The Kenya Civil Society Organisations

CODE OF PRACTICE

Viwango

Towards Civil Society Excellence

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Compiled and Edited by
Viwango Team

Version 1

Designed & Printed by
Noel Creative Media Ltd

The Kenya CSO Code of Practice   1

AAIK   Action Aid International Kenya

AED   Academy for Educational Development

AKDN   Aga Khan Development Network

AKF   Aga Khan Foundation

CRECO   Constitution & Reforms Education Consortium

CSO   Civil Society Organisation

CSOYA   Civil Society Organisation of the Year Award

EAAG   East Africa Association of Grant Makers

IIRR   International Institute of Rural Reconstruction

KCDF   Kenya Community Development Fund

KCS-CSP   Kenya Civil Society Competence and Sustainability
Programme

KSIX   Kenya Social Investment Exchange

NGOYA   NGO of the Year Award

OCAT   Organisational Capacity Assessment Tool

OA   Organisational Assessment

OD   Organisational Development

PEN   Poverty Eradication Network

VSO   Voluntary Service Overseas

Civil Society Organisations (CSOs) in Kenya play a significant role in the development and growth of their citizenry. In Kenya, CSOs have been at the forefront of fighting injustice, poverty and underdevelopment. For these reasons, CSOs are seen as a driving force for change and the voice of the people, an alternative voice to governments and private sector. However, at the same time, issues of poor governance and accountability have challenged their credibility, and as a result weakened their potential positive impact on society.

Awakening from such a realization, some CSOs are engaging in self-regulation with the ultimate aim of enhancing both their image and impact through the use of voluntary Codes of Practice, Standards and Assessment Tools. Through these three important tools, CSOs are expected to increase their competences, become more sustainable and make even bigger contributions to Kenyan society.

Through the application of these tools, it is intended that Kenyan CSOs will continuously improve their: legal and statutory requirements; organisational identity; work programming and planning; management systems and policies; resource mobilisation and resource utilisation; partnership and external relations; and organisational leadership, governance and culture.

'Viwango,' is a new organisation responsible for driving forward a new agenda to professionalize and improve the credibility and integrity of civil society organisations in Kenya.

'Viwango' was started by a group of national and international CSOs working in Kenya in March 2009. The founding organisations are: Academy For Educational Development (AED),

Action Aid International Kenya (AAIK), Aga Khan Foundation (AKF), ALLAVIDA / Kenya Social Investment Exchange (KSIX), Constitution & Reform Education Consortium (CRECO), East African Association of Grant Makers (EAAG), International Institute of Rural Reconstruction (IIRR), Kenya Community Development Foundation (KCDF), Oxfam GB Kenya Programme, PACT Kenya, Peace and Development Network Trust (PeaceNet), Plan International Kenya, Poverty Eradication Network (PEN), and VSO Jitolee.

'Viwango' is the Kiswahili word for 'Standards.'

Gerald Mwangi Walterfang
CEO, Viwango

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'Viwango' wishes to acknowledge the rich input of many Civil Society Organisations, their leaders and staff, who voluntarily contributed their time and resources to the development of the Kenya CSO Code of Practice, Kenya CSO Standards and Kenya CSO OCA Tool.

In particular, 'Viwango' would like to thank the following organisations for sharing their invaluable organisational development materials that have informed these three OD tools: Academy for Educational Development (AED)-CAP Program, Constitution & Reforms Education Consortium (CRECO), East African Association of Grant-Makers (EAAG), International Institute for Rural Reconstruction (IIRR) - East Africa Regional Office, PACT Kenya, and the Poverty Eradication Network (PEN).

Special gratitude goes to the CSOs and their leaders who served on the two committees that provided leadership to the Kenya Civil Society Competence and Sustainability (KCS-CSP), the pre-curser to 'Viwango,' and the members of their Steering and Technical Development Sub-Committees, who worked tirelessly over three years to provide managerial and technical oversight to the production of the three documents.

