

Legislative Supplement No. 22)

LEGAL NOTICE NO. 41

THE NATIONAL POLICE SERVICE COMMISSION ACT

(No. 30 of 2011)

IN EXERCISE of the powers conferred by section 28 of the National Police Service Commission Act, 2011 the National Police Service Commission makes the following Regulations:—

THE NATIONAL POLICE SERVICE COMMISSION
(RECRUITMENT AND APPOINTMENT) REGULATIONS, 2015

PART I—PRELIMINARY

1. These Regulations may be cited as the National Police Service Commission (Recruitment and Appointment) Regulations, 2015.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretations.

“Act” means the National Police Service Commission Act;

No.30 of 2011.

“acting capacity” means temporary conferment upon a member of the Service, the power to perform duties of an office other than the office the member is substantively appointed to hold, while the member continues to hold the substantive appointment;

“appointment” means a formal conferment or notification of employment in the National Police Service;

“assignment” means the allocation of specific duties to an officer;

“civilian” means a person other than a police officer within the meaning of the National Police Service Act;

“employment vetting” means the process to assess a person’s suitability for appointment or promotion within the Service;

No. 11A of 2011.

“establishment” the required number of staff of the National Police Service;

“member of the Service” means police officers in the Service and includes civilian members of staff of the Service;

“merit” with reference to a person who is a candidate for a position within the National Police Service means that the person—

(a) has abilities, aptitude, skills, knowledge, experience and personal qualities relevant to the carrying out of the duties assigned to that person;

(b) has integrity in accordance with Chapter Six of the Constitution; and

- (c) has potential for further development;
- (d) has the required educational qualifications;
- (e) in the case of promotions, that the officer, has performed satisfactorily in the previous post; and
- (f) meets the criteria as may be set out in the advertisement for a vacancy

“recruitment” means the process of hiring a member of the National Police Service;

“strength” means the actual number of staff within the National Police Service;

“training” means imparting and inculcation of skills, knowledge, abilities and behaviour which is necessary for undertaking policing functions;

“transfers” means the act of sending a police officer from one police posting to another, and the police officer shall on transfer be administratively under the new posting and its respective pay code;

“vacancy” means where the strength existing in the Service is less than the establishment required.

PART II—RECRUITMENT

3. (1) Subject to section 10 (2) of the Act and paragraph (2), the Commission shall be responsible for all recruitment into the Service and shall develop policies, Regulations and procedures for the proper carrying out of the recruitment and appointment process.

General provisions
on recruitment.

(2) Despite paragraph (1), the Commission may delegate, in writing, to the Inspector-General the recruitment of police officers below the rank of the Superintendent of Police.

(3) In addition to paragraph (2), a delegation to the Inspector-General shall be in writing and shall be subject to such conditions as may be imposed by the Commission from time to time and shall not divest the Commission of the responsibility concerning the exercise of its powers or the performance of the duty delegated.

(4) Where recruitment is delegated to the Inspector-General—

- (a) no recruitment may be commenced prior to the approval of the Commission;
- (b) the Inspector-General shall be held accountable for the recruitment and shall be guided by the policies and Regulations developed by the Commission.

(5) For the avoidance of doubt any recruitment of any of the higher ranks shall be carried out directly by the Commission.

(6) The National Police Service Commission and the National Police Service shall maintain job descriptions and standard job specifications for all civilian and uniformed police positions as approved by the Commission and shall for the basis for all recruitment.

(7) In addition to the requirements set out in paragraph 9, the recruits shall be required to undergo and pass the interviews or examinations, and employment vetting, as shall be determined by the Commission in consultation with the Inspector-General.

(8) All recruitment shall reflect the diversity of the Kenyan people in equitable proportions.

(9) The national values and principles relating to transparency shall be adhered to during the entire recruitment and appointment process.

4. A person may enter the police service in any of the following categories—

Recruitment categories.

- (a) as a police constable
- (b) on higher ranks through a cadet entry scheme;
- (c) as a specialists; or
- (d) as a civilian staff.

5. The Commission shall ensure that the recruitment process take into consideration the gender, regional and ethnic balance in accordance with the provisions of the Constitution and the National Police Service Commission Act and the National Police Service Act.

Gender, regional, ethnic balance.

No.30 of 2011.
No.40A of 2011

6. The Inspector-General shall, on an annual basis, carry out a review of the Service's establishment and strength and shall submit the recommendations to the Commission.

Review of establishment and strength of the Service.

7. (1) A person may enter and serve in the National Police Service in either of the categories set out under Regulation 4.

