



OFFICE OF ATTORNEY GENERAL AND
DEPARTMENT OF JUSTICE

POLICY ON POST PUPILLAGE PROGRAMME

JUNE, 2020

TABLE OF CONTENT

Table of Contents

DEFINITION OF TERMS.....	vii
1.0 INTRODUCTION	1
1.1 PREAMBLE	1
1.2 POLICY STATEMENT	1
1.3 RATIONALE.....	1
1.4 OBJECTIVES OF THE PROGRAMME.....	1
1.5 SCOPE.....	2
1.6 PRINCIPLES OF RECRUITMENT.....	2
1.7 LEGAL & POLICY FRAMEWORK.....	2
1.8 ROLE OF STAKEHOLDERS	4
2.0 POLICY PROVISIONS AND REQUIREMENTS	6
2.1 DECLARATION, SELECTION AND RECRUITMENT	6
2.2 ELIGIBILITY	7
2.3 DURATION FOR POST-PUPILLAGE PROGRAMME.....	7
2.4 PLACEMENT	7
2.5 STIPEND AND ALLOWANCES	7
2.6 WORKING HOURS	7
2.7 PAID EMPLOYMENT	8
2.8 INSURANCE.....	8
2.9 MEDICAL COVER	8
2.10 NATIONAL SOCIAL SECURITY FUND	8
2.10 NON-DISCLOSURE AGREEMENT	8
2.11 TRAINING.....	8
2.13 DISCIPLINE.....	9
2.14 OTHER BENEFITS	9
2.15 DISCONTINUATION/TERMINATION OF POST PUPILLAGE PROGRAMME.....	10
2.16 COMPLETION OF POST PUPILLAGE PROGRAMME	11
2.17 REVIEW OF POLICY	11
APPENDICES	12

FOREWORD

The mandate of the Office of the Attorney General & Department of Justice (OAG&DoJ) is derived from Article 156 of the Constitution, the Office of the Attorney General Act, 2012 and the Executive Order No. 1 of 2018 (Revised). It includes providing legal advice and legislative and general legal drafting support to Government Ministries, Departments and Agencies; and Constitutional Commissions. The OAG&DoJ's areas of focus are wide-ranging – from constitutional and domestic law, international law, human rights, consumer protection, anti-corruption policy, protection of victims of crime to the implementation of reparations and legal aid, among others.

Pursuant to Section 13 of the Advocates Act, the OAG&DoJ may take pupils as part of the Advocates Training Programme offered by the Kenya School of Law.

In its endeavour to be the best trainer and employer, the OAG&DoJ has continued to review its training and capacity building programmes to attract and retain the best pupils and employees. Cognizant of this fact, the competence of advocates is reliant on their preparation during the practical phase of their training, which is the pupillage. The OAG&DoJ has therefore redesigned its pupillage programme to offer an enriching experience to pupils by developing a Post Pupillage programme where the pupils are exposed to further on-the-job training by retaining them for a period ranging between 6-12 months under short term contract, pending their admission to the Bar.

This programme is meant to bolster the pupils' practical experience to enhance further exposure, provide merit-based training on the job and increase chances of employability and registration with professional bodies. The OAG&DoJ will gain from the pupil skills and competencies by deploying them to the regional offices where there is a shortage of technical staff and therefore enhance service delivery. Further involvement in legal research will empower the pupils with research skills in a practical environment that are relevant for moulding competent advocates as they seek to join the labour market.

The Post Pupillage Policy therefore provides a framework for engagement and management of pupils once they complete their pupillage programme that runs for 6 months at the OAG&DoJ. It espouses the provisions and requirements of the programme, recruitment and selection procedures and the roles and responsibilities of the various stakeholders. The Policy seeks to establish and set standards applicable to all pupils in the programme and provide a framework for monitoring, evaluating and reporting, while ensuring promotion of youth inclusion in the workplace experience development programme. It is also expected that the policy will be used alongside other existing human resource policies and legal frameworks in the public service for harmony and sustainability.

The Policy is subject to review from time to time due to the dynamic nature of the public service that takes on board changes occasioned by innovation, technology and Human Resource policies and procedures that the government undertakes from time to time.

Lastly, I wish to acknowledge the efforts of the Pupillage Committee, led by Dr. Ernest Alela, the Director, Human Resource Department, and other staff in the Department; Ms Pauline Mcharo and staff from Legal Advisory and Research Division; the Deputy Solicitor General, Ms Christine Agimba and other Heads of Departments, that have made the completion of this Policy framework possible.

