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THE REPUBLIC OF UGANDA

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17th March 2014

Major (Rtd) Alupo Jessica Rose Epel (MP)
Minister of Education & Sports
KAMPALA

**ALLEGED FLOUTING OF PROCEDURES IN THE RECRUITMENT
PROCESS FOR THE EXECUTIVE SECRETARY, UGANDA NATIONAL
EXAMINATIONS BOARD (UNEB)**

The Inspectorate of Government (IG) received various complaints that the recruitment process for the post of Executive Secretary of the Uganda National Examinations Board (UNEB) was flouted by the Chairman of UNEB, Mr Fagil Musa Mandy. Further complaints were that Mr Mandy interferes with the management of UNEB by giving instructions directly to members of staff without going through the Secretariat. That in addition, he deliberately side-lined the Secretary of UNEB, the Chief Executive Officer, in the management of the institution contrary to the sound advice of the legal officer.

In accordance with Article 230 (2) of the Constitution of the Republic of Uganda and Section 14 (6) of the Inspectorate of Government Act the recruitment process was stopped and investigations were carried out with respect to the allegations raised in the complaints to establish the following:

- a) Whether Mr Mandy with no human resource competencies personally designed the job advertisement for the post despite UNEB having a fully-fledged Human Resource Department.
- b) Whether the job advertisement was limited to persons of 60 years and below thereby cutting out better qualified existing UNEB Staff in contravention of the UNEB Personnel Manual.
- c) Whether Mr Mandy decreed that all applications be addressed and submitted to him and directed the Head of the Human Resource – UNEB to forward to his home/private office all the applications

received after which he hired outsiders to prepare a long and short list.

- d) Whether Mr Mandy irregularly recruited and formed an irregular Committee outside the UNEB Board and UNEB to handle part of the recruitment exercise and whether payments were irregularly made to this committee.
- e) Whether Mr Mandy forcefully imposed himself on the Committee retrospectively appointed by the Board to conduct interviews even when the UNEB Act clearly excluded him from such a Committee.
- f) Whether Mr Mandy personally set the test that was to be done during interviews, and if so whether the test was valid and reliable, and if Mr Mandy manipulated questions in favour of or released them to some candidates.
- g) Whether Mr Mandy was biased against UNEB staff and had a favourite among the applicants whom he may have leaked questions to and favoured by awarding him/her higher marks.
- h) Whether Mr Mandy tried to influence the recruitment process by requesting the Ministry of Education and Sports and hence Government to officially back and recommend a particular candidate, Ms. Kedrace Turyagenda, against all the others.
- i) Whether Mr Mandy disclosed to the press that Mr Ntangaare was the person to replace Mr Mathew Bukenya as Executive Secretary yet he knew the Board's decision had to first be ratified by the Minister of Education in accordance with Section 11 (1) of the UNEB Act.
- j) Whether Mr Mandy interferes with the management of UNEB by giving instructions directly to members of staff without going through the Secretariat; and whether he side-lined the Ag. Executive Secretary in the management of the affairs of the institution and the Board.

It was found and established that:

- i) The allegation that Mr Mandy personally designed the advertisement was not true. The original draft of the advertisement was in fact not prepared by Mr Mandy but by the Secretariat some years before Mr Mandy became the Chairperson of the Board. It was approved by the Appointments and Disciplinary Committee (APDC) of the 7th UNEB Board.
- ii) The inclusion of the age limit of between 45 to 60 years in the call for applications advertised in the press, though agreed to by the Appointments and Disciplinary Committee, was contrary to Section D-Da 3 (iii) of the UNEB Personnel Manual. This obviously had the effect of barring suitable candidates who were over 60 years from applying for the post.
- iii) Though the Appointments and Disciplinary Committee (APDC) may have decided and agreed that applications for the post of Executive Secretary be submitted to the Chairman, the act of Mr Mandy taking the applications away from the UNEB Secretariat and having an outsider do the long listing was in contravention of the UNEB Personnel Manual. Mr Mandy usurped the roles of the Secretariat which led to a recruitment process that was suspect due to the absence of transparency and proper record keeping. The payments made to the Mrs Birungi who carried out the long listing and tentative shortlisting were also irregular. Mr Mandy did not have powers to act as he did. He contravened provisions of the Public Procurement and Disposal of Public Assets Act and Regulations and the Public Finance Regulations.
- iv) It was established that after the 8th Board was inaugurated on the 30th October 2013, Mr Fagil Musa Mandy *indeed* irregularly recruited and formed an irregular Committee outside the UNEB Appointments and Disciplinary Committee and Board to handle part of the recruitment exercise. Payments were therefore irregularly made to this Committee and for work that had already been done by another person who was similarly irregularly recruited in a very casual manner by Mr Mandy.
- v) It was clear that Mr Mandy took on the role of the Secretariat. He

bulldozed the Secretariat into holding interviews in the absence of the Chairperson of an important Committee. He also acted in a manner that was inconsiderate to the Chairperson of the Committee who had lost her father.