Entry into the Service.

(2) Any recruitment shall be at the request of the Inspector-General to the Commission and shall be undertaken when it is necessary.

(3) All recruitments shall be subject to availability of vacancies in the establishment.

(4) For purposes of paragraph (3), the Inspector -General shall provide the Commission with an overview of the entire Service's establishment and strength, on an annual basis and in particular at least six months prior to the following financial year.

(5) It shall be the responsibility of the Inspector -General to ensure that the requisite arrangements are made in order to pay, train, and provide equipment and housing to the recruits.

8. (1) All applications for any position within the National Police Service shall be free of charge.

Prohibition against charging for recruitment, appointments, etc.

(2) Soliciting or offering money or other services in order to acquire a certain position shall constitute a disciplinary offence in addition criminal penalties under any written law and shall, in addition, be referred to the Ethics and Anti-Corruption Commission and the Director of Public Prosecutions for prosecution under the relevant existing laws.

(3) The soliciting referred to under paragraph (2) shall result in automatic disqualification from the recruitment process.

9. All candidates shall be required to meet the minimum requirements which includes— Entry criteria.

- (a) be a citizen of Kenya;
- (b) hold a Kenya National Identity Card ;
- (c) possess the required academic qualifications as shall, from time to time, be determined by the Commission for purposes of recruitment;
- (d) be aged between eighteen to twenty-eight years for holders of Kenya Certificate of Secondary Education or its equivalent and up to thirty years for university graduates;
- (e) be physically and medically fit; and
- (f) have no criminal record or pending criminal charges.

10. (1) In undertaking the recruitment process, the Commission shall establish the distribution of persons to be recruited into the Service and at each recruitment centre in the second phase of the process, taking into consideration the regional, ethnic and gender balance. Functions of the Commission in the recruitment process.

(2) In establishing the distribution under paragraph (1), the Commission shall consider the following—

- (a) the national ethnic ratio basing on the latest population census results by the Kenya National Bureau of Statistics, the National Cohesion and Integration Commission and any other relevant government institution;
- (b) the ethnic composition of the Service prior to the subject recruitment;
- (c) the need for inclusion of marginalized groups and communities; and
- (d) any other criteria which the Commission may from time to time consider necessary.

(3) The Commission shall—

- (a) advertise the vacant positions in the Service for recruitment, in local dailies or any other available media, and invite applicants to apply within a specified period;
- (b) ensure adequate publicity and public participation before and during the recruitment exercise;
- (c) prepare a shortlist of applicants taking into consideration gender, regional and ethnic balancing and conducting due diligence on the shortlisted applicants, which includes examining their backgrounds;
- (d) inform the shortlisted candidates in the manner provided in regulation 11 to present themselves for the second phase of

the recruitment process which involves physical, aptitude and medical assessments and the verification of documents;

- (e) ensure adequate briefing and facilitation of the recruitment panels before the commencement of the second phase of the recruitment exercise;
- (f) ensure adequate supervision of the panels;
- (g) accredit observers to participate in the second phase of the recruitment exercise;
- (h) receive the short-list of successful candidates from the recruitment panels for analysis and final decision;
- (i) ensure that the candidates shortlisted by the recruitment panels shall be two-times the number required from that recruitment centre, and to the best extent possible reflect regional, ethnic and gender balance;
- (j) publish the list of successful candidates in the local dailies or any other available media;
- (k) communicate to the successful candidates by issuing letters of admission to attend designated colleges;
- (l) examine and address any complaints or appeals raised in respect of the recruitment exercise;
- (m) deal with any matters incidental thereto.

11. Where there is a vacancy, the Commission shall, in accordance with the procedures set out by the Commission advertise in at least two daily newspapers of national circulation or may use any other available form of media.

Advertising and recruitment.

12. (1) The advertisement under regulation 11 shall include information on the—

Content of the advertisement on recruitment.

- (a) application procedure;
- (b) criteria for the recruitment;
- (c) closing date of the application;
- (d) any other information which the Commission may from time to time consider necessary.

(2) The closing date shall be at least seven days from the date of publishing the advertisement.

(3) All applications to the Commission shall include—

- (a) completed application form in the format specified by the Commission;
- (b) copy of the applicant's identification card or passport;
- (c) copies of the applicant's academic qualifications;
- (d) letter of recommendation in the prescribed format;

(e) police certificate of good conduct.

(f) any other document as may be required by the Commission.