P. Kihara Kariuki
ATTORNEY GENERAL

PREFACE

Section 14 of the Advocates Act allows the OAG&DoJ to take on pupils for purposes of the Advocates Training Programme as offered by the Kenya School of Law. In order to enrich the training experience and ensure that those who undergo pupillage at the OAG&DoJ acquire diverse exposure to a variety of skills and legal resources, thereby enhancing their marketability, the OAG&DoJ has developed this Policy. The aim of this Policy is to anchor a post-pupillage programme to guide the retention and training of selected pupils beyond the mandatory six (6) months.

The aim of this programme is to impart practical work-based experience in law graduates, which will in turn enable them have a competitive edge in the job market. The programme is a contribution to the Government's effort to alleviate youth unemployment by offering the beneficiaries an opportunity to gain work-place experience. The training will also help prepare the beneficiaries for the onset of their lives as professional members of the Law Society of Kenya.

This is one of the programmes that underscore professionalism as a core value in the OAG&DoJ, by providing pupils with the opportunity to acquire useful practical experience necessary for professional and career development.

This Policy is critical because it provides the framework for the management of the post-pupillage programme to ensure not only its long-term efficiency but also sustainability. The successful implementation of the Policy is therefore essential in realizing the objectives of the post-pupillage programme.

I would like to take the opportunity of this preface to thank the Public Service Commission for granting its approval of the post-pupillage programme. May I also take this opportunity to thank and congratulate the Pupillage Committee and all the Heads of Department for their tireless efforts at ensuring that we have this Policy.

KENNEDY OGETO CBS
SOLICITOR GENERAL

ACROYNMS

A/CO	-	Accounting Officer /SG
AO	-	Authorized Officer/AG
AG	-	Attorney - General
ATP	-	Advocates Training Programme
DHRM&D	-	Director, Human Recourse Management & Development
HOD	-	Head of Department or Division
KSL	-	Kenya School of Law
LARD	-	Legal Advisory and Research Division
LSK	-	Law Society of Kenya
MHRMAC	-	Ministerial Human Resource Management Advisory Committee
PSC	-	Public Service Commission
OAG&DOJ	-	Office of the Attorney General & Department of Justice
SG	-	Solicitor General

DEFINITION OF TERMS

Agreement/Contract

A binding agreement between a Pupil and the Office of the Attorney General and Department of Justice to participate in the post-pupillage programme.

Accounting Officer

Means “accounting officer” as defined in the Public Finance Management Act, 2012

Advocates Training Programme

A Practical training course offered under the Kenya School of Law Act, 2012 to prepare lawyers for admission to the Roll of Advocates of the High Court of Kenya.

Beneficiary

A pupil who has successfully completed pupillage at the OAG&DoJ during the Advocates’ Training Programme with the intent of acquiring relevant work experience, as they await Admission to the Bar as an Advocate.

Degree

A Bachelor of Laws degree conferred by a recognized examining body/ institution.

Post-Pupillage Programme

A programme which includes both structured work (practical) experience and instructional (theoretical) learning for persons who have successfully completed the Pupillage programme at the OAG&DoJ in line with the Advocates Training Programme.

Post-Pupillage Coordinator

A Technical Officer appointed by the Accounting Officer to coordinate the post-pupillage programme and who shall be responsible for deployment of pupils among other duties.

Graduate

An individual who has completed a law program of training and acquired a law degree.

Knowledge Management and Training Committee

A Sub-committee of MHRMAC appointed by the Accounting Officer to be in charge of Knowledge Management, Training and Research matters at the OAG&DoJ.

Line Manager

An officer from a Legal Division responsible for identifying post-Pupillage opportunities, deployment and overall supervision of Pupils placed under his/her care.

Monitoring and evaluation

Mechanism put in place to ensure adherence to quality, standards, cost effectiveness and relevance of post-pupillage programme.

Pupil

A law graduate who is undertaking pupillage with OAG&DoJ in line with requirements of the ATP at the KSL and has entered in to a short-term employment contract with the OAG &DoJ as part of post-pupillage programme .The term Pupil and Beneficiary are applied in this document interchangeably.

Pupillage Committee

A committee appointed by the Accounting Officer to oversee the pupillage programme at the OAG&DoJ.