'Viwango's sincere appreciation goes to Aga Khan Development Network (AKDN) and the Aga Khan Foundation East Africa, for providing the primary financing to KCS-CSP over a period of five years with the support from UKaid Department For International Development (DFID) and to Action Aid International Kenya (AAIK), Oxfam GB- Kenya and Plan International, for the provision of supplementary grants to support specific components of this process at critical times.

The *Kenya CSO Code of Practice* **has been developed by and for Civil Society Organisations (CSOs) through the Kenya Civil Society Competence and Sustainability Programme (KCS-CSP) in a process that included both national and regional level consultations in Kenya.**

A Code of Practice is a set of principles, values, standards, or rules of behaviour that guide the decisions, procedures and systems of an organisation in a way that contributes to the welfare of its key stakeholders, and respects the rights of all constituents affected by its operations.

KCS-CSP brought together a number of discrete and independent initiatives whose objectives were to enhance the competence, credibility and sustainability of CSOs initiatives and to promote acceptable standards and practices within the civil society sector.

This Code of Practice is one of three booklets that have been produced and should be read and used in tandem. The second booklet, the *Kenya Civil Society Organisations Standards* defines the minimum requirements or benchmarks a CSO commits to adhere to, and be measured against. The third, the *Kenya Civil Society Organisation-Organisational Capacity Assessment Tool* helps CSOs to reflect and measure at a particular moment in time, how they are performing against the set standards and practices to determine a plan for self-improvement.

By signing up to the Code of Practice, adhering to the set quality Standards and using the OCA Tool, it is hoped, that organisations will experience continuous improvement. It is expected these three booklets will act as a catalyst for CSOs' quest for excellence, quality programming, organisational sustainability and greater recognition. CSOs in Kenya are encouraged to sign up to this Code of Practice.

Background

The last three decades has witnessed a tremendous growth of civil society organisations in Kenya. CSOs have become a significant force in promoting social and human development. Their missions require them to challenge existing cultural or social norms, and power relations. For this reason, citizens often expect CSOs to serve as oversight over government and business, and as champions of the disadvantaged.

In their diversity, CSOs are characterised by their membership, organisational values, mission, mandate and organisational culture. They include what are loosely categorised as community-based organisations, non-governmental organisations, faith-based organisations, self-help groups, trusts, foundations, clubs and welfare societies.

Challenges of competence, legitimacy and sustainability of their impact have emerged as CSOs have begun to play increasingly important roles in development and governance processes at local, national and international arenas. One of the most complex challenges facing the CSOs today is the question of their legitimacy as social actors and their accountability to key stakeholders.

CSOs in Kenya have recently seen the need to strengthen their credibility and legitimacy as actors in development, governance, advocacy and public policy. Numerous initiatives aimed at assessing individual performance as well encouraging and stimulating the civil society organisations in development and implementation of sector level self-regulation has been going on for the last decade. CSOs are well aware that the process for achieving competence and sustainability of impact must be driven

and owned by the CSOs themselves. To this effect a number of initiatives have taken place leading to the Kenya Civil Society Competence and Sustainability Programme (KCS-CSP) and the formation of Viwango.

The publication of the Kenya CSO Code of Practice, Kenya CSO Standards and the Kenya CSO OCA Tool are a culmination of several years of work done under the auspices of the KCS-CSP.

KCS-CSP sought to harmonise existing independent initiatives by designing and implementing a collaborative and inclusive process to develop sector-wide standards involving the larger civil society constituency in Kenya.

Among the independent initiatives included; CRECO's Civil Society of the year award (CSOYA), NGOYA award by Resource alliance/NGO Coordination board, EAAG work on Standards of Excellence, AED institutional Development Programme, Pact Kenya Civil Strengthening Program (KCSSP) and PEN Organisational Development Programme.

