

KNDI CHAIRPERSON'S REPORT
PRESENTED AT
THE 3RD ANNUAL GENERAL MEETING
ON
17TH DECEMBER 2019



Dr. Evayline M. Nkirigacha

1.0 INTRODUCTION

1.1 Mandate and Functions

The Kenya Nutritionists and Dieticians Institute was established by an Act of Parliament No.18 of 2007 (Cap 253B). The Act provides for training, registration and licensing of nutritionists and dieticians. It also provides for the regulation of the standards, and practice of the profession to ensure their effective participation in matters relating to nutrition and dietetics and for related purposes.

KNDI has a governance structure which consists of the Council and Management. The Council is led by a chairperson elected in a manner specified under Section 5, paragraph (a) and develops policies to guide the institute's function assisted by Committees namely: Accreditation committee and Disciplinary established by the Nutritionists and Dieticians Act, 18, 2007. Management operationalizes the various policies and guidelines developed on day to day basis and is led by the Chief Executive officer.

The functions of the Council are outlined under Section 6 as follows:

- a) Determine and set framework for the professional practice of nutritionists and dieticians.
- b) Set and enforce standards of professional practice and ethics on nutrition and dietetics;
- c) Enforce a program of quality assurance for the nutrition and dietetics profession
- d) Approve institutions for the purpose of training persons seeking registration under this Act;
- e) Research into and provide public education on nutrition and dietetics;
- f) Maintain the competence of members by updating their knowledge through publications and the conduct of continuing professional education;
- g) Provide training for nutritionists and dieticians;
- h) Design programs and methods for sensitization on suitable dietary and nutritional habits,
- i) Working jointly with other bodies, participate actively in review of foods, fortifiers and nutrition supplement with nutrients claims and
- j) Perform such other functions as may be necessary for proper administration of the Act.

1.2 Delegation of Powers

Section 7 of the of the Nutritionists and Dieticians Act, 18, 2007 allows the Council to delegate its powers to the following: -

1. Council members under Section 5 (2)
2. The CEO-Established under Section 9
3. Accreditation Committee which is established under Section 13 (Health Laws Amendment Act (Cap 253B);
4. Disciplinary established under Section 25
5. The inspection teams.
6. Any other agent

1.3 Vision statement

An innovative regulatory Institute in the provision of nutrition and dietetics services recognized internationally.

1.4 Mission statement

To provide for regulation in training, licensing, registration, accreditation and other best practices in the field of nutrition and dietetics in Kenya.

1.5 Tools for Delegation of powers

1. Nutritionist and Dieticians Act, no. 18, 2007 (Cap 253B)
2. Nutritionist and Dieticians Act, no. 18, 2007, Amendment (Cap 253B) in Health Laws (Amendment) 2019.
3. Training standards
4. Core-curricula for Nutrition and Dietetics at Certificate, Diploma and Degree levels.
5. Students Indexing guidelines.
6. Internship guidelines
7. Continuing Professional Development (CPD) guidelines.
8. Code of ethics for nutrition and dietetics professionals
9. Communication policy document.
10. Examination Policy.
11. Standard Operating Procedures for various business processes.
12. Ethical review guidelines for research in nutritional sciences
13. Financial policy manuals
14. Human resource policy
15. Training Institutional inspection checklist
16. Value chain inspection checklist for food industries
17. Remuneration policy
18. Audit charter

19.Human Resource Policy

20.Staff establishment

2.0 GOVERNANCE

2.1 Appointments of the Council

KNDI is governed by a council. The first council was appointed in 2010 vide gazette notice no. **1615 dated 9th February 2010** and their mandate was to end in 2013. In 2013 the institute requested for the renewal of the council which was in place but there was no response from the ministry. The council therefore continued to operate up to 2016 when their second term was to end. From 2016 to 2019 there was no council in place. There was a back and forth communication between the institute, the ministry, the attorney general office, and the courts regarding the constitution of a new council. In 2019 an annual general meeting was called and held on **31st August 2018** which elected and nominated some council members with the chairperson being **Dr. Evelyne M. Nkirigacha**. The election was contested by the MOH, though the same was upheld after a review from the attorney general office. The council was later gazetted vide gazette notice no 4397 dated 7th May 2019.

1.4 Council work plan

1.4.1 Commitment

All council members have committed to serve the members of the institute with diligence while observing the rule of law. All council members have taken oath of office and have signed *Mwongozo* aligned Code of Ethics.