Pupillage Coordinator

A State Counsel/ Human Resource Officer and member of the Pupillage committee appointed by the Accounting Officer to coordinate the technical aspects of the Pupillage programme at the OAG&DoJ.

Pupillage Programme

The practical professional training offered to Pupils by the OAG&DoJ during Pupillage in line with the requirements of the ATP at the Kenya School of Law

Regional Head

A State Counsel appointed to head a Regional Office of the OAG&DoJ.

Supervisor

A State Counsel with at least more than 5 years' experience at the OAG&DoJ appointed by the Accounting Officer to supervise pupils towards acquisition of appropriate knowledge, skills and attitudes.

Short term Local Agreement /Contract

A binding agreement between a Beneficiary/Pupil and the OAG&DoJ, to participate in a short-term post-pupillage programme lasting between 6-12 Months.

1.0 INTRODUCTION

1.1 PREAMBLE

The post-pupillage programme is a continued training programme aimed at providing law students awaiting admission to the Bar with work experience.

This post-pupillage programme will be offered to persons who have completed their undergraduate degree in Law from a recognized university and have further completed the six months mandatory pupillage programme at the Office of the Attorney General and Department of Justice.

This programme will enhance opportunities for graduates who have undertaken the Advocates Training Programme and are awaiting admission to the Bar to further translate the skills learnt into merit training.

1.2 POLICY STATEMENT

The OAG&DoJ is committed in providing pupils who have completed their pupillage programme at the OAG&DoJ an opportunity to acquire work experience as they await admission to the Bar.

1.3 RATIONALE

Upon completion of the mandatory six (6) months Pupillage programme, most pupils do not get an opportunity of exploring all services offered by the OAG&DoJ. This leaves them with limited practical experience on several legal services offered by the OAG&DoJ. This programme aims at enabling pupils acquire practical workplace experience as they await admission to the Bar. The post-pupillage programme policy for the OAG&DoJ will establish a mechanism for managing an effective and efficient post-pupillage programme that aims to bridge the gap between academic and the world of work. This policy is therefore part of the OAG&DoJ strategy for promoting pupils integration in the workplace experience development programme as they await admission to the Bar.

1.4 OBJECTIVES OF THE PROGRAMME

This policy provides a framework for engagement and management of Pupils on the post-pupillage programme at the Office of the Attorney General and Department of Justice. It outlines the various provisions and requirements of the programme, selection procedures and roles and responsibilities of various stakeholders in the programme by setting a standards applicable and establishing a mechanism for managing an effective and efficient post-pupillage programme that aims to bridge the gap between academic and the world of work.

The post-pupillage programme should therefore be managed to meet the following objectives:

1. Imparts practical work-based experience among the graduates thus enabling them to have a competitive edge in their job search.

2. Contributes to the government's effort to alleviate youth unemployment by offering graduates a chance to gain workplace experience.
3. Promotes youth inclusion in the workplace experience.
4. The experience gained through the post-pupillage programme may be considered as an added advantage while seeking formal employment in the OAG&DoJ. The OAG&DoJ shall keep a database of all beneficiaries of the programme and keep track of their progress.
5. Afford the OAG&DoJ an opportunity to enhance manpower in the Regional offices and reduce the work overload of existing State Counsel and address skill gaps.

1.5 SCOPE

The post pupillage programme covers persons admitted in to pupillage at the OAG&DOJ as a cohort for purposes of further exposure and acquisition of work experience. It does not cater for pupils from other law firms/establishments. Only current pupils and not past pupils are eligible.

1.6 PRINCIPLES OF RECRUITMENT

The following principles shall govern management of the post pupillage programme at the OAG&DoJ:

1. Professionalism in ensuring that beneficiaries are provided with and acquire the practical experience required for their professional and career development in developing human relations skills, decision-making abilities and management of office activities.
2. Promote capacity of the OAG&DoJ regional offices and reduce the workload in the regional offices.
3. Promotion of equity and fairness by ensuring inclusivity and accessibility of opportunities to pupils from diverse backgrounds and persons with disabilities at any one time.
4. Capacity of the OAG&DoJ to accommodate beneficiaries of post pupillage programme in terms of resources such as office space, facilitative and mentorship capabilities.
5. Efficiency of the post pupillage programmes based on cost-effectiveness.
6. Relevance, fit to purpose and quality supervision through ensuring provision of appropriate and relevant work experience that is commensurate with the Pupils' qualifications.
7. Adherence to Article 10 and Chapter 232 of the Constitution.

