REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD ASSEMBLY- THIRD SESSION (2024)

JOINT COMMITTEE ON HEALTH AND SANITATION AND LABOUR AND SOCIAL WELFARE

REPORT ON STATEMENT RESPONSE BY HON. JEREMIAH MUSEE MUTUA ON THE RECENT HEALTH WORKERS TRANSFERS, CREATION OF A NEW POSITION OF A HEALTH COORDINATOR AND THE STATUS OF NGUNI HEALTH CENTER MATERNITY WING AND IVUUSYA DISPENSARY.

The Clerk's Chambers, County Assembly of Kitui, Assembly Buildings, Kitui, Kenya.

April, 2024.

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- iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
- v. 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;
- vi. To 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
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Further the Second Schedule of the Standing Orders stipulates that the Committee on Health and Sanitation to formulate and implement County Health and Sanitation policies standards and all matters related to County Health Services. The Committee on Labour & Social Welfare is mandated to oversight on all matters relating to Labour trade union relations, employment, man power or human resource planning and social welfare.

1.2 Committee Membership.

The joint Committee Health and Sanitation and Labour & Social was constituted pursuant to the provisions of Standing Order No. 182(1) comprising of the following Members:

- 1. Hon. Benard Mwangangi Munyasya Chairperson
- 2. Hon. Joseph Kavula Kasungi

-Vice Chairperson

3. Hon. Kyalo Kimuli

-member

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4. Hon. Hussein Mwandia	- Member
5. Hon. Dr. Erastus Musyoka Mbuno	- Member
6. Hon. Munira Mohammed	- Member
7. Hon. Charity Kathathi Musyoka	- Member
8. Hon. Cornelius N. Muthami	- Member
9. Hon. Fridah Maua Mutinda	- Member
10 .Hon. Titus Munyoki Kasinga	- Member
11 .Hon. Fastina Mwende Salu	- Member
12 .Hon. Malinga Munyao	- Member
13 .Hon. Joseph Nzungi Ngwele	- Member
14 .Hon. Daniel Kimanzi Muange	- Member
15 .Hon. Mary P. Ndumbu	- Member
16 .Hon. Antony M. Musyoka	- Member
17 .Hon. Zacchaeus I. Syengo	- Member
18 .Hon. Mathew Ngovi Vuthi	- Member
19 .Hon. Elizabeth N. Peter	- Member
20 .Hon. Jeremiah M. Mutua	- Member
21 Hon. Mary Mbithe Musili	-Member

Committee Secretariat

- 1. Onesmus Mbwang'a
- 2. Joseph Kimote

- Clerks Assistant
- Clerk Assistant

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1.3 Acknowledgment

Mr. Speaker Sir,

The Committee acknowledges all the stakeholders who appeared before the Committee for their cooperation and Contributions/submissions that made the preparation of this report possible.

Further, the joint Committee appreciates the Office of the Speaker and the Clerk of the Assembly for the continued and steadfast support extended to the Committee in the fulfillment of its mandate.

I thank members of the Joint Committee on Health and sanitation and Labour & Social Welfare for their tireless commitment in consideration of this statement.

On behalf of the joint Committee on Health and Sanitation and Labour & Social Welfare and pursuant to the provisions of Standing Order 41 (2C) (C), it is my pleasure to present this report of the joint Committee on the response to statement.

HON. BENARD MWANGANGI MUNYASYA
CHAIRPERSON, JOINT COMMITTEE ON HEALTH AND SANITATION AND
LABOUR AND SOCIAL WELFARE.

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CHAPTER TWO

2.0 BACKGROUND INFORMATION

Mr. Speaker Sir,

In his statement request, Honourable Jeremiah Musee Mutua raised concerns on the recent mass transfers of the Health workers as well as creation of the position of the Sub County Health Services Coordinator and the Status of Nguni Health Centre Maternity Wing and Ivuusya Dispensary.