Rationale for Code of Practice

The development of the Kenya CSO Code of Practice and Standards was inspired by the realisation of a need to have harmonised CSOs standards and ethical principles that would guide the work of civil society organisations in Kenya. According to a study conducted by PEN (2007) *"Enhancing the Competence and Sustainability of High Quality CSOs in Kenya",* there was agreement among civil society leaders on the need to establish clear standards and qualities for CSOs, promote best practices, provide holistic capacity building and establish mechanism for ensuring compliance.

The purpose of the Kenya CSO Code of Practice is to provide an ethical framework that guides CSOs in improving their internal functioning, external relations and their programming. The practices can also be used to improve the quality of their governance and management. This includes providing a guide to board members, management and staff and all individuals involved in the work of the organisation.

By nurturing and inspiring a culture of continuous improvement to deliver superior value to the relevant constituencies, CSOs will achieve greater relevance, recognition, and higher results, and enhance their sustainability. This will also encourage the Kenyan citizens to give to causes they espouse, as well as assist development partners in identifying which CSOs deserve support.

In essence, CSOs will effectively increase their performance hence creating greater opportunities for partnerships with other institutions such as governments, development partners, and the private sector. Subsequently, the right of CSOs to judge and hold others accountable will be reinforced through demonstrated, superior standards of practice and performance.

The Kenya CSO Code of Practice

There are eight codes of practice: Legal and statutory requirements; Identity; Governance; Work programming and planning; Management systems and policies; Resource mobilisation and resource utilisation; Partnership and external relations; Organisational culture and leadership.

1. Legal and Statutory Requirements

1.1   We shall ensure that our existence is in line with legal and statutory requirements of the country as provided for under the law.

1.2   We shall ensure that our organisations are recognized by the constituency that we serve.

1.3   We shall have in our possession, documents that state our objectives and we shall adhere to these documents. These documents can be: a Constitution, Memorandum and Articles of Association, Memorandum of Understanding or a Code of Conduct.

1.4   We will adopt and adhere to generally acceptable codes of ethics for our directors or trustees, staff, members, and volunteers.

1.5   We shall participate in the formulation of a legal and statutory framework to establish an enabling environment for the work of CSOs.

2. Identity

2.1 We shall enhance our identity by having written and shared vision and mission statements, values and objectives which are clearly stated and carried in all our key documents.

2.2 We shall have mechanisms to review the vision, mission and objectives of our organisations.

2.3 While we shall remain diverse entities with different interests, we commit ourselves to pursue and sustain institutional values that are based on improving the welfare of our constituencies.

2.4 We will ensure that our institutional values are driven by the search for excellence.

2.5 We will ensure that individual interests of board, staff, members, volunteers and partners do not compromise our organisational values.

2.6 We will endeavour to have an identifiable and publicized physical location, from where we will be running our operations. The offices shall have both physical addresses (e.g. a street/road/ plot number) and correspondence addresses (e.g. a postal box, e-mail, webpage).

2.7 We shall ensure that our physical addresses are made public through correspondence and other materials including letterheads, flyers, brochures, invoices, receipt books, and business cards.

2.8 Our organisations shall have names that identify and differentiate us from others. The names shall appear in our correspondence.

2.9   We shall maintain our organisational independence and will not be aligned or affiliated to political parties. When conducting political and legislative activities, we shall engage within the confines of our missions and stated objectives.

2.10   We shall act independent of government and only support policies that are in agreement with our organisational mission and own independent policies.

3. Governance

3.1   We shall ensure our organisations have boards, or governing committees that hold our management, staff and other relevant stakeholders to account. The boards or committees will be the decision making organs.

3.2   Our board or governing committee's decisions shall be binding as provided for in the constitution and or in articles of Memorandum of Association. Our boards shall consult widely and make decisions in a participatory way.

3.3   We shall ensure that our organisations are democratically managed and that the people who serve in them are democratically elected through a participatory process or in accordance with the constitution and generally accepted practices.

3.4   We shall ensure that those elected to positions of power or authority demonstrates professionalism, high moral values and integrity.

3.5   We shall ensure that our organisations are governed fairly, impartially, and responsibly by our respective boards.

3.6   We shall ensure our organisations develop clear policies and management guidelines as the basic foundations for best practices.