1.7 LEGAL & POLICY FRAMEWORK

This policy is in compliance with the Constitution, international conventions, legal, statutory and policy requirements. They include:-

1.7.1 The Constitution of Kenya

- i. Article 10 - national values and principles of governance.
- ii. Article 55 requiring the state to take measures to ensure the youth have access to education, training and employment opportunities.
- iii. Article 232(1)(i)- values and principles of public service.

1.7.2 International Labour Organization (ILO) Conventions

The labour laws in Kenya draw their provisions for the safety and protection of workers from the ILO conventions.

1.7.3 Advocates Act, Cap 16

The Advocates Act consolidates the law relating to Advocates which includes admission to the roll of Advocates.

1.7.4 The Employment Act 2007

The Act provides for non-discrimination in the process of recruitment and appointment/contract of service and protection of workers at the work place.

1.7.5 Labour Relations Act, 2007

The Act provides for protection of workers' rights.

1.7.6 Kenya School of Law Act, No. 26 of 2012

This law provides for training of Advocates

1.7.7 Persons with Disabilities Act, 2003

The Act provides that persons with disabilities shall be eligible for engagement as apprentices or learners where their disability is not such as to impede their performance in a particular occupation.

1.7.8 Work Injury Benefits Act, 2007

The Act requires persons employed to have insurance and to be compensated when injured during work-related assignments.

1.7.9 Occupational Safety and Health Act, 2007

The Act provides for security, safety, health and welfare of persons at work.

1.7.10 The Public Service (Values and Principles) Act 2015

The Act provides that a public institution or an authorized officer shall ensure that public officers are appointed and promoted on the basis of fair competition and merit. This shall apply when selecting interns in the Public Service.

1.7.11 The Law Society of Kenya Act, Cap 18

The Act provides consolidates laws relating to the Law Society of Kenya and the welfare of its members who have been admitted to the Bar.

1.7.12 Office of the Attorney General Act No. 49 of 2012

This Act makes further provision for the functions and powers of the Attorney-General in the discharge of duties and the exercise of powers of the Attorney-General.

1.7.13 Human Resource Development Policy for the Public Service

The policy recognizes that trainees graduating from training institutions join the labour market with academic and theoretical approach to work and therefore require practical exposure in real work environment. The public service uses internship programmes as part of on-the-job training for the purpose of molding interns to acquire experience and become responsible citizens who will contribute effectively to the socio-economic development of the country.

1.7.14 Human Resource Policies and Procedures Manual for the Public Service

The Manual provides that contract employees shall be guided by relevant provisions of the constitution, professional bodies and other relevant existing policy guidelines.

1.8 ROLE OF STAKEHOLDERS

The following key stakeholders shall:-

1.8.1 KSL

- Organize and conduct courses for the development of legal professionals including the Advocates Training Programme
- Recommend pupils who undertake the programme at the OAG&DoJ
- Make Recommendations on enriching the programme.

1.8.2 PSC

- Grant approvals of the programme and the selected beneficiaries
- Ensure principles under delegated powers are affected.
- Undertake quality control of the post pupillage programme

1.8.3 Authorized Officer

- Approve MHRMAC recommendations on availability of post pupillage opportunities at the OAG&DoJ.
- Oversee the overall co-ordination of post pupillage activities under delegated powers
- Liaise with PSC on matters pertaining to the programme

1.8.4 Accounting Officer

- Chairing MHRMAC meetings where beneficiaries will be selected.
- Appointing members of the pupillage committee and pupillage coordinator
- Approval on why and when to review the policy

1.8.5 MHRMAC

- Review applications for post pupillage programme forwarded by the pupillage committee and make recommendations to the authorized officer.
- Recommend remuneration, awards and sanctions for approval by authorized officer

1.8.6 DHRM&D

- Consider applications for post pupillage programme;
- Place successful beneficiaries of the post pupillage programme to the requisite departments and regions in consultation with HODs;
- Compute the beneficiary's leave applications;
- Manage termination of post pupillage opportunities
- Organize induction and training of pupils in liaison with LARD and HODs.
- Liaise with AO and PSC on overall coordination and management of the programme under delegated powers

1.8.7 Pupillage Committee

- Consider applications by pupils for consideration into the post pupillage programme;
- Review the post pupillage policy.
- Consider awards to pupils under research and recommend to MHRMAC

1.8.8 Pupillage Coordinator

The pupillage programme coordinator shall be responsible for:

