine whether a partner is fit for the job and will operate ethically and in compliance with applicable law and any policies you require it to follow.

The process should be reasonable, transparent and consistently followed, and it should be sustainable over time. It is important to conduct some level of due diligence before entering a relationship with any third party. The level of due diligence will vary depending on the corruption risk posed.

Siaya Institute of Technology due diligence will be risk based. The greater the risk, the more extensive the due diligence required.

Suppliers and service providers will also be bound by signing the Tender Self Declaration form (FORM SD 2) in the tender document.

Important factors for determining how much due diligence is needed for a potential third party include:-

- i) The degree to which the third party will interact with Siaya Institute of Technology officials;
- ii) The nature of the work the third party will provide;
- iii) The volume of work the third party will perform for you;
- iv) The geographical location of the third party;
- v) Whether the industry is perceived to be high risk;
- vi) Who recommended the third party; and
- vii) Whether the third party has been subject to regulatory or legal proceedings or sanctions.

14.0 REPORTING MECHANISMS

The bribery and corruption procedures developed ought to provide for sufficient mechanisms to facilitate efficient and effective reporting of bribery and corruption within Siaya Institute of Technology.

The reporting mechanism are required to facilitate-:

- i) A timely reporting.
- ii) Access to reporting channels.
- iii) Confidentiality.
- iv) Prompt action upon receiving a report.
- v) Protection of whistle-blowers, informants and witnesses.
- vi) Feedback.

Siaya Institute of Technology shall gather information on bribery and corruption occurring from a variety of sources. These sources include stakeholders and third parties.

14.1 Reporting Channels

Siaya Institute of Technology shall put in place bribery and corruption reporting channels and procedures in line with Section 14 of the Bribery Act. These channels shall include but not limited to:-

- i) In-person to a designated person or office;

The person can personally report bribery and corruption to an integrity assurance officers at Siaya Institute of Technology.

- ii) By writing to the Siaya institute of Technology;

The written report can be mailed to Siaya Institute of Technology through the following address:

SIAYA INSTITUTE OF TECHNOLOGY,

P. O. BOX 1087-40600 SIAYA

iii) Email;

The email address to use is; integrity@siayainstitute.ac.ke..cc principal@siayainstitute.ac.ke

iv) Telephone;

A person can report bribery and corruption by calling this phone number:0769109783

v) Corruption reporting boxes;

The filled corruption reporting forms can be presented personally to Siaya Institute of Technology and dropping it in the corruption reporting boxes.

vi) Website

The reporting template can be downloaded from Siaya Institute of Technology website; <https://www.siayainstitute.ac.ke> filled and sent to the email; integrity@siayainstitute.ac.ke..cc principal@siayainstitute.ac.ke

.Siaya Institute of Technology shall ensure that the reporting channels are efficient, effective and reports are handled promptly with utmost confidentiality.

14.2 Processing of Reports

Siaya Institute of Technology shall process reports using the following steps:

- i) The report shall be received, acknowledged and recorded in a designated register. The report shall be in the prescribed format in ANNEX I.
- ii) The report shall be processed and submitted to Integrity Assurance officers.
- iii) The integrity Assurance officers reviews the report and submits to the Siaya Institute of Technology Corruption prevention committee within 24 hours.
- iv) Siaya Institute of Technology Corruption prevention committee shall conduct an inquiry and submit the findings with recommendation to the Principal within 14 days.
- v) The Principal shall consider the recommendation and determine appropriate action by taking administrative measures in accordance with

the Siaya Institute of Technology policies and procedures or by referring the matter to the EACC within 7 days from the date of determination.

14.3 Feedback

Siaya Institute of Technology shall provide feedback to the informant on the action taken within a period of 14 days in the first instance and periodically until the matter is finalized.

15.0 PROTECTION OF WHISTLE BLOWERS, INFORMANTS AND WITNESSES

Siaya Institute of Technology shall provide an elaborate and effective mechanism for protection of whistle blowers, informants and witnesses. This includes: -

- i) Maintaining confidentiality of the identity of whistle-blowers, informants and witnesses, details and sources of the bribery and corruption reports.
- ii) Establishing reporting channels for whistleblowers, informants and witnesses on acts of retribution, victimization and intimidation against them for reporting acts of bribery or corruption within the Siaya Institute of Technology;
- iii) Taking appropriate action on reports of retribution, victimization or intimidation of informants, witnesses and whistleblowers; and
- iv) Putting in place measures for protection of Whistle-Blowers, informants and witnesses such as anonymous reporting and Whistle Blower Policy.

16.0 COMMUNICATION AND TRAINING

Siaya Institute of Technology shall ensure that third parties and stakeholders are aware of these procedures, a copy of the procedures will be provided to them.