3.7   Our organisations shall hold regular meetings as prescribed in the constitution.

3.8   Our boards or governing committees shall take responsibility for leadership and accountability through oversight and

review of organisational practices; management systems; and, culture.

3.9   Our organisations shall put in place criteria for selection of board and governing committee members which are adhered to in the constitution of the organisations. The criteria shall outline how all the relevant stakeholders' interests are accommodated in the board and the communities are involved in the governance and leadership of our organisations.

3.10   We shall have mechanisms that check the effectiveness of our boards.

3.11   We shall ensure that our boards or committee members' mandates are limited to the periods set out by our respective constitutions unless re-elected or re-appointed to office after expiry of their terms.

3.12   We shall ensure that the functions of the board and the management are separate; and there shall be a communication strategy, policy and procedures for all parts of the organisation that outlines communication by the board and other parts of the organisation and relevant publics.

3.13   We shall adopt and implement policies and procedures to ensure that all conflicts of interest, or the appearance thereof, within the organisation and the board are appropriately managed through restraints on insider trading, disclosure, recusal, or other means.

3.14   Upon the development of the conflict of interest policy, we shall ensure that all board and staff members sign it and make full disclosure of all material conflicts of interest, both at the time they join the organisation and at the beginning of each new board year.

3.15   We shall establish policies and structures for managing conflict within our organisations and ensure that they are broadly understood and universally applied.

3.16   We shall establish and implement policies and procedures that protect individuals who come forward with information on illegal practices or violations of organisational policies.

3.17   Our boards of directors shall approve policy statements and programmes.

3.18   Our governance bodies will have effective policies, which are implemented.

4. Work Programming and Planning

4.1 Our organisations shall have strategic plans developed in a participatory and inclusive manner and shall share them with our stakeholders. The strategic plan shall be available for public scrutiny.

4.2 We shall prepare work plans highlighting the proposed objectives, strategies, activities, performance indicators, activity linked budget, timelines for implementation, assumptions, responsible persons for performance and means of performance verification.

4.3 We shall share our work plans with relevant public: the board, staff, membership, partners, government agencies, beneficiaries and donors to ensure effective implementation and accountability.

4.4 We shall ensure that our work plans are implemented, monitored regularly and reviewed. The plans will be a basis for resource allocation and utilization.

4.5 We shall ensure that our work is distinct and avoid duplication by seeking collaborations with other relevant organisations.

4.6 We shall make adjustments on our planned activities and resource allocations based on reliable evidence gathered.

4.7 Our organisations shall develop monitoring and evaluation systems that guide and inform the operations and programming. We shall consider the effects and impact of our programmes and activities and adjust appropriately based on reviews and lessons learned.

4.8   We shall put in place policies and mechanisms for monitoring, evaluation and interventions. These policies and systems shall encourage the identification and documentation of good practices, lessons learned, opportunities, innovations, challenges and solutions, which will inform programmes and projects design and implementation.

4.9   We shall ensure that monitoring and evaluation is a key component of governance.

       Our policies and systems for monitoring and evaluation shall be reviewed regularly and shared. The outcomes will inform planning, resource mobilization, resource allocation and programme implementation.

4.10   We shall regularly produce and share reports with our stakeholders as per statutory and operational requirements.

4.11   We shall put in place established and functional feedback procedures.

4.12   We shall put in place systems for management of information and for reviewing programme performance and impact.

4.13   We shall have empowering programmes and activities that are relevant; encourage participation ownership and demonstrate impact.

4.14   Our programmes and activities shall be cost effective. They will be managed efficiently and fit within our overall strategies and stated goals and objectives. There will be evidence of programme relevancy, stakeholders' involvement in strategic planning, community ownership, and empowerment.

4.15   We shall contribute to the achievement of the national and the global development agenda.

5. Management Systems and Policies

5.1   We shall put in place written policies and procedures that ensure gender equity, and uphold the rights of minorities against unfair practices and discrimination with regard to opportunities for employment, remuneration, training, and promotion.