- Identify available post pupillage opportunities/vacancies in the department/unit and forwarding them to the head of HRM&D for processing in liaison with HODs.
- Receipt and deployment of beneficiaries within the Departments/units/Regional offices
- Develop a structured training programme for beneficiaries;
- Ensure work programme for post pupillage is in place;
- Ensure that the post pupillage programme is implemented as stipulated;
- Enter into performance agreement with beneficiaries
- Coordinate the technical aspects of the pupillage programme; and
- Assist pupils in identification of research topics.
- Develop framework for evaluation of quality research papers

1.8.9 Line manager/HOD

- Identify post-Pupillage Opportunities, deployment and overall supervision of Pupils placed under his/her care.

1.8.10 Supervisor

The supervisor shall be responsible for:

- Assigning work to the Pupils/Beneficiaries;
- Oversee the day to day work performance;
- Set performance targets with the beneficiaries;
- Provide experiential learning activities to the beneficiaries;

- Provide supportive environment for the beneficiaries to facilitate their development;
- Assign tools/equipment to the beneficiaries and
- Appraise the beneficiaries and conduct ongoing monitoring and assessment of a beneficiary and provide regular feedback on performance.

2.12.4 Pupil/Beneficiary

The Pupil/Beneficiary shall be required to:

- Abide by rules, regulations and protocols of the unit and the organization;
- Demonstrate commitment and willingness to fully and actively participate in the learning experiences of the post-pupillage programme;
- Be ready to be deployed to any relevant office/workstation where there may be a vacancy;
- Make effort to acquire relevant skills in the area of specialization;
- Complete assignments given by the line manager or supervisor;
- Complete the post pupillage programme as per guidelines provided by the OAG&DoJ;
- Provide regular feedback to the line manager through the supervisor on the progress he/she is making and any challenges thereto with regard to the programme;
- Observe confidentiality of information and security of equipment that are placed in their possession in the course of the programme;
- Hand over all materials and equipment belonging to the organization at the end of the post pupillage period;
- Submit a copy of the report on the work experience to the DHRM&D
- Submit a research report to the pupillage coordinator
- Clear with the supervisor before leaving the station
- The beneficiary shall conduct themselves in line with established codes of conduct, rules and regulations of the Public Service and the OAG&DoJ.
- At the end of the programme, or upon termination of post pupillage programme, check records of the beneficiary for any debts or loss of returnable supplies of the OAG&DoJ.

2.0 POLICY PROVISIONS AND REQUIREMENTS

2.1 DECLARATION, SELECTION AND RECRUITMENT

Within 2 Months before the end of pupillage programme, the OAG&DoJ will declare the number of vacancies available in each region where serving pupils shall be accorded an opportunity to apply for consideration for post-pupillage programme.

The Pupillage Committee shall consider the applications and forward through DHRM&D to MHRMAC, which will make appropriate recommendations to the AO for consideration and approval. Upon approval, the names of successful pupils shall be forwarded to PSC for quality control and ratification.

Meanwhile, selected pupils shall get placement by the DHRM&D, the Regional Heads will ensure their deployment, supervision and management in consultation with the respective HODs

2.2 ELIGIBILITY

The persons eligible for this programme shall:-

- a) be graduates who have immediately completed their pupillage programme at the OAG&DoJ and in line with the Advocates Training Programme.
- b) Those who have immediately completed pupillage programme at the OAG&DoJ.

2.3 DURATION FOR POST-PUPILLAGE PROGRAMME

- i. The Post-Pupillage programme period shall not exceed six (6) months and shall be renewable once for a further fixed period of six (6) months. The beneficiary/pupil shall enter in to a short-term contract of 6 months.
- ii. Beneficiaries/Pupils shall be expected to seek renewal within two (2) Months before end of the 1st six (6) months for consideration by MHRMAC.
- iii. Beneficiaries/Pupils admitted to the Bar before completion of the post-pupillage programme may complete the period and shall be considered for renewal for a further six (6) months.

2.4 PLACEMENT

- i. Upon approval of the post-pupillage programme cohort, by the AO, following MHRMAC recommendation, the DHRM&D shall place the Beneficiary/Pupil in the Regional Offices in consultation with HOD.
- ii. Only under very exceptional circumstances shall a Beneficiary/Pupil be placed in Nairobi but with express approval of the A/CO.
- iii. The Pupillage Committee shall come up with exceptional circumstances under which Beneficiaries/Pupils may remain in Nairobi. The determination shall be on a case-by-case basis.