Training of these procedures will form part of induction process for all new third parties and stakeholders. All existing third parties and stakeholders will receive relevant training on how to implement and adhere to these procedures.

Siaya Institute of Technology zero-tolerance approach to bribery and corruption must be communicated to all Third parties and stakeholders at the onset of the relationship with them and as appropriate thereafter.

17.0 COLLABORATION AND CO-OPERATION WITH OTHER AGENCIES

While implementing our core mandates we undertake to implement anti-bribery and anticorruption strategies in collaboration with the EACC on corruption detection and prevention who will help us with development of Code of Conduct, Institutional Anti-corruption policy to share information between the related Institutions.

Siaya Institute of Technology shall endeavor to collaborate with other institutions such as KUCCPS, HELB, MOE, PPRA and other relevant institutions in the sector. This will ensure interconnectivity among us while tackling corruption.

These partnerships will be for purposes of: -

- i) Joint planning;
- ii) Sharing of information and best practice in the industry;
- iii) Mutual consultation on the most effective strategies;
- iv) Peer review; and
- v) Capacity building for employees, directors and third parties in Siaya Institute of Technology.

18.0 IMPLEMENTATION OF THESE PROCEDURES

This chapter provide the implementation framework of the policy to ensure all the objectives are achieved. This involve creation of implementation structures and monitoring and evaluation mechanism.

The implementation of the policy will be a collaborative effort by all levels of Siaya Institute of Technology including the:-

i) Board of Governors

- a) Approve the procedure
- b) Provide resources for implementation of the procedures.
- c) Ensure compliance to the procedures by all stakeholders

ii) Principal

- a) The chair of the corruption prevention committee
- b) Ensure compliance and accountability by taking action on cases of violation of the procedures.
- c) Appoints a corruption prevention committee for coordination of implementation of the process.
- d) Ensure approval of the procedures by the board members

- e) Ensure dissemination of the procedures to the board members
- f) Allocate adequate budget for integrity initiative.
- g) Establish and ensure partnership and collaboration on corruption prevention.

iii) Management

- a) Disseminate the procedures in their respective departments.
- b) Organize capacity building to implement all corruption prevention activities.
- c) Monitor implementation of the policy.
- d) Adherence to policy
- e) Taking appropriate action on cases of violation of the policy.

iv) Corruption prevention committee

- a) Ensure dissemination of the procedures to all staff
- b) Coordinate implementation and review of the procedures.
- c) Preparing progress reports to relevant government agency.
- d) Coordinate capacity building to staff and stakeholders.
- e) Advice the management on corruption prevention initiatives.
- f) Investigating violations and taking actions.

v) Siaya Institute of Technology Staff

- a) Familiarize with the provisions of the procedures
- b) Adhere to the procedures.
- c) Report any violation of the procedures to integrity assurance officers.
- d) Participate in the corruption prevention initiatives when called upon.

vi) Stakeholders

- a) Adhere to the procedures.
- b) Report any violation of the procedures to integrity assurance officers

19.0 MONITORING, EVALUATION AND REVIEW

Siaya Institute of Technology shall put in place a Monitoring and Evaluation (M&E) Framework to ensure compliance and effectiveness of the procedures, identification of emerging risks and making improvements where necessary. The procedures will be reviewed after two years.

ANNEX I

BRIBERY AND CORRUPTION REPORTING FORM

1. Please Note:

- (a) THAT this form shall be filled by anyone who wishes to report a case of bribery or corruption perpetrated by office or official(s) of the entity.
- (b) THAT this form shall be used by the entity in the investigation and determination of the matter.

2. I / We (name/s) (Optional)

- (a).....
 - (b).....
 - (c)
- (Tick appropriately)

Staff Stakeholder Other (specify) _____

3. Wish to make a complaint against the following person(s):

- (a).....
- (b).....
- (c).....

4. On the grounds of:

Bribery Corruption Other (specify) _____

5. Please give details of bribery / corruption /concern (include as much details as possible e.g., date(s), time(s), location(s), amount of money involved, nature of advantage, circumstances of bribery etc.)
Attach separate sheet if space is not sufficient.

.....
.....
.....
.....
.....
.....
.....

6. Witnesses/person(s) who may be interviewed or person(s) with knowledge of matter being complained of: (where possible explain why such person(s) should be contacted) **(Optional)**

- (a)
- (b)
- (c)

7. Have you filed this report elsewhere? (Either internally or externally – the EACC, Police/OB No.)

.....

8. Any other relevant information.....

By my signature I certify that:

- (a) The information provided is true and correct;
- (b) I have the right to expect highest level of confidentiality as relates to this report; and
- (c) Entity may take disciplinary action against me should the reporting be proven to be false, malicious or frivolous.

Email Address (optional):.....

Phone Number (optional):.....

Signature:.....

Date:.....