(4) Upon receipt of the applications from the applicants, the Commission shall prepare a short-list of the applicants to be invited for the physical, aptitude and medical assessment as well as verification of documents submitted.

(5) In preparing the shortlist, due regard shall be given to ensure ethnic, gender and regional balance.

(6) The Commission shall shortlist at least three times the number of candidates required for the vacancies available in a particular recruitment centre.

(7) The Commission shall publish the names of the shortlisted applicants and invite the public to send their complaints and comments, if any, concerning the suitability of the applicants.

(8) The Commission shall notify the shortlisted applicants to attend the physical, aptitude and medical assessment and verification of documents stage of the recruitment process.

(9) The notification shall contain details of the date and venue of the said exercise and any other requirements.

(10) The shortlisted candidates shall be required to avail themselves for the second phase of the recruitment exercise on the date and time specified and carry with them original version of the supporting documents and copies of such documents shall submitted by the applicants to the Commission for verification.

(11) Shortlisted candidates who fail to appear for the second phase of the recruitment exercise shall be disqualified.

(12) The second stage of the recruitment process shall be carried out through the recruitment panels.

(13) The recruitment panels shall submit to the Commission a list of all shortlisted candidates who appeared at the second stage of the recruitment process as well as the list of the successful candidates.

(14) The candidates shall, to the best extent possible, be two times the number of candidates required from that centre.

(15) The Commission shall communicate to the successful candidates of their success in accordance with these Regulations.

(16) The successful candidates shall report to the training institution on such date as specified by the Commission in the admission letter.

(17) Where after the lapse of three days from the date notified for reporting to the college, an applicant fails to report, as notified to the Commission by the person in charge of the college, the applicant shall be deemed to have forfeited the offer of recruitment and the Commission shall, within four days, replace the applicant with another shortlisted applicant of the same gender and from the same ethnic and regional group as the forfeiting applicant.

(18) Subject to paragraph 17, where a replacement of the same gender, ethnic and regional group as the forfeiting applicant cannot be obtained, the Commission shall replace the applicant with another shortlisted applicant.

13. (1) The members of the recruitment panels shall be the following, or their equivalent—

Recruitment panels.

- (a) an officer not below the rank of a superintendent, as assigned by the Commission who shall be the chairperson;
- (b) an education officer;
- (c) a Medical Officer of Health;
- (d) two officers not below the rank of Chief Inspector who shall be the joint secretaries;
- (e) any such other officers that the Commission may, from time to time, consider necessary.

(2) The recruitment panels shall preside over the physical, aptitude and medical assessment and verification of documents on behalf of the Commission.

(3) The recruitment panels shall ensure that the assessment and verification is carried out to the highest standards of professionalism and accountability.

(4) Members of a recruitment panel shall be held accountable collectively and individually for any issues that may arise out of the exercise in their respective centres.

(5) The recruitment panel shall consider any issues raised by members of the public on the day of the assessment and verification in a timely manner.

(6) The members of the recruitment panels shall—

- (a) take an oath of integrity;
- (b) ensure that accredited observers also take the oath of integrity;
- (c) prepare the recruitment venue and mobilization of the required logistical support in collaboration with the Commission;
- (d) undertake the recruitment within the day and time specified by the Commission ;
- (e) submit electronic returns on the recruitment exercise to the Commission on the day of the exercise through fax or email contacts provided during briefing;
- (f) within five days after completion of the recruitment exercise, submit to the Commission, the returns in print form in the manner provided under regulation 14(13).

14. (1) Only shortlisted candidates in the specified centres shall be allowed to participate in the second phase of the recruitment process.

Calendar of activities for the recruitment process.

(2) The Commission shall determine and inform the persons in charge of the respective recruitment centres of the time in which the recruitment exercise shall commence.

(3) Where the exercise fails to commence at the time scheduled by the Commission, the Commission shall be informed immediately by the chairperson of the recruitment panel and may be required to adjust the starting time and duration of the exercise.

(4) At the commencement of the recruitment exercise, the shortlisted candidates shall be required to submit original documents to the recruitment panel, for verification and certification. The original documents shall be returned to the candidates before they leave the recruitment centre.

(5) The shortlisted candidates shall be required to provide copies of the requisite documents to the recruitment panel, which copies shall be retained by the recruitment panel.

(6) At the recruitment centre, the panel shall conduct the recruitment exercise in the following manner—

- (a) the panel shall brief the shortlisted applicants, the members of the public and the observers present on what is required during the second phase of the recruitment exercise;
- (b) the candidates shall be required to queue according to gender.