2.5 STIPEND AND ALLOWANCES

- i. A Beneficiary/Pupil under this programme shall be paid a stipend as stipulated by PSC from time to time.
- ii. An allowance equivalent to special legal allowance payable to a State Counsel at entry level of CSG 9 shall be paid in addition to the stipend.
- iii. There shall be no leave allowance.

2.6 WORKING HOURS

- i. A Beneficiary/Pupil shall adhere to the normal government working hours as prescribed in the Public Service Human Resource Policies and Procedures Manual or as prescribed by the OAG&DOJ.
- ii. A Beneficiary may be discontinued from the programme for non-adherence to the normal government working hours among other lawful grounds.

2.7 PAID EMPLOYMENT

If a Beneficiary/Pupil receives and accepts an offer of employment before the expiry of the agreed post-pupillage period, the Beneficiary/Pupil shall be expected to give two weeks' notice to the OAG&DoJ through the respective head of division/department before taking up the opportunity.

2.8 INSURANCE

The OAG&DoJ shall include Beneficiaries under the Workman Injury Benefits Act.

2.9 MEDICAL COVER

A Beneficiary shall be required to have a valid personal medical insurance cover by NHIF or other reputable medical insurance firm for the duration of the post-pupilage programme.

2.10 NATIONAL SOCIAL SECURITY FUND

A Beneficiary shall be required to register with the National Social Security Fund (NSSF) for purposes of social security and shall be deducted the contributions to the fund.

2.10 NON-DISCLOSURE AGREEMENT

A Beneficiary/Pupil shall be vetted and sign a non-disclosure agreement during engagement. They shall provide bio-data and copies of National Identity card or Passport, PIN and Two (2) colored passport size photographs at the time of engagement.

They shall not divulge any information acquired during duty to unauthorized persons. A Beneficiary shall sign non-disclosure agreement stipulated under the Official Secrets Act.

2.11 TRAINING

- i. The OAG&DoJ shall organize an initial induction programme for the Beneficiaries/Pupils.

- ii. Each department shall identify supervisors who shall ensure the beneficiary is exposed to different functional areas of the department/unit and gains the competencies required to execute functions.
- iii. Every endeavor shall be made to ensure that beneficiaries are offered experiential learning activities and hands-on learning experience, including participation in seminars and workshops.

2.12.1 Research

A Beneficiary/Pupil shall be expected within the first two (2) months of the post-pupillage programme to identify an emerging area of law as part of legal research and knowledge management in consultation with the Pupillage Coordinator and Supervisor and prepare a 3000 - 4000 word research paper. The completed research paper shall be handed in at least one (1) month before the end of the six (6) months of post pupillage programme for evaluation through the Knowledge Management and Training sub-committees of the MHRMAC. After consideration by the sub-committees, the best three papers shall be awarded and proposal of award forwarded to MHRMAC who will recommend to the Authorised Officer the award whose value shall be determined from time to time depending on availability of resources.

All research papers shall be deposited in the library as part of the knowledge management mechanism in the OAG&DoJ.

2.13 DISCIPLINE

Disciplinary proceedings shall conform to relevant instruments such as the Employment Act, Public Service Commission Act, Human Resource Policies and Regulations and Policies of the OAG&DoJ. Pupils shall be required to acquaint themselves with all relevant documents available on the PSC website.

- a) In case of gross misconduct, the services of the Beneficiary/Pupil shall be terminated without notice;
- b) In case of a charge for a criminal offence, the Beneficiary/Pupil shall be discontinued from the post pupillage programme.

2.14 OTHER BENEFITS

The Beneficiary/Pupil will be entitled to the following as provided by the applicable Public Service Commission human resource policies and regulations:

- a) Sick leave as applicable in the prevailing regulations;
- b) Compassionate leave; and
- c) Monthly stipend, Subsistence allowance when out of station at a rate to be determined by the PSC from time to time. The OAG&DoJ shall make budgetary provisions for the stipends and subsistence allowance every financial year
- d) Maternity and Paternity leave

2.14.1 Leave

The Beneficiary/Pupil will be entitled to the following as provided by the applicable Public Service Commission Human Resource Policies and Regulations:

- a. Leave: earn 1.25 days per month, translating to 7 working days during the period of the contract;
- b. be eligible to benefit from accrued leave days after 3 months of continuous service;
- c. Sick Leave: be granted up to 30 days' paid sick leave. Any period of sick leave beyond 30 days shall not be considered for the stipend; and
- d. Compassionate leave: be granted a compassionate leave of up to 5 working days;
- e. Other types of leave or permission to be away from work such as for purposes of examinations shall be dealt with administratively;
- f. There shall be no leave commutation;
- g. Leave shall be pro-rated and not wait till the last Month of contract. Leave schedule shall be prepared by the supervisor and forwarded to DHRM&D through the HOD;
- h. There shall be no leave allowance.