5.2   We shall have well documented policies and procedures that govern our operations. Our boards and staff shall subscribe to these policies and procedures and either apply or cause them to be applied in the course of their work.

5.3   Our policies shall be reviewed regularly so as to bring them in line with the prevailing conditions in a changing environment.

5.4   We shall have policies and procedures for human capacity development for relevant stakeholders who are important to our success and operational excellence.

5.5   We shall clearly define our selection criteria for accessing knowledge and skills to ensure linkages between training and other educational resources for effective performance at all levels.

5.6   Our human resource capacity development plan shall be reviewed regularly and shared with the relevant publics for effective planning, resource mobilization and implementation.

5.7   We shall keep records of all our cash and non-cash transactions that are entered into, in the execution of our

strategic plan. These records shall be well maintained and made available for scrutiny by stakeholders.

5.8   We shall keep up-to-date financial and non-financial records, including detailed records of income and expenditure (cash book) and banking records. We shall have financial accounting systems which shall be regularly checked for effectiveness.

5.9   We shall maintain bank accounts, with licensed financial institutions. The material accounts shall only be used for organisational transactions, and any other transactions affecting the accounts. Banking and withdrawals shall be properly authorized and documented, in accordance with the laid down procedures.

5.10 We shall adhere to the rules and regulations and banking requirements of the financial institution.

5.11 Annually, we shall have our books of accounts and audits externally prepared by a certified accountant, or auditor. The audited accounts and reports shall be accessible to the stakeholders and public as required.

5.12 We shall put in place written policies and procedures to guide the procurement, acquisition, maintenance and disposal of material assets and share these policies and procedures with all internal stakeholders.

5.13 We shall maintain a fixed assets register; (for vehicles, fittings, equipment, furniture and land) which shall be regularly updated, in accordance with acceptable accounting and auditing practices. The register shall be kept securely by one given the due responsibility and made available on request for scrutiny by authorized relevant stakeholders.

5.14 We shall have systems to ensure quality service provision to all our stakeholders.

6. Resource Mobilisation and Utilization

6.1   We shall commit ourselves to solicit for resources (financial and non financial) or receive funds for implementation of projects and programmes in line with our strategies; and that contribute to the realization of our missions, goals and objectives.

6.2   We shall commit ourselves to be transparent in our fundraising practices to all stakeholders.

6.3   We shall develop resource mobilization strategies that will guide us in raising financial and non financial resources. All resources that will come to the organisations' disposal will be used for the intended purpose.

6.4   Our organisations shall map out donors who subscribe to our visions, missions, goals and objectives.

6.5   Where there is intent to raise funds from more than one donor, appropriate information shall be provided to all interested parties.

6.6   We shall uphold principles of ethical resource mobilization which govern and determine sources of funds, methods used, communication styles adopted and are in line with our organisations' values.

6.7   We shall be transparent and accountable in our resource mobilization and utilization. We shall commit ourselves to avoid any conflicts of interests in the mobilization of resources.

6.8   We shall demonstrate accountable and proper utilization of resources. We shall report in a timely manner to donors and other relevant stakeholders.

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6.9   We shall maintain sound systems that ensure that our resources are effectively, efficiently and transparently allocated and managed.

6.10   We shall control all fundraising activities conducted on our behalf. All fundraising contracts and agreements shall be put into writing.

6.11   We shall put in place systems that assess and link the use of resources to results anticipated; and, well developed monitoring and evaluation policy frameworks to facilitate the appraisal and linkage of the deployed resources with the current and eventual programme performance.

6.12   We shall regularly undertake appraisal of reporting requirements and data to inform the development of appropriate monitoring and evaluation tools.

6.13   We shall ensure our organisations' sustainability by having resource diversification plans; and, policies on reserves and endowments.

6.14   We shall actively and innovatively seek to balance between internal and external resources.

6.15   We shall actively involve all programme participants in the mobilization of resources for the activities and work of the organisation.

