

by Hon. Millicent Mugendi  
COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY  
SECOND ASSEMBLY-SECOND SESSION

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REPORT

OF THE SECTORAL  
COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND  
VOCATIONAL TRAINING  
ON

THE VETTING OF NOMINEE FOR CHIEF OFFICER RESPONSIBLE FOR  
EDUCATION, CHILDREN, YOUTH AFFAIRS, GENDER AFFAIRS, CULTURE  
AND SOCIAL SERVICES

Approved  
2/5/2018  
Blau.

Clerk's Chambers  
City Hall Buildings  
NAIROBI

MAY, 2018

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## 1.0. PREFACE

### 1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Children, Early Childhood Education and Vocational Training is established under Standing Order No. 203 (6) and its mandate amongst others includes to *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*

- a) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- b) study and review all county legislation referred to it;*
- c) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- d) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- e) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments): and*
- f) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

The Committee exercises oversight role on the work and administration of the Education, Children, Youth Affairs, Gender Affairs, Culture, Social Services Sector.

In accordance with the third Schedule of the Standing Orders, the Committee is mandated to consider all matters relating to: - “pre-primary education, village polytechnics, Home craft centres and childcare facilities; children welfare”

## 1.2 Committee Membership

**Hon. Speaker,**

The Sectoral Committee on Children, Early Childhood Education and Vocational Training was constituted by the Assembly on 4<sup>th</sup> October, 2017 comprising of the following Members:-

1. The Hon. Millicent Mugadi, MCA - Chairperson
2. The Hon. Samuel Mwangi, MCA - Deputy Chairperson
3. The Hon. Waithera Chege, MCA
4. The Hon. Sylvia Moseiya, MCA
5. The Hon. Pius Mbono, MCA
6. The Hon. Nimo Hajji, MCA
7. The Hon. Patrick Karani, MCA
8. The Hon. Margaret Mbote, MCA
9. The Hon. John Kamangu, MCA
10. The Hon. Robert Mbatia, MCA
11. The Hon. Emily Ondeje Oduor, MCA
12. The Hon. Jane Musya, MCA
13. The Hon. Mwaura Samora, MCA
14. The Hon. Mary Ariviza Mwami, MCA
15. The Hon. Kennedy Odhiambo Oyugi, MCA
16. The Hon. David Wambua Mbithi, MCA
17. The Hon. Melab Atema, MCA
18. The Hon. Jairus Amukhoye Omayo, MCA
19. The Hon. Anthony Gatune, MCA

## 1.3 Message from His Excellency the Governor

**Hon. Speaker,**

Pursuant to Article 179(2) (b) of the Constitution and Section 45 (1) (a) of the County Governments Act, 2012, **H.E. the Governor, Hon. Mbuvi Gideon Kioko Mike Sonko** vide a letter dated 10<sup>th</sup> April, 2018 forwarded to the Speaker of the Nairobi City County Assembly, the names of Ms. Lucia N.M Mulwa as nominee for vetting by the Sectoral Committee on Children, Early Childhood Education and Vocational Training and consideration for approval by the County Assembly for appointment as **Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services.**

#### **1.4 Committal to Sectoral Committee on Children, Early Childhood Education and Vocational Training**

**Hon. Speaker,**

Pursuant to Standing Order 43(1), the Honorable Speaker informed the Assembly on 10<sup>th</sup> April, 2018 that she had received the notification of the nomination. The notification of nomination of Ms. Lucia N.M Mulwa was therefore referred to the Sectoral Committee on Children, Early Childhood Education and Vocational Training on 10<sup>th</sup> April, 2018 for vetting and reporting to the Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (*hereinafter referred to as "the Act"*).

Subsequently, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Standard Newspaper and the Daily Nation on Wednesday 11<sup>th</sup> April, 2018, inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees in conformity with Section 7(10) of the Act.

#### **1.5 Committee Meetings**

**Hon. Speaker,**

The nominee appeared before the Committee on Wednesday 18<sup>th</sup> April, 2018 and was vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on her suitability for appointment to the position of **Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services**. In total, the Committee held four Sittings in consideration of this matter.

## 1.6 Acknowledgement

**Hon. Speaker,**

May I take this opportunity to thank Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it during the vetting exercise. The Committee is grateful to the staff of the County Assembly attached to the Committee for their services rendered to the Committee. Their efforts and input made the work of the Committee and the production of this Report possible. The Committee is also grateful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

Finally, on behalf of the Sectoral Committee on Children, Early Childhood Education and Vocational Training, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the nominee for appointment to the position of Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Thank you.

Signed .....

