



REPUBLIC OF KENYA

PUBLIC SERVICE COMMISSION

BOARD CHARTER



Service with integrity

Article 1: Interpretation of Terms

“Chairperson” means the Chairperson of the Commission appointed pursuant to Article 233 of the Constitution and includes any other member of the Commission for the time being discharging the functions of the chairperson

“Commission” means the Public Service Commission established under Article 233 (1) of the Constitution of Kenya, 2012

“Commissioner” means a person appointed in accordance with Article 233 (2) of the constitution and includes the Chairperson and the Vice Chairperson.

“Registrable interest” includes the interests listed in the Second Schedule of the Leadership and Integrity Act, 2012.

Article 2: Background

2.1 Establishment of the Commission

The Public Service Commission is established under Article 233 of the Constitution. It consists of the Chairperson, Vice Chairperson and seven other members appointed by the President with the approval of the National Assembly.

2.2 The Functions of the Commission

Article 234 of the Constitution outlines the functions and powers of the Public Service Commission. The functions include:

- a. establishment and abolition offices in the public service;
- b. appointing persons to hold or act in public offices, and to confirm appointments;
- c. exercising disciplinary control over and removing persons holding or acting in those offices;
- d. promoting the values and principles referred to in Articles 10 and 232 throughout the public service;
- e. investigating monitoring and evaluating the organization, administration and personnel practices of the public service;
- f. ensuring that the public service is efficient and effective;
- g. developing human resources in the public service;
- h. reviewing and making recommendations to the national government in respect of conditions of

service, code of conduct and qualifications of officers in the public service;

- i. evaluating and reporting to the President and Parliament on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the public service;
- j. hearing and determining appeals in respect of county governments' public service; and
- k. performing any other functions and exercising any other powers conferred by national legislation.

The Constitution further bestows upon the Commission other functions which include:

- a. Nominating persons to the Judicial Service Commission and Salaries Remuneration Commission under Articles 171(2) and 230(2){b} respectively;
- b. Recommending persons to be appointed as Principal Secretaries under Article 155 (2) (a); and

- c. Receiving petitions for the removal of the Director of Public Prosecutions and recommending appointment of a tribunal to investigate the complaints under Article 158(2) (3) and (4).

Article 3: Objectives of the Charter

- 3.1 This Charter sets out roles and responsibilities of and the standards which each commissioner is expected to observe in the performance of his or her duties.
- 3.2 The objectives of the Charter is to assist the Commission discharge its constitutional and statutory mandate in an organized manner by ensuring that commissioners are aware of their duties and responsibilities, the legislation, regulations and policies relevant to the discharge of duties and functions as a member of the Public Service Commission.
- 3.3 The Charter will also ensure that commissioners apply sound principles of corporate governance in the discharge of their duties.

Article 4: Conduct

- 4.1 In the discharge of the constitutional mandate, each commissioner shall respect the Constitution and comply with the requirements of the Public Service

Commission Act, 2012 the Leadership and Integrity Act, 2012 and all other relevant laws. In particular, each commissioner undertakes:

- a. to exercise due care and diligence in fulfilling the functions of office;
- b. to use the powers of office in the best interests of the public;
- c. not to allow personal interests or the interest of any person associated with him or her to conflict with the interests of the Commission and the public at large;
- d. to be independent in judgment and actions and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Commission;
- e. to ensure that confidential information received in the course of the exercise of duty as a commissioner remains the property of the Commission which should not be disclosed unless such disclosure is authorized by law;
- f. not to make improper use of information acquired as a commissioner; and
- g. not to engage in conduct likely to bring discredit upon the office held.

Article 5: Vision, Mission and Values

5.1 Each commissioner commits to:

- a. uphold the Vision, Mission and core values of the Commission and to ensure their implementation;
- b. uphold the national values and principles of governance and values and principles public service ; and
- c. promote the efficient, effective and economic use of resources.

5.2 Each commissioner undertakes to take into account not only the possible financial impact of the decisions, but also the consequences of the same for sustainable development and their effect on the general interest of the public.

Article 6: Scope of Responsibility

6.1 Each commissioner is aware that the Commission is responsible for management of human resources in the public service and for ensuring the public service is inclusive, efficient and effective.

- 6.2 Each commissioner has the responsibility to familiarize himself or herself with the legal, regulatory and policy instruments impacting on the discharge of the mandate of the Commission, the operating rules and procedures of the of Commission, and any other issues necessary for the purpose of the discharge of his or her duties.