The Honourable member requested for respond to the following issues as raised in the statement;

- a) A comprehensive report indicating the criteria used to transfer the two hundred and twenty (220) health workers from different health facilities in the County.
- b) The procedure which was used in creating the position of a h Sub County Health Coordinator and how the vacancy was filled.
- c) When the Nguni Health Centre Maternity Wing will be fully operationalized to serve the people of Nguni Ward.
- d) When a new pit latrine at Ivuusya Dispensary in Nguni Ward will be constructed to avert the looming closure of the health facility due to poor hygiene and sanitation.

Mr. Speaker Sir,

As you are aware, Standing Order 41 (2C) (A) and (B) provides that;

Whenever a member requests for a statement, the Speaker shall direct the relevant Committee under whose mandate the Statement falls, to invite the County Executive

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Committee Member or the Chief Officer under whose purview the matters raised in the Statement fall, to a meeting of the committee to deliberate on the Statement. The Member who requested for the Statement shall be invited to the Committee meeting whenever the County Executive Committee Member or the Chief Officer is to appear to respond to the Statement

Mr. Speaker Sir,

Based on the above provisions, the joint committee on Health and Sanitation and Labour and Social welfare through the office of the Clerk wrote a letter to the County Executive Committee Member for Health and Sanitation, County Public Service Board and Kenya Medical Practitioners and Dentist Union forwarding the statement request and inviting them to appear before the Committee in Mwingi Dillano Park Hotel to respond to the issues raised in the statement.

Through a letter received by the office of the Clerk on 31st July, 2023, and referenced CGKTI/MOH/CEC/FIN/3(038) the CECM conveyed her apologies for being unable to attend as she was engaged elsewhere in her official capacity and requested for rescheduling of the meeting to a later date. Upon consideration of the request the Committee unanimously agreed and resolved to reschedule the CECM to appear before the joint Committee on Friday 4th July, 2023 at 9.00 A.M.

Further the Committee wrote a letter via the office of the Clerk inviting Hon. Jeremiah Musee Mutua to its meetings in order to discuss the issues raised in the statement. However, Hon. Jeremiah Musee Mutua was unable to attend the meeting as he was engaged in Selection Committee which was meeting in Mombasa.

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2.2 Submissions

2.2.1 Response from Kenya Medical Practitioners and Dentist Union. Mr. Speaker Sir,

The Kenya Medical Practitioners and Dentist Union representatives led by DR. Charles Okumu the chairperson and Dr. Edward Kamolo the Treasurer, appeared before the Committee on 1st August, 2023 and responded as follows; (see Annexure 3)

1.THAT, As KMPDU Lower Eastern Branch, they were aware of the statement request by Hon. Jeremiah Mutua MCA for Nguni ward regarding the recent transfers of 220 healthcare workers. They were also aware of the creation of the position Of Sub County Health Coordinator. Their position however is that in as much as transfers are regularly done in public service they should be done within the law and existing staffing norms and schemes of service. Furthermore, the creation of a new position by the County Public Service Board should in unprecedented cases be in consultation with the National Public Service Commission (PSC) for uniformity and standardization to avoid cases of reinventing the wheel as it appeared in this case.

2. **THAT**, indeed they had received complaints in various magnitudes and also not getting lost on the fact that some of their members were suffering in silence for fear of victimization. The most glaring however of these complaints was based on the transfer of a Deputy Director Pharmaceutical Services JG R from a level 4 hospital to a level 3 hospital. Their position is that this is against the existing schemes of services, their CBA and indeed the PFM Act. There's obvious wrong placement of this officer into a facility he's not enabled to adequately perform effectively. The schemes of service clearly stipulate the roles of a deputy director pharmaceutical services. The

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PFM Act stipulates for judicious and prudent use of available meagre resources. The doctors CBA stipulates for correct placement of officers.