(7) All candidates shall present themselves for scrutiny and verification of their physical and medical fitness, age and academic qualifications.

(8) The physical fitness assessment shall involve activities as provided for in the recruitment manual.

(9) On completion of the physical exercise, successful candidates shall undertake a medical examination as prescribed in the recruitment manual and the panel shall prepare a shortlist of candidates to be considered for admission into the training institutions.

(10) The panel in preparing the list of candidates to be shortlisted, take into consideration the physical and medical assessment and verification of documents, shall be guided by—

- (a) the distribution criteria determined by the Commission;
- (b) regional, ethnic and gender composition determined by the Commission; and
- (c) weighted score sheet that shall be provided by the Commission as provided for in the recruitment manual.

(11) The panel shall submit the following documents to the Commission within five days from the date of completion of the second stage of the recruitment exercise—

- (a) a list of all shortlisted candidates who presented themselves at the recruitment centre;

- (b) a list of candidates selected after the physical fitness exercise;
- (c) a list of candidates selected after the medical examination;
- (d) medical reports of all candidates who underwent the medical examination;
- (e) where the recruitment includes aptitude assessments, the aptitude tests of all candidates who underwent the aptitude test;
- (f) signed minutes of the meetings of the recruitment panel;
- (g) a list of all complaints raised during the exercise and minutes indicating how the complaints were addressed;
- (h) reports submitted by all accredited observers;
- (i) all documents submitted by the applicants and verified by the recruitment panel.

(12) The documents mentioned in paragraph (11) shall be official records held by the Commission.

(13) Failure to submit the returns listed in paragraph (11) shall attract appropriate action by the Commission.

15. (1) Upon receipt of the returns from the recruitment centres the Commission shall—

Determination of successful candidates, etc.

- (a) within fourteen days on the receipt of the returns determine the successful candidates;
- (b) issue letters of admission to the successful candidates; and
- (c) require all recruits to report to their designated college on the date specified.

(2) The Commission shall take steps to ensure that the recruits have at least seven days from the date of notification of admission to the reporting date, to enable the recruits make adequate arrangements.

(3) Where a candidate fails to report to the designated colleges on the date specified without reasonable cause, the Commission shall within seven days of the reporting date, replace the recruit with a shortlisted candidate as specified in regulation 12 (17) and (18).

16. At the time of admission into the colleges and during the period of training at the college, a recruit may be disqualified on the grounds of—

Disqualifications.

- (a) physical and medical fitness;
- (b) integrity.

17. Every instance of the recruitment process shall be concluded within a period of not more than ninety days.

Ninety day period for recruitment.

18. The Commission shall ensure the following in the recruitment process—

Integrity.

- (a) all persons involved in the recruitment process shall take an oath attesting that they shall apply and uphold the principles of the Constitution, the relevant laws, regulations and policy;
- (b) all persons involved in the recruitment process shall discharge their duties honestly, impartially and without fear or favour;
- (c) all persons involved in the recruitment process shall undergo briefing or training sessions;
- (d) the process shall be transparent; and
- (e) all persons involved in the exercise shall discharge their responsibilities to the highest levels of diligence and integrity and shall avoid any conflict of interest.

19. (1) The Commission shall be responsible for the recruitment for all positions within the National Police Service, including —

Recruitment of specialist and civilian staff of the Service.

- (a) recruitment for vacancies for specific specialist positions;
- (b) recruitment for civilian functions within the National Police Service.

(2) Candidates to be appointed to these positions shall include those—

- (a) from within the National Police Service;
- (b) from outside the National Police Service for those functions where it is not necessary to have a police service background.

(3) All recruitments shall be carried out at the request of the Inspector-General.

(4) The recruitment process shall include the following steps—

- (a) the recruitment process shall adhere to the procedure outlined in regulation 12 with necessary adjustments;
- (b) the Commission shall invite the shortlisted applicants for personal interviews, and where relevant carry out additional tests;
- (c) all appointments shall be communicated to the successful applicants by the Commission.

(5) The Commission shall, while undertaking recruitment into the Service, give due regard and opportunity to persons with disabilities where appropriate and practicable to do so.

20. (1) A qualified person with specialist skills may enter the National Police Service at a higher level than the constable recruit level, provided that the person meets the criteria specified for the position by the Commission.

Specialist entry.

(2) The Commission shall limit the recruitment of persons qualified for the specialist entry to such number as to ensure that the career development of rank and file officers is not affected negatively.