- a) Although he did not chair the panel during the interviews and had the mandate to attend the interviews as an ex-officio member of the Committee, it is clear from the actions described by the Executive Secretary and Mr Kabanza, in charge of Human Resource, that he forcefully caused the interviews to take place in the absence of the lawfully designated chairperson and took over two of her roles.
 - b) In addition, Mr Mandy did not consult the Chairperson about the questions that he set for the interviews contrary to agreements in a previous meeting. To that extent, Mr Mandy used his office as the Chairperson of the Board to impose his will upon both the Secretariat and the Appointments and Disciplinary Committee.
- vi) The questions for the interviews were set by Mr Mandy who presented them to the Committee which discussed and agreed to proceed with them, contrary to a previous agreement by the Committee that the Chairperson would set the questions.
- a) Though Mr Mandy communicated with the candidates before the interviews, there is no evidence to support the allegation that he manipulated the questions in favour of particular candidates or that he revealed questions to any of them before the interviews. The fact that he awarded a high score to Mr Ntangaare on one of the tasks could not on its own be conclusive evidence that he was biased in his favour.
 - b) Though there was no manipulation and/or leaking of the questions found, Mr Mandy's treatment of Mr Ntangaare appeared suspicious to some members of the Committee. Mr Mandy's unreasonable insistence on the interviews continuing in the absence of the Chairperson of the APDC due to the death

of her father exacerbated the perception that he had improper motives when he singlehandedly made that decision.

- c) The fact that Mr Mandy provided the questions contrary to an agreement with the absent Chairperson may have caused observers to think that he indeed had a reason to proceed with the questions that he had set and no others. The fact that the APDC discussed and agreed to the same questions being used for the interviews could not remove that negative perception from the minds of observers and participants in the process.
- vii) The facts that i) Mr Mandy and Mr Ntangaare met outside the interview room on the first day of the interviews and talked to each other for some time, ii) Mr Ntangaare was the only candidate who answered a particular question that Mr Mandy set for the interviews and iii) Mr Mandy awarded Mr Ntangaare a very high score of 90% which other panellist thought to was unusual, coupled with Mr Mandy's exclusively interviewing Mr Ntangaare about when he would be able to take on the job show that Mr Mandy discriminated against other candidates in favour of Mr Ntangaare. Mr Mandy therefore had a favoured candidate in the recruitment process in the person of Mr John Bosco Ntangaare.
- viii) No evidence was found to prove that Mr Mandy's actions were geared towards favouring Ms. Kedrace Turyagyenda for the post.
- ix) The article published in the Monitor newspaper on 10th January 2014 did not reveal the source of the information about the results of the interview and Mr Ntangaare being the most successful candidate. All persons interviewed, including Mr Mandy, denied having revealed the information to the press. It could not be established who exactly leaked the results of the interviews to the press.
- x) It was irregular and contrary to the rules set by the Appointments and Disciplinary Committee for the recruitment for Dr. Nsubuga to participate in interviewing someone he directly supervised, i.e. Dr. Nkaada.
- xi) Mr Mandy interferes in the management of the Secretariat. He sidelines the Executive Secretary in the exercise of his duties. He took

over the role of the UNEB Secretariat in the recruitment of the Executive Secretary contrary to the provisions of the UNEB Act.

- xii) It appears Mr Mandy's temperament and methods of management are not suitable for the position he holds. He rubs people the wrong way and could potentially cause a total breakdown of the examination body. The functions performed by UNEB demand a lot of care and a definite audit trail, which is obviously incompatible with Mr Mandy's style of oversight. His casual approach to procurement and personalisation of sensitive tasks such as the recruitment of the Executive Director and the problems in the ICT Department open him up to all sorts of suspicion, hence this investigation.

It is therefore hereby ordered that:

- i) The recruitment process be terminated and all proceedings prior to the interviews as well as the interviews that were held on 30th and 31st December 2013 be nullified.
- ii) The recruitment process for the new Executive Secretary for UNEB should be re-started, from the very beginning by drafting the person specifications for the position taking into consideration the UNEB Personnel Manual.
- iii) The recruitment should be carried out under the supervision of the Secretariat as is provided for by the UNEB Act.
- iv) In the event that the Board does not trust the Secretariat to supervise the recruitment the Board should authorise the Secretariat to procure an independent consulting firm to carry out the recruitment on their behalf in accordance with the provisions of the Public Procurement and Disposal of Public Assets Act and Regulations.

It is further recommended that:

- i) The UNEB board should make byelaws under section 20 of the UNEB Act or regulations under section 21 of the same Act to clarify

the membership and functions of board committees that are not specifically provided for by section 9 and 10 of the UNEB Act.

- ii) The Chairperson of the UNEB Board, Mr Fagil Musa Mandy, should desist from interfering with and/or carrying out the designated functions and roles of the managers of UNEB that are clearly specified in the UNEB Act.
- iii) The Chairperson of UNEB should educate himself about the principles of corporate governance in order to better manage board affairs and improve his relationship with members of the board.
- iv) The Minister of Education and Sports should seriously consider the findings and recommendations made in this report and ensure that the affairs of the UNEB board are better managed in future in order to avoid negative public statements being made about this important institution, both in the national and regional interest.
- v) In view of Mr Fagil Musa Mandy's past antecedents as Acting Commissioner Education in the Ministry of Education which were detailed and exposed in the report of the Inspectorate of Government issued in October 2001 in **TS.404.2000**, and the findings about his conduct revealed by this investigation which depict the glaring mismatch of his character and competencies with the current deployment, the Minister for Education and Sports should advise His Excellency the President of the Republic of Uganda to consider reviewing his decision of appointing Mr Fagil Musa Mandy as the Chairperson of UNEB.

A copy of the full report of findings, orders and recommendations is sent herewith for your further information and action.



Irene Mulyagonja Kakooza

INSPECTOR GENERAL OF GOVERNMENT