- 3. **THAT**, it was their strong belief that there were unfair labour practices in situations where the CBA was disregarded together with the schemes of service. Also, creation of new positions should be within the law and any contentious new positions consultations should done with the PSC in Nairobi. Equally important is the qualifications of the officers tasked to these positions as there could be potential costs on matters of regulation and training in the affected facilities. As KMPDU, had written to the Chief Officer Health and County Public Service Board and the County Assembly regarding these matters.
- 4. **Finally THAT**, their plea is to have immediate reversal of all transfers where the schemes of service, existing CBAs and the PFM Act have been violated. Other transfers that may have come with significant socio-economic implications to be looked into on a case-by-case basis within the law.

2.2.2 Response from County Ministry of Health and Sanitation. Mr. Speaker Sir,

The County Executive Committee Member and Chief Officer for the Ministry of Health and Sanitation, appeared before the Committee on 4th August, 2023 and responded as follows; (See Annexure 4)

1. On the Recent Health Workers' Transfers.

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THAT, the County Ministry of Health and Sanitation deployed two hundred and forty (240) staff to different health facilities through posting order No. 1of 2023 dated 7th July, 2023.

THAT, Staff deployment aligns with the County Ministry of Health and Sanitation's vision. It is a strategic approach that enables the Ministry to achieve its goals, such as improving access to quality healthcare services through thoughtful and purposeful staff deployment.

THAT, the Ministry optimizes its human resources to ensure efficient service delivery and work towards achieving its vision of being a County with healthy residents that embrace preventive healthcare, and access to affordable and equitable healthcare services.

THAT, the deployment was necessitated by the ministry's need to

i. Enhance service Delivery;

Healthcare demands and patient populations varies across facilities, leading to imbalances in staffing. Deploying staff members to facilities with higher service needs ensures that the workload is adequately managed, leading to improved healthcare services. Through deployment, the County Ministry of Health and Sanitation has optimized staffing levels and ensured that each facility has the necessary personnel to deliver quality care, thereby enhancing service delivery throughout all health facilities.

ii. Ensure proper placement of staff;

Each staff member possesses unique skills, qualifications, and expertise that can be utilized more effectively in different environments. The deployments were meant to fill in the identified gaps in staffing and enabled the ministry to assign

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staff members to positions that align with their capabilities. By ensuring proper placement of staff, the County Ministry of Health and Sanitation optimized the workforce and ensured that each employee is in a role where they can make the most significant impact.

iii. Enhancing staff experience;

THAT, Staff deployment has provided the healthcare professionals in Kitui County with valuable opportunities to gain experience in different healthcare settings. Working in diverse environments will expose staff members to a broader range of healthcare challenges and allow them to acquire new skills and knowledge.

The exchange of experiences and best practices among staff from various facilities will foster professional growth and cultivate a culture of continuous learning. As staff members gain experience through the deployments, they will become more adaptable and versatile, contributing to improved service delivery and patient care.

iv. Ensure Equitable placement of different cadres in leadership positions.

THAT, the deployment contributed to the equitable placement of various cadres of staff in leadership positions within the healthcare system. By moving staff members across facilities, the County Ministry of Health and Sanitation promoted equal opportunities for career advancement and leadership development.

The deployment has allowed talented individuals from different backgrounds to assume leadership roles, ensuring diversity and inclusivity in decision-making processes. Equitably placing staff in leadership positions has enhanced

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the representation of different cadres, fostered professional growth, and strengthened the overall leadership capacity within the healthcare system. In conclusion, the newly deployed staff have reported and settled in their new workstations.

2. Creation of a new position of the Sub-County Health Coordinator

THAT, Before the devolution of healthcare services in Kenya, the District Medical Officer of Health (DMOH) played a crucial role in overseeing healthcare delivery at the district level. The District Medical Officer of Health was a government-appointed position responsible for managing and coordinating health services within a specific district.

The main responsibilities of the DMOH included: Planning and coordination, disease surveillance and control, health facility management, health promotion and education, and monitoring and evaluation.