(3) All such regulations applicable for the recruitment of constables shall where appropriate be applicable to specialist entry recruitments into the Service

21. (1) The Commission shall undertake a review of the returns submitted under regulation 14 (13) to ascertain whether the returns and the process of recruitment has met the prescribed standards.

Complaints
Management.

(2) If upon review of the returns and of the entire recruitment process as required under paragraph (1) the Commission finds anomalies that may bring the integrity of the recruitment process into question or where a complaint has been received by the Commission against any step of the recruitment process, the Commission may undertake or cause to be undertaken an investigation into the recruitment process.

(3) Where a report is received by the Commission upon investigation undertaken under paragraph (2), the Commission may take corrective steps that may include the following—

- (a) disciplinary action against the concerned recruitment official;
 - (b) annulment of results of the concerned recruitment centre or centres and order the repeat of the recruitment exercise in the affected centre or centres;
 - (c) annulment and repeat of the entire exercise where the anomalies reported relate to many recruitment centres and affect the integrity of the entire exercise;
 - (d) recommend prosecution of persons suspected of committing any criminal offences in the recruitment process;
 - (e) any action that the Commission may consider appropriate.
- (4) In undertaking any action specified under paragraph (1) and (2), the Commission shall in the performance of its functions—
- (a) investigate the complaint in any manner as it may consider fit and just;
 - (b) receive written or oral statements ;
 - (c) not be bound by the strict rules of evidence;
 - (d) require the cooperation of other state agencies, departments or organs as may be necessary for the effective discharge of its functions under these Regulations.

PART III—APPOINTMENTS

22. (1) Subject to paragraph (2), the Commission shall make all appointments into the National Police Service.

General principles
and delegation.

(2) Despite paragraph (1), the Commission may delegate to the Inspector-General the appointment of officers in the ranks of superintendent and below in accordance with the provisions of section

10 (2) of the Act and the Inspector-General shall be bound by the policies and guidelines set by the Commission while making the appointments.

(3) The Inspector-General shall submit a report to the Commission on the appointments made under paragraph (2) which report shall include the details as the Commission shall specify in the instrument of delegation.

23. On appointment to the National Police Service, the officer appointed shall be required to—

- (a) undergo such training necessary to equip him or her with the skills for the position to which the person is appointed;
- (b) complete and submit a Declaration of Assets and Liabilities form as provided by the Public Officers Ethics Act;
- (c) comply with any other requirements determined by the Commission from time to time.

Training on appointment.

No.4 of 2003.

24. (1) Members of the Service of all ranks shall on appointment, be provided with a certificate of appointment in accordance with section 74 of the National Police Service Act.

Certificates of appointment, etc.

(2) The data, including biometric data, of the new appointees shall be kept by both the Service and the Commission.

(3) Every appointee to any position in the Service shall be in accordance with the 4th Schedule of the National Police Service Act and shall be required to swear an oath before commencement of duties.

25. (1) On appointment, the Commission shall provide to the officers and other staff with a document containing the terms and conditions of Service.

Terms and conditions.

(2) The terms and conditions of service under paragraph (1) shall include information relating to—

- (a) service number;
- (b) probation period;
- (c) salaries and allowances;
- (d) other benefits, including, insurance, medical scheme, if any;
- (e) leave days;
- (f) performance management and expectations;
- (g) transfers;
- (h) retirement;
- (i) pensions; and
- (j) bonding of services

26. (1) Where a need arises for an urgent filling of a vacancy while awaiting a permanent appointment or an otherwise more

Appointment in an acting capacity.

permanent solution for the vacancy, a person may be appointed in an acting capacity, provided that he or she meets the requirements for the position in question.

(2) The Inspector-General may appoint an officer into an office in an acting capacity, and shall immediately upon such appointment inform the Commission of such appointment pending the appointment of a substantive holder of that office.

(3) Appointments in an acting capacity shall not be for more than six months.

27. The Commission shall, within sixty days after the conclusion of the recruitment exercise, prepare a report of the recruitment exercise and submit that report to Parliament within sixty days of the conclusion of the recruitment exercise.

Submission of recruitment report to Parliament.

28. The Commission may, in exceptional circumstances, vary the timelines provided under these Regulations:

Power to vary the time limit.

Provided that the reasons for varying the timelines shall be minuted.

29. The National Police Service Commission (Recruitment and Appointment) Regulations, 2015 is revoked.

Revocation of L.N. 18 of 2015.

Made on the 10th April, 2015.

JOHNSTON KAVULUDI,
Chairperson, National Police Service Commission.