**Hon. Millicent Mugadi, MCA**  
**(Chairperson)**  
**Sectoral Committee on Children, Early Childhood Education and**  
**Vocational Training**

Dated this .....<sup>2<sup>nd</sup></sup>.....day of..........2018

## **2.0. BACKGROUND**

### **2.1 Mandate of the Sectoral Committee on Children, Early Childhood Education and Vocational Training**

The Sectoral Committee on Children, Early Childhood Education and Vocational Training is one of the Select Committees established under Standing Order No.203 with the mandate amongst others to consider, for approval by the County Assembly, appointments under Section 45 of the County Governments Act, 2012, (Appointment of county chief officers). The said Section requires H.E. the Governor of Nairobi City County, Hon. Mbuvi Gideon Kioko Mike Sonko to nominate and with the approval of the County Assembly, appoint County Chief Officers.

Additionally, Section 10(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (No. 5 of 2017) provides thus:-

*“Where the nomination of a candidate is rejected by a County Assembly, the appointing authority may submit to the relevant County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.”*

### **2.2 Appointment process of the County Chief Officer Nominee responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services.**

Section 45(1) and (2) of the County Governments Act, 2012, provide for the Governor’s power to nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the Public Service Board with the approval of the Assembly, from among persons who are not members of the County Assembly.

A letter from the Office of the Governor dated 5<sup>th</sup> April, 2018, addressed to the Speaker of the County Assembly indicated that pursuant to the provisions of Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Mbuvi Gideon Kioko Mike Sonko had nominated Ms. Lucia N.M Mulwa to be considered for

approval by the County Assembly for appointment as County Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services for vetting and reporting to the Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (*hereinafter referred to as "the Act"*).

On Tuesday, 10<sup>th</sup> April, 2018, the Honourable Speaker in a Message to the Assembly informed the Assembly that her office had received the name of Ms. Lucia N.M Mulwa as nominee for County Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services, and directed that the name and curriculum vitae of the said nominee be referred to the Sectoral Committee on Children, Early Childhood Education and Vocational Training for vetting and reporting to the Assembly pursuant to Standing Order 203(6) (7) and Section 10 (1) of the Public Appointments (County Assemblies Approval) Act, 2017(No. 5 of 2017).

### **2.3 Notification to the Public**

Section (5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 respectively provides that-, Section (5) *"the committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing".* and

Section (5) *"any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"*

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Standard Newspaper and the Daily Nation on Wednesday 11<sup>th</sup> April, 2018 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees. At the close of business on Monday 16<sup>th</sup> April, 2018, no memoranda contesting the suitability of the nominee for Ms. Lucia N.M Mulwa had been received

from the public. Recommendations were however received from various persons and institutions recommending the nominee for the Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services Sector.

In accordance with the provisions of Article 196 of the Constitution and section 7(5) of the Public Appointments (County Assemblies Approval) Act, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominees on Wednesday, 11<sup>th</sup> March 2018. A corrigendum notification was further issued through the Standard Newspaper on Wednesday, 11<sup>th</sup> April, 2017 notifying candidates and the general public that the approval hearings would be conducted on Wednesday 18<sup>th</sup> April, 2018.

#### **2.4 Clearance Requirements**

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominees be asked to submit their clearance status with the following institutions for the vetting exercise –

- a) Kenya Revenue Authority (KRA)
- b) Criminal Investigation Department (CID)
- c) Higher Education Loans Board (HELB)
- d) Credit Reference Bureau (CRB) and
- e) The Ethics and Anti-Corruption Commission (EACC)

The clearance by the foregoing institutions was primarily meant to provide information about the nominees on: -

- a) Matters touching on integrity;
- b) Tax compliance;
- c) Loan repayments; and
- d) Presence or absence of criminal records.

### **3.0 VETTING OF NOMINEES FOR COUNTY CHIEF OFFICER RESPONSIBLE FOR EDUCATION, CHILDREN, YOUTH AFFAIRS, GENDER AFFAIRS, CULTURE AND SOCIAL SERVICES**

In conducting the vetting process, the Sectoral Committee on Children, Early Childhood Education and Vocational Training examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017–

- (i.) Academic qualifications.
- (ii.) Employment record
- (iii.) Professional associations.
- (iv.) Potential conflict of interest.
- (v.) Knowledge of the relevant subject.
- (vi.) Overall suitability for the position.
- (vii.) Tax compliance.
- (viii.) Integrity.

During its Sitting held on Wednesday, 18<sup>th</sup> April, 2018 at Chamber Board Room, Assembly Precincts, City Hall Buildings from 10:00am, the Committee conducted face to face interviews of the nominee. The minutes of the vetting proceedings are attached to this report.