Since the implementation of devolution in Kenya, healthcare services have been decentralized to the county level. The role of the District Medical Officer of Health was changed to the Sub-County Medical Officer of Health (SCMOH) who oversees healthcare services at the sub-county level. The Sub-County Medical Officer of Health has similar responsibilities to the former District Medical Officer of Health but operates within the framework of the devolved healthcare system.

In Kitui County, following the devolution of healthcare services, the -role of DMOHs was changed to SCMOHs who were entrusted with the responsibility of overseeing healthcare services at the Sub-Counties.

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The County Ministry of Health and Sanitation proposed a change of the deployment name from Sub-County Medical Officer of Health (SCMOH) to Sub-County Health Services Coordinator (SCHSC).

Healthcare is dynamic and therefore it requires a multidisciplinary approach where expertise from different cadres is embraced. The purpose of the proposed change of the name was: to ensure the inclusivity of all cadres of health in leadership and management positions; to align the County Ministry of Health and Sanitation with the changing trends in disease patterns, and to ensure continuum of essential health services from the household level to the highest level of healthcare in the county in promotive, preventive, curative, rehabilitation and palliative care.

The County Ministry of Health and Sanitation has senior officers across all cadres who have the capacity to occupy the position of Sub-County Health Services Coordinator. The roles and responsibilities of a SCHSC remain the same as those of the SCMOH as outlined below.

Duties and Responsibilities of SCHSC

The SCHSC will be responsible to the respective County Ministry of Health and Sanitation (MOH) departmental Chief Officers. In liaison with the respective MOH Directors or unit heads the SCHSC will:

- i. Coordinate and oversee the provision of health services in all health facilities in the sub-county;
- ii. Ensure that private and non-governmental health facilities in the sub-county meet required standards;
- iii. Chair Sub-County Health Management Team (SCHMT) meetings;
- iv. Oversee implementation of departmental work plans;

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- v. Coordinate staff training /capacity building activities;
- vi. Review key health indicators from monthly health reports;
- vii. Ensure harmonization of partners in the provision of health services in the subcounty;
- viii. Oversee implementation of performance appraisals in the Sub-County;
- ix. Any other duty as may be assigned by the respective County Ministry of Health and Sanitation departmental Chief Officers.

As a result, the County Ministry of Health and Sanitation wrote to the Kitui Public Service Board requesting the change of title from Sub-County Medical Officer of Health to Sub-County Health Service Coordinators via letter Ref No CGKTI/MOH/CEC/HS/1(110) dated 6th July 2023. The Kitui County Public Service Board held a Special Board Meeting on 7th July 2023 deliberated and approved the deployment title of Sub County Medical Officer of Health to Sub County Health Services Coordinator through a letter Ref No CGKTI/CPSB/HEALTH/2023/3 since both titles, duties and responsibilities are synonymous and also exist in the County Ministry of Health Staff establishment.

Therefore, Sub County Health Service Coordinator (SCHSC) is not a newly established position that may require a competitive process of filling but rather a change of deployment name.

3. Status of Nguni Health Centre (Maternity Wing)

THAT, the Maternity unit was in a deplorable state and in Q4 of FY 2022/2023 the renovation works were done and the wing was handed over to the facility for use.

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Additionally, the facility has a non-functional borehole that broke down 2 years ago. The facility also has an installed 10,000 liters water tank with an additional 5,000 liters capacity elevated at the Maternity wing.

Further the Ministry Stated that some requisite equipment's are required for operationalization of a maternity. These include; delivery couch, Delivery gowns, delivery gumboots, delivery set, maternity beds, oxygen concentrator among others.

The CECM indicated that the operationalization of the said maternity wings required a total budget of Kshs. 21,042,960

4. Ivuusya Dispensary Pit Latrine

THAT, the CECM acknowledged that the pit latrine in the said facility had been condemned due to major cracks on the walls and floor. In order to address this the CECM informed the Committee that the said pit latrine was to be factored for construction in supplementary budget one (1) in FY2023/2024 among other 59.