Article 7: The Role and Responsibilities of the Chairperson

- 7.1 The role of the Chairperson is to ensure that the Commission is functioning effectively.
- 7.2 The responsibilities of the Chairperson shall include:
- a. chairing Commission Board meetings;
 - b. establishing the agenda for Commission meetings in consultation with the Commission Secretary;
 - c. ensuring that the Commission's decisions have been implemented;
 - d. ensuring that the business of the Commission is well organized and that the Commission discharges its duties smoothly and efficiently;

- e. ensuring that all the members are fully involved and informed of any business issues on which a decision has to be taken;
- f. being the spokesperson for the Commission;
- g. ensuring that the Commission regularly evaluates its work; and
- h. working closely with the Commission Secretary to ensure that those at all times the Commissioners are fully facilitated to perform their duties.

Article 8: The Role and Responsibilities of Commissioners

- 8.1 Each commissioner has the duty to perform the functions of the Commission as outlined in the Constitution and national legislation.
- 8.2 Each commissioner has the responsibility to:
- a. have a clear understanding of the legislative and policy framework governing the Commission's functions;
 - b. deliver quality services to the citizens of Kenya;
 - c. observe good corporate governance principles in the performance of duties;

- d. collectively with other commissioners:
 - i. approve the key operational matters such as the strategic direction for the Commission, overall budget, and the performance targets; and
 - ii. monitor and assess progress made towards achievement of the the goals, objectives and targets .

Article 9: The Role and Responsibilities of the Commission Secretary

- 9.1 The Commission Secretary is the link between the commissioners and the secretariat and is accountable to the Commission a whole.
- 9.2 In addition to the responsibilities set out in Section 16(7) of the Public Service Commission Act, 2012, the Commission Secretary is responsible for:
- a. ensuring that the Commission functions effectively, this entails providing the commissioners with reports, relevant Committee minutes and other background materials prior to the date of the meeting;
 - b. preparing and circulating minutes of the Commission Board meetings;

- c. coordinating the induction of new commissioners , and together with the Chairperson developing mechanisms for providing continuous education and training for commissioners in order to improve and maintain the effectiveness of the Commission;
- d. through the guidance of the Commission develop an Annual Work Plan and for the Commission and address other strategic and administrative issues;
- e. providing guidance and advice to the Secretariat on matters of ethics and good governance; and
- f. maintaining a register of disclosures of interest with respect to each commissioner as required under section 16(11) of the leadership and Integrity Act.

Article 10: Meetings

- 10.1 The Commission shall meet every Wednesday but the Chairperson / Secretary may call for a meeting any other time if circumstances warrant it.
- 10.2 If it is not practicable to hold a meeting of the Commission for a matter which is urgent in nature, the Chairperson, after consulting such other the other members as are available in the circumstances, may deal with the matter, as soon as practicable thereafter,

shall give to the Commission full particulars of the nature and extent of the urgency of the business, the circumstances in which the urgency arose and the action taken.

Article 11: Commitment

- 11.1 Each commissioner is fully aware of that the members of the Public Service Commission serve on full time basis and that the official working hours are from 8.00 am to 5.00 pm.
- 11.2 Each commissioner commits to participate effectively in Commission meetings by observing timeliness, asking questions, actively seeking out and respecting other members' views and contributions and spending appropriate time on important Commission matters.
- 11.3 Each commissioner further undertakes to prepare sufficiently for meetings by carefully considering board papers/ agenda notes and attachments thereto, and where necessary seek clarifications.
- 11.4 Where a commissioner is unable to attend a meeting, the commissioner undertakes to communicate through the Chairperson any concerns or issues they would wish considered.
- 11.5 Each commissioner shall support the proper functioning of Commission's Committees, and pay

particular attention to ensure that Commission's internal controls are effective.

- 11.6 The Chairperson shall cause to be maintained a record of each commissioner's attendance at the Commission meetings.
- 11.7 The Chairperson is responsible for annual performance evaluation of the Commissioners.

Article 12: Meetings by Technology

- 12.1 Where for one reason or another it is not possible for a commissioner to physically attend a meeting, the following technologies may be adopted :
 - a. video;
 - b. telephone/teleconferencing ;
 - c. electronic mail;
 - d. any other technology which permits each commissioner to communicate with every other commissioner; or
 - e. any combination of these technologies.