6.16   Our organisations shall have systems and processes that allow for organisational change, and that enable communities to sustain operations in the event that the organisations no longer exist.

6.17   Our organisations shall actively seek to build credibility by being visible; and, by branding ourselves appropriately creating a positive image of ourselves and our work.

7. Partnership and External Relations

7.1   We shall have policies and procedures that encourage collaboration and networking with other actors in the sector. This shall encourage learning and adoption of best practices.

7.2   Our organisations shall cooperate with other actors in setting and pushing a common agenda. Theses shall however not limit or stifle healthy competition that allows individual growth and improvement in the sector and the search for quality and operational excellence.

7.3   We shall have policies, procedures and systems that enable us to cultivate and maintain useful relationships with all our external stakeholders.

7.4   We shall partner and network with relevant organisations to complement our activities.

7.5   We shall learn from the experiences of networking and collaboration with other organisations.

7.6   We shall put in place policy and procedures to prevent unhealthy competition amongst programme participants.

7.7   In the event that our organisation is a network of other organisations, we shall strive to represent the collective interest of all our members. Policies and procedures will be made clear on the roles and responsibilities of each actor.

We shall put in place mechanisms to ensure consultations and reviews of these policies. The policies and procedures will be made available across the network.

7.8   We shall maintain updated databases that provide information on our members, staff and their competencies, donors, current and previous projects, and reports. This will facilitate sharing of information for planning and for project implementation.

7.9   Except for confidential information we shall make available any other information that could contribute to the common good.

8. Organisational Culture and Leadership

8.1   We shall have systems for management of information that includes identification and documentation of key lessons, opportunities and innovations. Organisational learning will be informed by participatory monitoring and evaluation. Individual learning shall complement organisational learning.

8.2   Our organisations shall share findings and good practices with others in the sector. The lessons learned shall be documented and used for policy development, programme planning, programme intervention and resource mobilisation.

8.3   We shall have systems, policies and procedures that encourage openness, trust, transparency and accountability to all stakeholders. We shall respond to changes in our internal and external environments.

8.4   The affairs of our organisation shall be conducted with integrity and transparency. Our activities shall, upon request, be open and accessible to scrutiny by our donors, except for personnel matters, legal matters and proprietary information, including anything specified by laws.

8.5   We shall ensure that an acceptable and comprehensive dispute resolution policy and procedures is in place.

8.6   We will identify and be affiliated to other like-minded organisations within the same sector, programme theme or geographic area.

8.7 In as far as our activities are concerned; we shall respect the dignity, values, history, religion, and culture of all people, irrespective of race, national or ethnic origin, colour, religion, sex, age, and mental or physical ability.

8.8 Our organisations' visions and their relationship to the missions and strategies shall be clearly articulated and demonstrated by our leaders. The organisations' policies and procedures shall be developed in a participatory and inclusive manner.

8.9 We shall have processes, policies and procedures which encourage stakeholders to take informed decisions.

8.10 We shall put in place secure, and reliable feedback mechanisms to encourage feedback from all stakeholders without exposing them to undue risk and harm.

8.11 We shall ensure that a consensus-building approach is applied at all levels of leadership within our organisations.

8.12 We shall ensure that our organisational conduct and practices are guided by values and beliefs consistent with our social, cultural and professional norms.

8.13 We shall ensure that all our activities impact on the public perceptions, and that we share responsibility to enhance public trust, and respond accordingly.

8.14 We shall put in place codes of ethics that govern our operations or subscribe to principles of governance and operations.

8.15 Our organisations shall recognize and accept the diversity that exists amongst our stakeholders. We shall put in place policies and procedures and support mechanisms that enhance and sustain diversity.

If you cannot measure it, you cannot improve on it. To measure is to know

-By Lord Kelvin 1824-1907

Notes

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The Chief Executive Officer
AACC Building, Waiyaki Way, Westlands
P.O. Box 4932-00200, Nairobi-Kenya
Tel: +254 020-2324626/7
Fax: +254 020 4440880

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