### **3.1 APPEARANCE BEFORE THE COMMITTEE BY MS. LUCIA N.M. MULWA- COUNTY CHIEF OFFICER NOMINEE FOR EDUCATION, CHILDREN, YOUTH AFFAIRS, GENDER AFFAIRS, CULTURE AND SOCIAL SERVICES**

The County Chief Officer nominee for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services Sector ,Ms. Lucia N.M. Mulwa, appeared before the Committee on Wednesday, 18<sup>th</sup> April, 2018 at 10.00am and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 the Committee invited submissions from the

Public on her suitability or otherwise for appointment to Public office, and that none had been received by close of business on 16<sup>th</sup> April, 2018.

While under oath, she proceeded to inform the Committee as follows:-

**A. With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that she was born on 26<sup>th</sup> June 1965 and;**

- a) She is currently the Deputy Director, Teachers Service Commission.
- b) She holds a Masters Degree in Education from the University of Nairobi.
- c) The nominee also holds a Bachelor of Education from Kenyatta University.
- d) Attended other professional courses at various institutions, as well as seminars and workshops.
- e) Attended various other professional courses and attained Certificates in Strategic Procurement and Compliance Seminar from DGMB Training Solutions LTD, Database Management & Administration Course, Effective Supervisory Skills Development (Leadership Skills), Art of Leadership(AOL) and Management for Education Managers at Strathmore University and is a member of Teachers Service Commission.
- f) The nominee previously worked as an Assistant Deputy Secretary, Staffing Officers, Principal Secondary School, Deputy Principal, Secondary School and Secondary School Teacher at Teachers Service Commission (TSC) between 2005– 2011 and 1995-2005, 1994-1995, 1993-1994, 1990-1992 respectively .

**I. Why she applied for the position nominated -**

The nominee informed the committee as follows –

- a. That her desire was to be a public servant and she wanted to make a difference and deliver services to residents of Nairobi. That she had lived in Nairobi City County for over twenty five (25) years and therefore she

- understood the challenges affecting Nairobi especially the Education Sector and would get the job done effectively.
- b. She noted that from her experience in Education at the Teachers Service Commission, there is opportunity for making things better in the Sector.
  - c. Observed that the position of County Chief Officer for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services is the right docket for achieving the foregoing.
  - d. That she has both qualities of public engagement and professional skills that are key for a Chief Officer destined to deliver.
  - e. She will strive to make the County accountable for its plans and actions by focusing on programs and budgets on things that generate value for money for Nairobi residents.

**II. Regarding navigating the relationship between herself and Members of the County Assembly if appointed-**

The nominee stated that she -

- a. Recognizes the vital role the County Assembly plays – i.e. relationship between herself as Chief Officer and County Assembly will be understood from the mandate drawn from the County Governments Act and conducting herself in a professional manner, using her expertise to develop a close working relationship with the Assembly
- b. That partnership and collaboration with the Assembly through the relevant Sector committee of the Assembly will be key, being the Sectoral Committee on Children, Early Childhood Education and Vocational Training.
- c. Reiterated her commitment to work closely with all Sector Committees of the Assembly.
- d. Proposed to establish close networks with the leadership of the County Assembly, while respecting the separation of powers.

- e. Undertake structured meetings and timely response and reporting lines to ensure smoother communication between the Assembly and her Sector.
- f. Will generally cultivate a close working relationship with the Assembly generally and all stakeholders, based on cordiality and open communications channel, despite conflicts that may arise from time to time.

### **III. Regarding her general understanding of the Sector and challenges affecting the Sector–**

The nominee observed as follows –

- a) That she is aware that every child is entitled to ECD education, however, not all children in Nairobi City County are enrolled in ECD centres since there are few ECD centres to cater for the existing population.
- b) That the existing ECD centres are not well furnished/equipped due to lack of resources. However, there are partners who are willing to support the County Government hence if appointed to the position she would network and partner with individuals/organizations who are willing to support the ECD centres.
- c) That even though education is not fully devolved, the existing challenges facing schools require the County Government to partner with the National Government so that they can support both primary and secondary schools so that children especially from less fortunate backgrounds can access quality education.
- d) That she would also be advocating for support of children with special needs.
- e) That she will put in place affirmative action for the youth and ensure that they are involved in decision making. In addition, she will ensure that the youth are availed with education opportunities and are provided with technical education.

**IV. Navigating the relationship between herself and the County Executive Committee Member | (CEC) if appointed –**

The nominee stated as follows –

- a) That in order to fully deliver, she would build a good working relationship with the CEC since they both need each other in order to attain service delivery for the residents which is the overriding objective, their relationship would be a symbiotic one.