Article 13: Committees of the Commission

- 13.1 To allow for detailed analysis and consideration of complex issues and in exercise of powers conferred

under Article 234(5) of the Constitution of Kenya 2010, the Commission has constituted the following committees:

- a. Consultative Committee on Conditions of Service;
 - b. Compliance and Quality Assurance;
 - c. Audit, Governance, ICT and Risk Management;
 - d. Transition and Devolution Matters;
 - e. Human Resource Planning, Recruitment and Selection;
 - f. Capacity and Capability Development; and
 - g. Finance , Planning , General purposes and Staff Welfare Committee
- 13.2 The Commission may from time to time constitute ad hoc committees to deal with specific matters.
- 13.3 Each Committee shall consist of at least two commissioners and three members of the secretariat.
- 13.4 Each Committee shall appoint a chairperson, a vice chair and a secretary .

- 13.5 The dates, times, venues and agendas of each meeting of the Committee will be notified by the secretary to the Committee to all members of the Committee.
- 13.6 The Committee Chairperson shall cause minutes of the Committee meetings to be maintained.
- 13.7 Each Committee shall have its own written charter setting out roles and responsibilities, composition, structure, membership requirements and the procedural rules in which the committee is to operate.
- 13.8 The Committee Charters are to be reviewed on an annual basis and are made available on the Commission website .
- 13.9 The Chairperson of each Committee shall report the recommendations of the Committee to the full Commission Board meeting for adoption.
- 13.10 The reports or recommendations of the Committees will be communicated to the Commission Secretary who will in turn table the same before the full Commission Board for adoption.
- 13.11 The ultimate responsibility for decisions of matters discussed at the committee level rests with the full Commission Board.

Article 14: Independence in Decision Making

- 14.1 The management shall provide the commissioners with information in a form, timeframe and quality that enables them to effectively discharge their responsibilities and duties.
- 14.2 Each commissioner is entitled to request and receive such additional information as he or she considers necessary to support informed decision-making.
- 14.3 In all circumstances, each commissioner undertakes to preserve his/her independence of analysis, judgment, decision and action, and to resist any pressure direct or indirect, whether by other Commissioners, member groups, creditors, suppliers or, more generally, any third party.
- 14.4 Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by concurrence of a majority of all the members present during the meeting.

Article 15: Conflict of Interest

- 15.1 Each commissioner undertakes to disclose to the Commission promptly the holding of any office or the possession of property in respect of which the commissioner has, or may have, an interest or duty

that may create (directly or indirectly) a conflict with the commissioner's duties .

- 15.2 The disclosure must include full details of the nature, character and extent of the conflict or potential conflict and be made as soon as the Commissioner becomes aware of the conflict or potential conflict.
- 15.3 Each commissioner must comply with the requirements of section 14(11) Leadership and Integrity Act, 2012 in relation to the disclosing of registrable interest.
- 15.4 A commissioner who has a registrable interest in a matter being discussed at a Commission's meeting may not be present at that meeting while the matter is being considered and if present may not participate in the discussion or vote on that matter.
- 15.5 The declaration of a conflict of interest under 15.1 shall also be recorded in the minutes of that meeting.

Article 16: Information Confidentiality

- 16.1 Information which is communicated to a commissioner in connection with the discharge of the Commission mandate shall be held in confidence.
- 16.2 Each commissioner shall take the necessary precautions to preserve the confidentiality of

such information and not divulge it under any circumstances.

- 16.3 The confidentiality requirement shall remain in force until such time that the said information no longer qualifies to be confidential.

Article 17: Dissent by a Member

- 17.1 Each commissioner shall be granted an opportunity to express his/her views on matters under discussion.
- 17.2 Should a commissioner hold the view that a proposed decision is not in the best interest of Commission or the public at large, the Commissioner may consider:
- a. airing the reasons for the opposition and the negative consequences for commission that would result from the prospective decision;
 - b. seeking the advice of internal or external experts on the issue;
 - c. requesting for a postponement of the decision if the nature of the matter permits;
 - d. requesting that a written statement of his/her position be attached to the minutes of the meeting; or

- e. requesting for a special meeting of the Commission to consider all options available.

Article 18: Induction and Capacity Development

- 18.1 The management, working with Chairperson shall provide an induction program for new commissioners in order to enable them fulfil their duties and responsibilities.
- 18.2 The Commission Secretary shall develop and the Commission shall approve procedures for continuing education for the commissioners so that the commissioners maintain or enhance their skills and abilities especially on matters related to management.
- 18.3 As part of capacity development the commissioners shall be facilitated to register with or maintain their membership status with their respective professional bodies and priority will be given to corporate membership.
- 18.4 The number of professional organizations to which a commissioner can be facilitated to retain membership is limited to two and should be related to the commissioner's technical area.