2.14.2 Service Gratuity

There shall be no payment of service Gratuity to the Beneficiary.

2.15 DISCONTINUATION/TERMINATION OF POST PUPILLAGE PROGRAMME

The contract may be terminated by issuing one month notice by either party. The termination notice shall be forwarded to the DHRM&D by the respective HOD, for subsequent forwarding to PSC within one week of such a notice.

A Beneficiary/Pupil may be discontinued from a programme on any of the following grounds:

- i. absence from the department without permission or reasonable cause for a period exceeding 48 hours;
- ii. reports under the influence of alcohol;
- iii. performance is not satisfactory and not in line with public service ethos;
- iv. charged in a court of law with a criminal offence;
- v. willfully destroys the property of the hosting institution;
- vi. if at any time the OAG&DoJ sustains a loss that is attributable to the neglect or fault of the beneficiary; and
- vii. Refuses to obey lawful instructions.

A Beneficiary/Pupil may terminate the contract by:

- 1.0 Submitting a written letter of resignation/termination of the contract to the Director, Human Resource Management through the HOD by giving a one month notice.
- 2.0 Giving a two weeks' notice before taking up employment offered to him/her before the expiry of the agreed post pupillage period.

(c) An OAG&DoJ reserves the right to terminate a contract with a Beneficiary/Pupil on the post pupillage programme at any point during the specified period. Notice for the termination of the contract will be as per the requirements set out in the contract.

The PSC shall be informed of the termination and a documented report of the reasons thereof shall be submitted to the PSC without undue delay.

2.16 COMPLETION OF POST PUPILLAGE PROGRAMME

Upon completion, a Beneficiary/Pupil shall be:

- i. required to present a report in a prescribed format to the Director, Human Resource Management through the respective Head of Department and the post pupillage programme Coordinator;
- ii. provided with a letter of completion of the programme by the post pupillage programme Coordinator : and
- iii. The DHRM&D shall issue a Beneficiary/Pupil with a certificate of service by the OAG&DoJ.
- iv. The post pupillage coordinator shall come up with a prescribed format in which the report shall be submitted.

2.17 REVIEW OF POLICY

It shall be reviewed after 3 years or whenever there are major policy shifts in the OAG&DoJ, PSC and Government. The review shall be spearheaded by the Pupillage Committee, Knowledge Management and Training subcommittee and recommended by MHRMAC for approval of changes by the AO

APPENDICES

APPENDIX 1: SHORT TERM EMPLOYMENT FORM

REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY GENERAL & DEPARTMENT OF JUSTICE

SHORT TERM EMPLOYMENT CONTRACT FORM

Please complete this form in BLOCK LETTERS and submit to the Director Human Resource Management and Development

SECTION ONE: PERSONAL DETAILS

Surname:.....First Name.....Other Name(s).....

Date of Birth (dd/mm/yyyy)..... Gender: (M/F)

ID No:..... KRA Tax PIN.....

Nationality:.....Ethnicity.....

Home County.....

Sub-County.....Constituency:.....

Postal Address:..... Code:..... Town/City:

Mobile Phone NO..... E-mail address:.....

Are you living with a disability? Yes / No If Yes, give;

(i) Details/Nature of Disability:.....

(ii) Details of Registration with the National Council for Persons with Disabilities

(Registration No.) Registration Date (dd/mm/yyyy)

SECTION TWO: SHORT TERM EMPLOYMENT CONTRACT AGREEMENT

1. Job Title

State the job title

2. Terms and conditions of service

Your appointment is subject to the terms and conditions outlined in this contract and the Post Pupillage Policy

3. Date of start of employment

State the date, month and year (dd/mm/yyyy)

4. Period of employment

Insert length of contract (in Months)

Extension of contract is subject to the approval of the authorizing body. This period should not, however, exceed six (6) months.

