



# NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES

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## MANDATE AND FUNCTIONS OF THE NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES

The attention of the National Council for Persons with Disabilities (NCPWD) has been drawn to a media report appearing on The Standard Newspapers on the 28th July 2012 and (KTN) on 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> July, 2012. It appears that there is not enough information in the public domain about the work of the Council.

While we appreciate the efforts of the particular media house to address issues of disability; we take great exception to the manner in which the media report was done. We would like to note that the report highlighted the plight of a single category of disability in exclusion of all others. We emphasize that the NCPWD is responsible for addressing issues of all Persons with Disabilities in Kenya without discrimination.

### THE NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES (NCPWD)

The NCPWD was established in December 2004 following the enactment of The Persons with Disabilities Act (PWD) 2003.

### CORE FUNCTIONS

The Kenya Gazette Supplement No. 111 (Acts No. 14) established the Council to perform, the following functions:

- To issue adjustment orders under section 24 of the Act
- To formulate and develop measures and policies designed to ;
  - i) Achieve equal opportunities for PWDs by ensuring to the maximum extent possible that they obtain education and employment and participate fully in sporting, recreational and cultural activities and are afforded full access to community and social services
  - ii) Co-operate with the government during the national census to ensure that accurate figures of PWDs are obtained in the country, for purposes of planning
  - iii) Advise the Minister on the provisions of any international treaty or agreement relating to the welfare or rehabilitation of PWDs and its benefit to the country
  - iv) Recommend measures to prevent discrimination against PWDs
  - v) Put into operation schemes and projects for self employment or regular or sheltered employment for the generation of income by PWDs
  - vi) Encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment
  - vii) Encourage and secure the establishment of vocational rehabilitation centres and other institutions and other services for the welfare, rehabilitation and employment of PWDs
  - viii) Co-ordinate services provided in Kenya for the welfare and rehabilitation of PWDs and to implement programmes for vocational guidance and counselling
- To register -
  - i) PWDs
  - ii) Institutions, associations and organizations, including those controlled and managed by the government and local authorities, that provide services for the rehabilitation and welfare of PWDs
  - iii) Places at which services for the rehabilitation of PWDs are provided
  - iv) PWDs whose condition requires constant medical attention for the purpose of availing subsidized medical services
- To provide, to the maximum extent possible-
  - i) Assistive devices, appliances and other equipment to PWDs
  - ii) Access to available information and technical assistance to all institutions, associations and organizations concerned with the welfare and rehabilitation of PWDs, including those controlled by PWDs
- To consult with the government in the formulation of suitable curricula for vocational rehabilitation centres and other training facilities for PWDs
- To make provision for assistance to students with disabilities in the form of scholarships, loan programmes, fee subsidies and other similar forms of assistance in

both public and private institutions

- To assess and report to the minister on the welfare and rehabilitation of PWD and to advise on the relative priorities to be given to the implementation of those measures
- To consult with the government in the provision of suitable affordable housing for PWDs
- Generally to carry out measures for public information on the rights of PWDs and the provisions of the Act
- To perform such other functions in relations to the welfare and rehabilitation of PWDs as the Council may deem necessary
- To perform such other functions as may be assigned to the council under the Act or any other act.

In addition to the above functions, the Act also establishes the National Development Fund for Persons with Disabilities, as an agency for managing resources that come to NCPWD for assisting PWDs.

### THE NATIONAL DEVELOPMENT FUND FOR PERSONS WITH DISABILITIES (NDFPWD)

The National Development Fund was established under section 32 of the Disability Act 2003. The management of the Fund is under a board of trustees (BOT) appointed by the Minister of Gender, Children and Social development.

Clause 2 of that section states that "The Fund shall be established as a permanent fund and the income there from shall be used for the benefit of persons with disabilities in Kenya".

Section 33 (2) provides that: Without limiting the generality of section 32 (2), the Board of Trustees may, out of the Fund:

- (a) Contribute to the expenses, including capital expenses, of organizations of or for persons with disabilities;
- (b) Contribute to the expenses, including capital expenses, of institutions that train persons in the care of persons with disabilities;
- (c) Contribute to the capital expenses of projects undertaken by the Government for the benefit of persons with disabilities;
- (d) Provide or contribute to the cost of assistive devices and services;
- (e) Pay allowances to persons with disabilities falling in the following categories and who have no other source of income:
  - i) Persons with severe disabilities and are therefore not trainable in any skills;
  - ii) Aged persons with disabilities; and
  - iii) Single parents with children with disabilities and who cannot therefore seek employment; and
- (f) Make payments or contributions for such purposes as may be prescribed by the council.

