

OFFICE OF THE OMBUDSMAN

REF: BCG40/234/04/ (288)

29 October 2018

Secretary General
Head of Civil Service & Minister of Presidential Affairs
Office of the President
State House
Banjul

Dear Sir,

**SOCIAL SECURITY AND HOUSING FINANCE CORPORATION MEMBERS OF
STAFF PETITIONED AGAINST THE MANAGING DIRECTOR MUHAMMED
MANJANG**

PREAMBLE

Section 163.(1) of the 1997 Constitution of the Republic of The Gambia states "subject to the provisions of this Constitution, an Act of the National Assembly shall within six months of the coming into force of this Constitution establish the Office of the Ombudsman and provision for his or her functions and duties:-

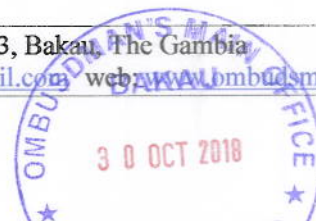
(a) In the investigation of any action taken by a government department or other authority, or public body, to which the Act applies, being action taken in the exercise of the administrative functions of that department or authority, on a complaint by a member of the public who claims he or she has suffered injustice in consequence of mal-administration or mismanagement, or discrimination on any ground set out in Chapter IV, in connection with such action;

(b) In the investigation, *on his or her own initiative*, of allegations of mal-administration, mismanagement or discriminatory practices in any government department, authority, or other public body, to which the Act applies; and

(c) In the investigation of complaints of any failure to observe the code prescribed in Chapter (XXI) for the conduct of public officers.

(2) Without prejudice to the generality of subsection an Act of the National Assembly may;

(a) Determine the departments, authorities and other public bodies to which the Act shall apply;



(b) Determine the actions or classes of action which may be subject to such investigations;

(c) Determine the departments, authorities, public bodies and actions which shall be excluded from such investigations;

(d) determine the procedure to be adopted in any investigation and the powers which may be exercised in the course of such investigation, including the power of the Ombudsman to require persons to furnish documents and other information and to provide evidence, and provide for the right of any department, authority, other public body or person to be heard when its, or his or her, actions are the subject of an investigation”.

The Office of the Ombudsman received a copy of the petition from The SSHFC Staff on 4th June 2018 addressed to the Secretary General and Head of the Civil Service, Office of the President. The Ombudsman convened a meeting the same day to look into the matters raised in the petition and to establish the way forward.

On Wednesday 11 July 2018 a month after receiving the copy of the petition when the situation was still lingering, the Ombudsman in her own initiative by the powers conferred on her under section 163(1)(b) of the 1997 Constitution of the Republic of The Gambia decided to conduct an investigation on the matter and recommend for corrective measures.

COMPLAINT

In a letter dated 17th June 2018 addressed to the Secretary General Head of Civil Service titled ‘Vote of No Confidence and Petition Filed Against our Managing Director- Muhammed Manjang’ the SSHF staff made the following allegations against the managing director.

1. Tarnishing the Name and Image of the SSHFC and Its Staff

The SSHFC staff accused the managing director (MD) of going viral on social media platforms and spread unfounded and twisted information with the intention to paint and posit a bad picture about SSHFC staff with the sole aim to cling to power.

They alleged that the managing director made administrative blunders and stole pensioners’ fund. They further stated that he lacks respect for SSHFC staff, is too rigid and cannot motivate or appreciate staff effort of any kind. That the managing director went on social media to tarnish the name and image of the SSHFC staff by portraying unfounded allegations to discredit the SSHFC staff.

They also alleged that the managing director is the biggest waster of pensioners’ money in his uncountable overseas trips, endless medical trips to Dakar, private internet

bill at his residence, private entertainment budget, utility fleet running cost, private dinners, 5+ Board seats sitting allowance.

2. The Isha Bayo Scholarship Saga

They alleged that Mrs Isha Bayo was on probation and not confirmed. In a space of seven months the managing director promoted her and awarded her scholarship to study overseas disregarding all the protocols at SSHFC. They accused the managing director of tampering with the 2018 budget and approved Mrs. Isha Bayo 's training without the Board's approval.

They accused the managing director of abusing his powers and position to send Mrs Isha Bayo to Ghana at the detriment of other staff that are more trainable, eligible, qualified, served more years at SSHFC than Mrs Isha Bayo and are on the training list patiently waiting.