5. Remuneration

Your salary will be Ksh..... payable monthly

Remuneration shall NOT attract a Service Gratuity.

6. Deductions

The employer will not make deductions from or variations to your salary other than those required by law without your express written consent.

7. Hours of work

The normal working hours shall apply.

8. Notice of termination of employment

Either party shall notice in writing or one month’s salary in lieu of notice.

9. Place of Work

You will be required to work at [insert Place of Work]

10. Duties

Your duties shall include: (List the Duties)

i.

ii.

iii.

11. Disciplinary and grievance procedures

Existing disciplinary and grievance procedures shall apply

13. Work relations

You will report to during the period of your contract

14. Research Report and end of Contract Report

Research Report shall be submitted to..... within 2 Months to expiry of contract and end of contract report shall be submitted to.....not later than 1 week after end of contract

Nothing done by the employee if done in good faith for purposes of executing his/her duties shall render the employee personally liable for any action claim or demand

This agreement is signed and witnessed as below:

Employee:

Name:.....

Signature:.....

Date:.....

Witness:

Name:.....

Signature:.....

Date:.....

On behalf of the Government:

Authorized Officer:

Name:.....

Designation:.....

Signature:.....

Date:.....

Witness:

Name:.....

Designation:.....

Signature:.....

Date:.....

NOTE: All alterations, additions and deletions must be initialed by both parties and their witnesses.

APPENDIX 2: POST PUPILLAGE PERFROMANCE EVALUATION FORM
REPUBLIC OF KENYA
OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE
PUPIL PERFORMANCE EVALUATION FORM

Name of Pupil.....

Post Pupillage dates: From.....to.....

P/No..... ID No.....

Supervisor’s Name:

Supervisor’s Email.....

Supervisor’s Phone Number.....

Instructions:

This evaluation will be important in determining the value of your post pupillage experience, both for you and for future pupils. Your evaluation should be honest and constructive and should include both challenges and successes. The Supervisor should make use of the current job descriptions to evaluate the pupil’s level of performance.

The performance ratings below must be used to ensure consistency of rating:

Outstanding	The intern performance is consistently exceptional	5
Exceeds Expectations	Performance is routinely competent and dependable	4
Meets Expectations	Performance is adequate in most areas	3
Below Expectations	Performance fails to meet job requirements on a frequent Basis	2
Unsatisfactory	Performance is consistently Unacceptable	1

A) Work Performance

Please provide an overview of the tasks that the pupil performed as part of his/her pupillage. Indicate areas where the pupil performed particularly well or needed significant improvement.

S/No.	Task	Outcome	Rating

B) Attendance Tracking

Was the pupil present during all the period under review? Yes No If yes, please indicate the number of days absent and the reasons thereof:

No. of days: Reason(s).....

Action taken and recommendations (if any)

C) Personal and Behavioural Attributes

- i) Please rate the pupil on the following attributes by ticking () in the box next to the most appropriate response.

S/No	RATING ELEMENTS	Outstanding	Exceeds Expectations	Meets Expectations	Below Expectations	Unsatisfactory
1	Job Performance (quality and quantity of work, timelines, initiative and interest)					
2	<i>Knowledge of Work (knowledge and skills appropriate for the profession)</i>					
3	<i>Work Habits and ability to learn (Time management, professional attitude, and willingness to learn. Did the intern seek out and utilize appropriate resources, as well as accept constructive criticism and increasing responsibility?)</i>					
4	<i>Critical thinking and Problem Solving (Consider the intern's ability to think critically, creatively and independently)</i>					
5	<i>Interpersonal relations and Team Work (Demonstrates ability to focus, initiative, high standards and</i>					

6	<i>Professionalism and Integrity (The intern's sense of values, ethics and respect for diversity)</i>					
7	<i>General Conduct (Consider the intern's punctuality, adherence to work schedules, appropriateness of dress for the position, manner and courtesy on the job and relations with the public)</i>					

ii) **OVERALL EVALUATION:** Did the pupil meet established employer expectations? Consider the ratings for all of the personal and performance elements above.

What are the pupil's three (3) most outstanding personal qualities?

- i).....
- ii).....
- iii).....

Which three (3) qualities should the pupil improve on?

- i).....
- ii).....
- iii).....

Suggest other experiences, which the pupil may find useful to enable him/her meet the need of employment.

This report has been discussed with the pupil Yes No

Supervisor's Name.....Signature.....Date.....