2.2.3 Submissions by the County Public Service Board.

a) On the Recent Health Workers' Transfers and the creation of the position of the Sub County Health Services coordinator

In response, the Board stated that, it was aware of the recent transfers of health workers however, the CPSB made a clarification that, the position of a Sub-County Health Coordinator was not a newly created. The Board stated that this was a deployment position within the Ministry.

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- a) On what necessitated the transfer of such a huge number of health workers

 The Board stated that, the transfers were based on service need and staff rationalization within the department.
- b) On whether the CPSB was alive to any complaints by some health workers who felt that the said transfers were not done in good faith but rather as a way of punishing some targeted workers.

The Board is stated that, it had not received any complain from the affected health workers.

c) On whether there was room for appeals or complaints handling mechanisms for the county workers who feel adversely affected by transfers.

The Board stated that, there is a complaint handling mechanism in place. The affected employees may write a complaint letter to the Chief Officer and copy to the Board.

d) On whether there was a county policy guideline on transfers, deployments, or re-designations for county workers governing all the county departments.

The Board stated the following policy documents as the guiding legislations;

- i. Kitui County Human Resource Policies and Procedures Manual for the County Public Service May, 2018
- ii. Labour Relations Act, 2007
- iii. County Government Act, 2021
- iv. Employment Act, 2007

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- v. Public Service Commission Policy Documents
- e) On the procedure used to fill the position of the Sub County Health Services

 Coordinator

The Board stated that, the position of Sub-County Health Coordinator was not created. The said position was in existence before devolution being referred to as medical officer in charge and used to be a preserve for medical officers thus blocking all the other cadres in the Ministry of Health from enjoying this deployment. Consequently, the other cadres filled a case in court to challenge the status quo. The court ruled in their favour and were then allowed to be deployed as in charges the same way as the medical officers as long one met the minimum qualifications, which was a degree in the medical field. The Board, therefore approved the change of the deployment name after receiving the request from the Ministry of Health and Sanitation.

f) On the professional qualification for appointment into the position of a Sub-County health services coordinator as well as the minimum entry job group.

The Board stated that, the minimum professional qualification for appointment as a Sub-County health services coordinator was a degree in the medical field. The minimum entry job group was 'M'.

g) As per the roles assigned to the position of sub county health services coordinator, this position requires an office, some operations budget, as well as a utility car to effectively coordinate the health services within a sub county what arrangements are in place to cater for this.

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The CPSB indicated that there was no budget to operationalize the office of the Sub County health services coordinator at the moment.

h) According to the PFMA, resources must be put into prudent use for maximum benefits and value for money, this includes human resources, if the position of a sub-county health services coordinator can be conveniently be served by officers in Job Group K, L, and M why will you consider posting an officer in job Group R to the same position.

In response, the Board pointed out that, JG M is the entry point in management and since the position of a sub county health services coordinator is a management responsibility deployment any officer who meets the minimum qualifications can be deployed to the position.

i) As per the Scheme of Service and the CBA between the County Government and KMPDU, a Medical Specialist should be posted in a health facility with requisite medical equipment to enable him/her to give optimal services as per the specialty, was it prudent and in good faith to post a clinical pharmacist to the position of a sub county health services coordinator.

The Board stated that, the position of a sub county health services coordinator is an administrative deployment which does not require one to be posted in a health facility with requisite medical equipment.

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CHAPTER THREE

3.0 COMMITTEE OBSERVATION

Upon consideration of all the submissions by the invitees and material facts presented before the committee, the joint Committee makes the following observations;

- 1. The position of the Sub County Health Services coordinator was not newly created but rather renamed from the former Subcounty Medical Officer of Health (SMOH). The renaming was necessitated by a court ruling which granted inclusion of other medical cadres into leadership and managerial positions of health facilities within the County. Further the roles of SMOH were assigned to the SCHC.
- 2. The position of Sub County Health Service Coordinator is a managerial and administrative thus not tied to a particular Health facility. Therefore, it is incorrect for the union to purport that a member of their union was erroneously placed to a level 3 Hospital against their scheme of service and CBA.
- 3. Pursuant to the provisions of Labour Relations Act, the deployment of Officers to the positions of Sub County Health Services Coordinator did not in any way constitute to unfair labour practices.
- 4. The Committee observes that the position of Sub County Health Services Coordinator has been assigned enormous Duties and roles which requires proper facilitations in regards to Office, Operations Budget, Staffing and utility car.
- 5. The Committee observed that several maternity wings among them Nguni maternity block, have been renovated however, they lack requisite equipment's for their operationalization.