1.4.2 Technical Operations of the Council

The Council fulfilled its governance operations through committees namely:

i. Finance, Administration and HR

- a. Mr. Oscar Kambona – Non-Executive Chairman
- b. Mr. George Njoroge – Non-Executive Member
- c. Dr Gordon Nguka- Non-Executive Member
- d. Mrs Edna Warentho- Non-Executive Member
- e. Dr. David Okeyo – CEO and Executive Member

ii. Accreditation Committee

- a. Dr. Gordon Nguka - Chairman
- b. Ms. Purity Njoki Chege
- c. Mr. Mohammed Nur
- d. Mrs. Emily Wahome
- e. Dr. David Soti

iii. Disciplinary Committee

- a. Prof. Jackin Nanua- Chairperson
- b. Counsel Esther Aduma Jowi (Advocate of High Court)
- c. Mrs. Margaret Oyugi
- d. Ms. Monica Sitienei
- e. Dr. Gordon Nguka–Chairman Accreditation

iv. Audit and Risk Committee

- a. Dr. Joy Mugambi–Chairperson
- b. Mrs. Anjeline Korir
- c. Mrs. Harriet Njiru
- d. Mr. Stephen Mutoro
- e. Mrs. Veronica Kirogo

The committees have the mandate to review and develop various policies and guidelines needed for effective and efficient operations of the institute on behalf of the Council.

1.4.3 Schedules

The Council and Council committees have detailed work plans which details quarterly statutory meetings. However, special meetings are also budgeted for to cater for special agenda when urgent matters arise.

2.2 The CEO's Appointment

The CEO was first appointed vide a letter dated **1st December 2014** by the then council chaired by **Prof. Julia Ojiambo** for a period of 5 years effective from 1st November 2014 to 1st November 2019. He was reappointed to the post vide a letter dated **2nd August 2019** for a final term for a period of 5 years with effect from **1st November 2019 to 1st November 2024**. This is in accordance with KNDI Act section 9(2).

2.3 Secretariat Staff

The institute is headed by a CEO who was appointed by the council on 1st November 2014 and reappointed on 1st November 2019. KNDI Act revised edition 2012(2007) section 9(2) provides that the CEO shall hold office for a period of 5 years renewable once. The institute has a staff establishment of 46 staff, this is both for the head office and Agenya Graduate Academy. The in post as at the date of audit was 29 staff, leaving a deficit of 17 staff. The deficit has resulted into some officers performing duties for more than one department.

2.4 Strategic Plan Achievement

The Institute has a 2015 - 2020 Strategic Plan for the period between 1st July 2015 to 30th June 2020, whose theme is “Operationalization of the Act, organization development and resource creation for better sustainability of the institute activities”. Achievement of the strategic plan objectives can be estimated at 90%. (*MOH and National Treasury audit*)

The Council and management have planned to review the strategic plan for July 2020-June 2025

3.0 INTERNAL CONTROL SYSTEMS

3.1 Organization of duties

The authority has clear reporting lines as portrayed in the organogram in the organization structure. However, most of the key positions are vacant.

3.2 Authorization and Approvals

All documents and decisions that require authorization and approval are done by the council after decisions have been made by the various committees.

3.3 Physical Controls

The offices are in a safe environment in a building that has installed CCTV cameras for surveillance and placed security officers at the entrance to ensure scrutiny of persons before they enter the offices. The office doors are also burglar proof as an additional security measure.

3.4 Supervision

The council has the responsibility of ensuring that the authority has adequate systems and processes of accountability, risk management and internal controls. Documents to support supervision were availed to the team e.g. council work plan and charter.

3.0 ASSETS

As at June 2019 the only fixed assets owned by the institute was a motor vehicle, a Mitsubishi RVR KCN 290K valued at KES. 1,190,000. The institute has also acquired land at Mavoko Municipality title NO. IR 205160 at a cost of KES 4.75 million to construct their headquarter offices. The work is progressing very well and KNDI shall be in their own premise within the first quarter.

4.0 LEGAL REPRESENTATION

KNDI is a body cooperate that can sue and can be sued [pursuant to **Section 4, Paragraph 2(a)**]. The institute contracted **Prof. Kiama Wangai & Co Advocate** from December 2014 as its institute legal representative. Before then **Prof. Moni Wekesa & Co Advocate** was the institute's legal representative but their appointment letter was not availed. Prof. Kiama is still representing KNDI on matters of litigation in court. So far KNDI has had 7 litigation cases and has set aside six cases. One case is still pending in labour court against Public Service, MOH and KNDI on matters of payment of internship.