### MANAGEMENT SYSTEMS OF THE FUND

The following systems are in place to ensure due diligence and efficient utilization of funds allocated to the Fund:-

1. The Board of Trustees (BOT) in conjunction with the Council have developed an application guideline booklet stipulating who is eligible, terms and conditions, recommendations and the procedures of disbursement. The booklet has been disseminated widely and it is available in the website and hard copy can be obtained at our offices.
2. NCPWDs has strengthened its institutional capacity to manage the fund by undertaking the following:
  - a) Employment of program officers at the head office
  - b) Employment of Regional Officers as a first step towards devolving Council activities to the Counties
  - c) Employment of an Monitoring and Evaluation (M & E) officer
  - d) Utilization of country wide network of Gender and Social development officers who vet, recommend and make follow up all applications and projects
  - e) Establishment of an internal audit system.
  - f) Complying with annual audit requirement by

Kenya National Audit Office and is subject to the supervision of the Efficiency Monitoring Unit in the office of the Prime Minister

- g) Maintenance of a database that provides information on all applications, approvals and disbursements
3. All funds for individuals, groups and institutional applicants are approved by the Board of Trustees (BOT). In this regard:-
    - a) All applicants must be registered by the relevant government agencies
    - b) All applicants must be registered by the NCPWDs as organizations of /for Persons with disabilities
    - c) All applicants must provide their postal, physical addresses and contact details

### FUNDS RECEIVED AND DISBURSED/COMMITTED

The Fund came into effect during Financial 2009/2010. Since then the Fund has received funding as follows:

• 2009/2010	-	200M
• 2010/2011	-	200M
• 2011/2012	-	240M

- These funds have been used to support community based projects, learning institutions, education support, assistive devices and awareness raising. The details of the beneficiaries are available in our offices.
- In addition to the above, the Fund received Kshs. 385M in the financial year 2011/2012 for Cash Transfer for Persons with Severe Disabilities. These funds are disbursed through the Postal Corporation of Kenya (PCK) to beneficiary households caring for Persons with Severe Disabilities identified by the Gender and Social Development Officers throughout the country. We note that the majority of the beneficiaries of the Cash Transfer Programme are Persons with Mental Disabilities.
- The Fund received Kshs.100M on behalf of Albinism Associations in May 2012. Consultations are currently underway between albinism associations, the NCPWD and the Ministry of Gender, Children and Social Development on utilisation of these funds.
- The NDFPWDs has purchased an office premise at a cost of Kshs.25M.

### CASH TRANSFER FOR PERSONS WITH SEVERE DISABILITIES (CT-PWSDs)

The cash transfer for Persons with Severe Disabilities programme was started on a pilot basis in the last quarter of financial year 2010/2011 with a budget of **Kshs. 25M** drawn from the Kshs 200 million grant for the same financial year. These funds were used to establish the programme infrastructure, systems and create awareness. The pilot programme targeted 10 beneficiary households for three months per constituency for all 210 constituencies in Kenya. Of the budgeted **Kshs 25 million, Kshs 21,652,297** was spent on the programme with the balance being carried forward to the following financial year. A breakdown of the expenses under this programme is available in our offices.

The mechanism set up during the pilot stage of the cash transfer for persons with severe disabilities is now in use with a wider outreach of seventy beneficiary households per constituency.

### SUPPORT TO ORGANISATIONS ASSOCIATED WITH BOARD MEMBERS

The Persons with Disability Act 2003 clearly states under section 4 that members of NCPWD board and Board of Trustees shall be appointed from among Organisations of Persons with Disabilities. As such, most members of Council board and BOT are persons with disabilities and/or belong to the Organizations of Persons with Disabilities which they represent on the board.

Whenever, such organisations make requests for funding to the

Fund, the requests are processed through the normal due process. The Fund cannot discriminate such organisations on account that Persons associated with them sit on the board.