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6. A total of 60 (sixty) health facilities, Ivuusya being one of them lack pit latrines putting them at the risk of being closed down as per the provisions of the public health and sanitations requirements

CHAPTER FOUR

4.0 COMMITTEE RECOMMENDATIONS.

Upon interrogating the submissions from various key health stakeholders, the Committee makes the following recommendations.

- 1. Medical specialists deployed to managerial and administrative positions should as well be assigned to offer technical support in line with their specialties to the health facilities within their areas of jurisdiction. This is in the spirit of utilizing the rare Skills of such officers and also in conformity with the scheme of service and the CBA for the said workers.
- 2. The County Ministry for Health and Sanitation should operationalize the position of the Sub County Health Services Coordinator through provision of an Office, an operations budget, relevant staff and a utility car for mobility and effective coordination of Health Services within a Sub County.
- 3. The completed maternity wings across the county should be operationalized through supply of requisite equipment in order to benefit the locals and bring value for money.
- 4. The County Ministry for Health and Sanitation should set a side funds in the supplementary budget to construct new pit latrines in the affected health facilities to enhance sanitation in line with provisions of the Public Health Act.

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CONCLUSION

Mr. Speaker,

Health is a crucial sector which must be administered in the most prudent manner in order to ensure its accessibility and affordability to all persons as provided in the 2010 dispensation. The health staff form a very important segment of the health sector thus they should be handled with the utmost care so as to avoid unnecessary outcries which otherwise would compromise their ability to deliver health services optimally. It is the belief of this committee that the County Ministry for Health and Sanitation will create an enabling environment as well as favorable terms of service to the medical staff across the county so as to ensure quality and affordable services are offered to the kitui county residents.

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ANNEXTURE 1

ADOPTION PAGE

We the members of the Joint Committee on Health and Sanitation and Labour & Social Welfare hereby append our signatures as proof of the authenticity, accuracy and Correctness of the response to Statement request by Hon. Jeremiah M. Mutua on the recent health workers transfers, creation of a new position of a health coordinator and the status of Nguni health center maternity wing and Ivuusya dispensary.

NAME		DESIGNATION	SIGNATURE
1. Hon. Hon. B	ernard M. Munyas	ya Chairperson	Dougling
2. Hon. Joseph	Kasungi Kavula Vi	ce Chairperson	
3. Charity Katha	thi Musyoka	Member	the state of the s
4. Hon. Frida M	1. Mutinda	Member	Tw
5. Hon. Pricilla	M. Makumi	Member	flernen.
6. Hon. Mary P	. Ndumbu	Member	44
7. Hon. Antony	M. Musyoka	Member	
8. Hon. Zacchae	us I. Syengo	Member	(Zewills
9. Hon. Mary M	1. Musili	Member	
10.Hon. Elizabet	h N. Peter	Member	
10.Hon. Corneli	us N Muthami	Member	
11.Hon. Jeremia	h M. Mutua	Member	
12. Hon. Kyalo	Kimuli	Member	

13. Hon. Malinga Munyao	Member	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
14. Hon. Munira Mohammed	Member	em St
15. Hon. Hussein Mwandia	Member	A Other
16. Hon. Erastus Musyoka Mbuno	Member	
17. Hon. Mathew Ngovi Vuthi	Member	
18. Hon. Titus Kasinga	Member	
20. Hon. Daniel Kimanzi Muange	Member	m was a
21. Hon. Fastina Mwende Solomon	Member	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Confirmed Queens Morang Date 26 109 2029