**V. With respect to legislative support she sees as priority in the Education Sector which she would want the Assembly to consider going forward -**

The nominee noted that –

- a. She will respect the role of the County Assembly to oversight, make laws and approve policy and plans.
- b. She looks forward to other County Governments coming to benchmark on how the Assembly has exercised its legislative role in terms of output at the end of the five years and how the executive has undertaken implementation.
- c. She will undertake a gap analysis of operations – and whether each operation requires a law.
- d. If there are matters which require legislation, she will look at the gaps and seek support accordingly from the Assembly.

**VI. On her integrity, expected salary cut and conflict of interest–**

The nominee submitted that:-

- a. She is professional and that she will not be compromised by family or friend relationships/interests while discharging her functions.
- b. She is fully aware that if appointed, she will expect less her income since the Chief Officer's position attracts a lower salary compared to her current

earnings. However, she is motivated by her desire to serve the public rather than income from the position.

- c. That she didn't falsify her academic certificates and that they are a true reflection of her performance.

**VII. On the critical challenges facing Counties in budget preparation and how the oversight process will be structured to avoid conflicts-**

The nominee submitted that:-

- a. She has practiced transparency in her current position and understands the issue of budget preparation and that she will sensitize the public on budget preparation regarding the Education Sector.

**VIII. What changes She will make compared to what was there before -**

The nominee stated as follows –

- a) That it is important to deal with culture and attitudes from day one – the two determine whether the institution succeeds or fails.
- b) Lethargy amongst employees remains a big challenge to proper and efficient service delivery to the public.
- c) The ability to hold County Head teachers to account will be crucial to changing culture and attitudes – for instance she will work with the County Department of Planning and Housing to curb the use of school's sports grounds sub-let to private stakeholders at a fee without authority granted by the County Government;

**IX. On when she last filed her returns and the trueness of her net worth from filed returns -**

The nominee stated that her last tax returns were filed in June, 2017. Her Current status is valid and what is on record before committee as declared is the true position.

#### **4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS**

The Committee having considered the nominee's curriculum vitae and heard her oral submissions during the vetting exercise made the following observations and findings.

##### **4.1 General Observations**

The Committee having considered the nominee's filled Questionnaires pursuant to the Public Appointments (County Assemblies Approval) Act, 2017, her Curriculum Vitae and having heard her oral submissions during the vetting exercise made the following observations:

##### **Ms. Lucia Mulwa - Nominee for Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services Sector**

1. She is currently the Deputy Director, Teachers Service Commission.
2. She holds a Masters Degree in Education from the University of Nairobi.
3. The nominee also holds a Bachelor of Education from Kenyatta University.
4. Attended other professional courses at various institutions, as well as seminars and workshops.
5. Attended various other professional courses and attained Certificates in Strategic Procurement and Compliance Seminar from DGMB Training Solutions LTD, Database Management & Administration Course, Effective Supervisory Skills Development (Leadership Skills), Art of Leadership(AOL) and Management for Education Managers at Strathmore University and is a member of Teachers Service Commission.
6. The nominee previously worked as an Assistant Deputy Secretary, Staffing Officers, Principal Secondary School, Deputy Principal, Secondary School and Secondary School Teacher at Teachers Service Commission (TSC) between 2005– 2011 and 1995-2005, 1994-1995, 1993-1994, 1990-1992 respectively .
7. The nominee satisfies the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that:-

- a) The nominee has been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
- b) The nominee has not been charged in a Court of Law.
- c) The nominee does not exhibit a potential conflict of interest.
8. She has fully complied with her tax obligation and other relevant clearances from state agencies as required.
9. The nominee meets the requirements of Section 35(3)(d) since she exhibited impressive knowledge of topical and legal issues touching on the Education docket and has the requisite abilities, qualifications and experience.
10. She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
11. She is knowledgeable in the subject area and is conversant with the duties of the post.

**Therefore, the Committee found the nominee suitable for appointment as a Chief Officer for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services Sector having met both the Constitutional and the statutory requirements.**

## **5.0 RECOMMENDATIONS**

Pursuant to Section 45 (2) of the County Governments Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 203(6) (f) of the Nairobi City County Assembly Standing Orders, the Committee recommends:-

**THAT**, this Assembly approves Ms. Lucia N.M. Mulwa as the nominee for appointment by H.E. the Governor as Chief Officer for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services Sector. This report was adopted as proposed by Hon. Samuel Mwangi and seconded by Hon. Margaret Mbote.