However, any such member does not take part in discussions of the project so applied. In this regard there is a requirement under the Act that members with such interest make a disclosure.

#### **CASH WITHDRAWALS FROM NCPWD/NDFPWD**

From time to time NCPWD withdraws funds in imprest form for officers responsible for field work. However, these funds are always accounted for by respective officers within 48 hours upon return from field duties. The same is the case for conferences, workshops, petty cash etc.

#### **KCB CHEQUE NO. 001191 OF KSHS. 14,397,442**

The bulk bank transfer cheque No. 001191 of Kshs.14, 397,442 to Kenya Commercial Bank was drawn to transfer funds to 11 organizations. These organizations are:

1. Emuhuni Primary School (Unit for mentally handicapped children)	915, 599
2. Ogade Special School for the Mentally Challenged	817, 925
3. Total Rehab Centre for the Disabled Children	596, 848
4. Samburu Hadicapped Education & Rehabilitation Programme	2, 350, 000
5. Musitinyi Primary School Special Unit	142, 500
6. Wizara Special School	1, 507, 070
7. Fr. Ouderaa /secondary school for the Hearing Impaired	2, 250, 000
8. Kenya Association for Parents of the Deaf	2, 000, 000
9. Cerebral Palsy Society of Kenya	1, 868, 500
10. Federation of and for people with Disabilities	892, 500
11. Bomeni Disabled Self Help group	1,056,500
<b>Total</b>	<b>14,397,442</b>

#### **MANAGEMENT OF FUNDS BY BENEFICIARIES**

The NCPWD acknowledges that some of the organisations that have benefited from the funds have not utilised such funds for purposes outlined in the Memorandum of Understanding signed between them and the Council. Wherever this has come to the attention of the Council measures have been taken to address the situation including withholding further disbursements and freezing beneficiary accounts.

#### **REGISTRATION OF PERSONS WITH DISABILITIES AND ORGANIZATIONS**

Registration of Persons with Disabilities by NCPWD is free of charge and is done in collaboration with District Gender and Social Development Officers across the country. The purpose of this registration is to identify bonafide Persons with Disabilities and their organizations. Any persons purporting to levy any registration fee for registration is doing so illegally.

#### **INFORMATION MANAGEMENT SYSTEMS (DATA BASES)**

NCPWD maintains two information management systems; the Persons with Disabilities and Organizations and NDFPWDs information management systems. These information management systems are central and critical to our operations.

#### **ALLEGED TRANSFER OF FUNDS TO CDF ACCOUNT**

Our attention has been drawn to allegations of transfer of funds from the Fund to a CDF account, we are not aware of this and there is no correlation between these two funds.

#### **NETWORKING AND PARTNERSHIP**

As part of its strategy in the implementation of its mandate, NCPWD periodically enters into partnerships with recognised National umbrella organisations. One such organisation is United Disabled Persons of Kenya (UDPK). In this instance, there is a Memorandum of Understanding with UDPK entered into on 20<sup>th</sup> June, 2010. The MOU is for purposes of advocacy work around issues of Persons with Disabilities especially scrutiny, audit and assessment of legislation being formulated as part of implementation of the Constitution of Kenya 2010. The main purpose of this intervention is to ensure that emerging legislative frameworks secure gains for Persons with Disabilities. Towards this end, in the financial year 2011/2012 the Council approved 15 million to UDPK and of these disbursed Kshs.10 million.

#### **CHALLENGES**

- Persons with Disabilities are emerging from a long period of exclusion and therefore there are high expectations
- There still exist negative cultural practices that lead to concealment of Persons with Disabilities
- NCPWD has inadequate capacity to reach the grassroots demand for services by Persons with Disabilities
- There are dishonest applicants and unscrupulous persons out to exploit Persons with Disabilities
- Inadequate Monitoring and Evaluations capacity
- The media has been insensitive to disability and in this particular case they chosen to sensationalise an issue in which their constructive engagement would have been more helpful. This is demonstrated by the scenario of Standard media group.

In conclusion, it is our view that mitigating these challenges is the responsibility of every Kenyan. The Council is doing its part within its means.

  
**J B S Halake**  
**Chairman**  
**National Council for Persons with Disabilities**