5.0 EXTERNAL AUDITORS

For the period between 2010 – 2015 the institute engaged **Ms Njagi & Associates CPAs** as its auditors. The appointment was done by the chairperson since there were no AGMs held by the first council. Although their engagement letter was not availed for National treasury audit team, all the audited reports were reviewed as evidence of previous audited accounts (201-2014). Their audit fees were Kshs. 28,000 per year for the period between 2010 – 2014 and Kshs 48,000 for 2015. For the period between 2016 – 2019 because there was no substantive council, the CEO (Dr. David Okeyo) in consultation with the acting chairperson (**Dr. Evayline Nkirigacha**) appointed **Ms Muiru Karanja & Associates CPA** who was to audit financial year 2017/2018 and 2018/2019 at a cost of Kshs. 85,000 per year. The engagement was for a period of 3 years. The audit reports for the period between 2010 to date have been filed and were availed for audit.

6.0 FINANCIAL MANAGEMENT

The institute earns revenue from member's fees and subscription which are directly paid to the bank or through pay bills (272223 & 975775). They maintain two bank accounts with **Family bank** and **Cooperative bank**. The revenue collected in the past audited periods have been utilized to cater for the day to Day operations of the institute as per the auditor's reports.

6.1 Budgetary provisions

The projected income for the year 2018/2019 was Kshs. 48,390,000 while the actual income as reported on the audited financial statement was Kshs.70,024,270. The actual amount received amounted to Kshs. 57,639,738. There was a difference of Kshs. 12,384,532 between the figures received and the audited revenue. The estimated expenditure was Kshs, 69,579,600 while the actual expenditure was Kshs. 58,519,577. KNDI received a grant amount of Kshs. 400,000 donated by *Weetabix Company LTD* to support the licensing ceremony programme for the year. The budget was approved and authorized for use by the CEO by order of the Council

vides KNDI *Council Min 006/2018* dated 28th September 2018. The difference of **Ksh. 12 384, 532** is an outstanding amount owed to KNDI by professionals who failed to remit their subscriptions during the period 2018/2019. This amount was included as income in arrears as at 30th June 2019.

Note: KNDI being an entity that is falling under public auditing framework, adopts financial audit guided by accrual methodology unlike organizations/state corporations on treasury/exchequer funding.

6.2 Procurement

At the moment there are no major procurements and most of the items being purchased were low value items. The major expenses (2018/2019) include rent of Kshs. 4,836,400.00, salaries Kshs. 11,000,000.00, website hosting and maintenance Kshs. 1,180,000.00. In the last financial year, the Institute has acquired a motor vehicle and a piece land for constructing its official headquarters. Before acquisition of the motor vehicle the institute used to operate with hired vehicles.

6.3 Appropriation in Aid (AIA)

The audit team established that the institute was an independent organization and did not receive any funding from the government. The revenue collected was internally used for the operation of the institute. Payment for expenditure was done vide cheque and the expense detailed in a payment voucher with the supporting document attached. This in our opinion was in order.

7.0 INTERNSHIP

The National treasury auditors established that, KNDI offers internship programmes to Nutritionist and Dieticians students. Currently, between January and November 2019 522 interns have been placed in 44 health facilities all over the country.

As per the National Internship Policy issued by the Public Service Commission interns should be paid a monthly stipend allowance of Kshs. 25,000. Since 2015 to date, KNDI has engaged interns who have been working in health facilities without being paid. KNDI has over the years written to the Ministry of health and National Treasury requesting for payment of the interns to no avail.

In December 2016 a case was filed in the Employment and Labour relation court in Mombasa by one intern where the Public Service Commission, The Ministry of health and KNDI were the respondents. The court case is still ongoing.

The auditors from National treasury recommended that the Salaries and Remuneration Commission guidelines should be adhered to while enumerating interns.

Note: The MOH in consultation with regulatory bodies have finalized MOH internship policy that includes nutritionists and dieticians in the paid stipend framework during one-year internship.

8.0 CONCLUSION

It would be important to highlight major achievement of the current Council during the last financial reporting year 2018/2019 as follows:

- i. Regularizing the Annual General Meeting for professionals to receive reports.
- ii. Re-appointment of the CEO to carry out with the vision of the institute for the next five years having scored 90 percent in the strategic plan [**July 2015-June 2020**] achievement.
- iii. Delivering the Amendment of nutritionists and dieticians Act, 18, 2007 to include more functions and allows diploma holder to operate private practice clinics.
- iv. Initiating strong partnerships with Nutrition Association of Kenya through collaborative CPD programmes
- v. Allowing professionals to practice privately without fee charges.
- vi. Purchasing land parcel at *Mavoko* Municipality title **No. IR 205160** to set up KNDI headquarters.
- vii. Incorporating KNDI in the MOH internship policy for stipend consideration in the next budget.
- viii. Setting up a functional audit committee with an audit charter and ensuring that the audited accounts are shared with the professionals and office of the auditor general.
- ix. Setting up a functional secretariat for effective and efficient service delivery.
- x. Ensuring quality of training through institutional accreditations based on training standards. All the registered 67 institutions have been inspected for purposes of accreditation.