Article 19: Performance Evaluation

- 19.1 On an annual basis, the Commission shall undertake an evaluation of its functions as a collective agency.
- 19.2 In particular the Commission will:
- a. review the charters and procedural rules of each Committee, and make any amendments it considers necessary or desirable;
 - b. assess the performance of each Committee against its Charter and goals and objectives set the previous year;
 - c. approve the goals, objectives and performance targets of each Committee for the coming year; and
 - d. consider the overview from each Committee of changes to policies during the preceding year.

Article 20. Review of Charter

The Commission will review this Charter annually to ensure it remains consistent with the Commission's objectives and responsibilities.

Article 21: Commitment to the Charter

By appending a signature below, the commissioner agrees and commits to be bound by the terms and the spirit of this Charter, as amended, from time to time.

Acknowledgement

- I, being a member of the public Service Commission hereby subscribe to this Charter and accept to be bound by it.

I understand that should I no longer wish to be bound by this Charter, I will promptly bring the fact to the attention of the Commission which shall take such measures as are appropriate in the circumstances.

Signature:

Date:

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PUBLIC SERVICE COMMISSION
BOARD CHARTER

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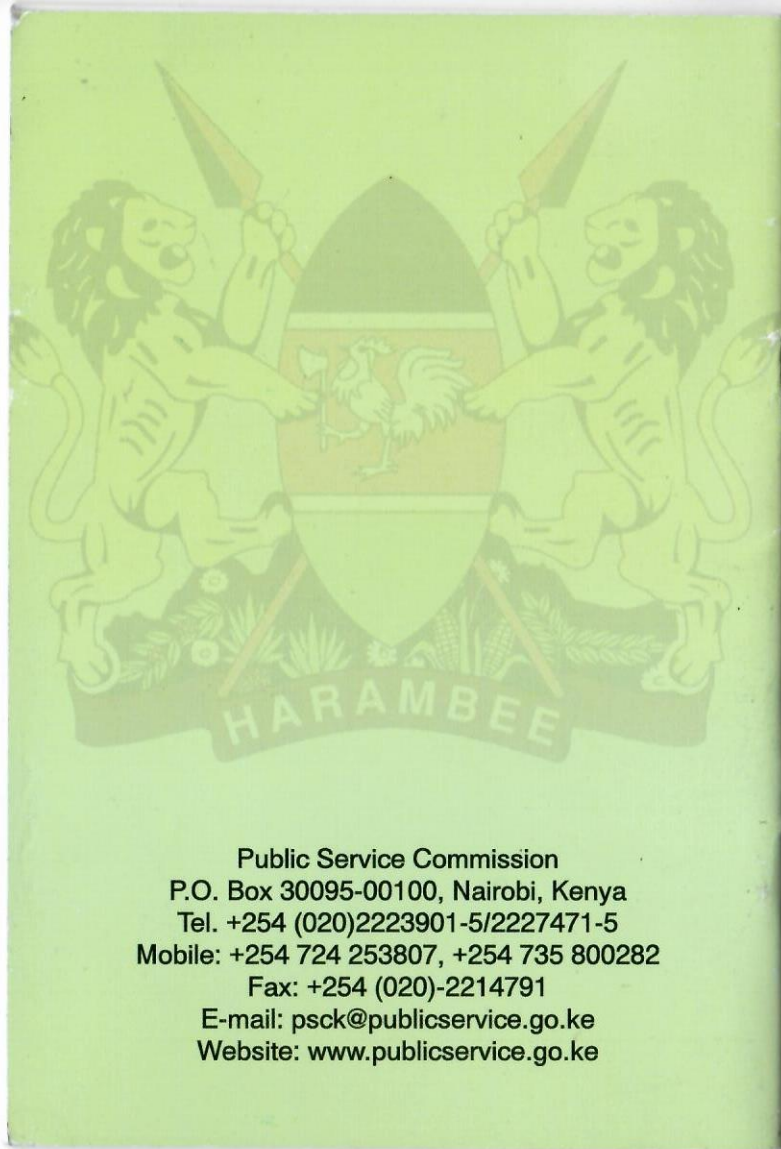
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