They stated that all the staff working in the finance department and investment and internal audit directorates must start their ACCA in country and when they progress to the final three papers of the intermediate level and professional level then they are considered for completion overseas.

They further alleged that Mrs Isha Bayo did not pass any proper ACCA paper that should warrant her being awarded scholarship and passing others within her department who are more qualified.

3. Economic Crime, Financial Fraud and Stealing by a Public Officer

They alleged that all members of staff on scholarship were paid basic salary as per standard terms but Mrs Isha Bayo is paid gross salary. This is an economic crime and the total sum of D21, 800 should be returned and a charge filed for stealing by both the managing director and the people that facilitated the abridging of the standards.

They asked why every rule and policy were broken to accommodate Mrs Isha Bayo's wish. It is equally interesting that all protocols are being compromised in her scholarship and creating bad and wrong precedence.

They alleged that in August 2017, the managing director was paid five days per diem amounting to D73,000 for a short –term overseas mission to Zimbabwe and the Republic of Sierra Leone, a trip the managing director never embarked on and decided to keep the per diem and never retired it.

4. Violation of His Own Austerity Programme

They further alleged that within 14 months of the managing director's appointment, he travelled overseas more than ten times and made over D1, 100,000 in per diem. He

spent within twelve months D100, 000 on mobile phones for his personal use. SSHFC spent D50, 000 annually on his private home internet which is a burden to SSHFC and contradict his austerity package.

5. Miknass and the Sopi Dilemma

They alleged that the managing director did not have the powers to approve such consultancy as that is what this project is in substance, despite his reliance on ill fetched justification of SSHFC Service Rules 0101.

They claimed that this is another faux in maladministration by the managing director to use the back door and bring a friend on board to serve as go between him and the ITD projects. He planned to be rolling over and over the six months contract to Jamal Miknass and by the end of Sopi Project he would have spent two years and that makes it a flagged item that should have been a consultancy, taken to the board for approval debate especially if he considers the sum involve being 2 million US dollars.

This is a great concern and dents on the appetite of most staff especially their colleagues who work in the IT Department as it signals running two IT departments parallel. Many are demotivated and since Jamal Miknas came, there is no value added apart from spending hours on end proofreading the document that was perfected by their very own ITD and other staff prior to his coming. They accused him of giving SSHFC job to friends and sideline staff and staff interest.

6. SSHFC Board of Directors Seats on Our Subsidiaries and Other Companies

They further alleged that the managing director is serving on 5+ Board of Directors' seat. They alleged that he is only interested in his personal welfare and not the corporation.

The havoc he continues to wreck on SSHFC and the staff is unbelievable. He hijacked Board of Director seats and gave them to friends and continues to abuse his position by taking decisions on his own accord in matters that should go to the board.

7. Trust Bank Board of Directors

They alleged that the managing director hijacked one of the three seats from Trust Bank and gave it to a friend without the SSHFC Board approval. They further alleged that Mr Abdoulie Tamedou could not represent SSHFC interest better than their own line department. They stated that the opportunities for SSHFC has been diluted and diverted and this angered them.

8. Gam petroleum Board of Director Seat

They alleged that the Gam petroleum Board of Director Seat is still vacant when there are competent and qualified SSHFC Directors within the SSHFC ranks who can man

the seat. He is denying the Directors an opportunity to serve on the Gam petroleum board and this is an abuse of power and authority.

9. Home Finance Board of Director Seat

They alleged that the Home Finance extra Board seat is also vacant when there are competent and qualified SSHFC Directors who can man the seat.

10. GNPC Board of Director Seat

They alleged that the GNPC Board of Director seat is still vacant when there are enough talented, competent and qualified staff within the SSHFC ranks who can man the seat.

11. Favoritism, Nepotism and Cronyism

They accused the managing director of compromising the interview of a lady who is now appointed as the managing director's confidential secretary when there are competent and qualify staff within the ranks to take up the position.

12. Saikou Sanneh and Two Offices Quagmire

They alleged that favouritism is at its highest peak under the leadership of the managing director. The office of Saikou Sanneh for almost one year has been vacant and repeated demands have been made by the directorate of internal controls to use the office by staff of the ICD especially when there is an acute lack of sitting space within the SSHFC. This is segregation at its best coupled with a very poor leadership as manifested in the lame duck style decision making and running an institution.

13. Sirra Foon and the Overseas Student Medical Insurance

They stated that the payment of D400.000 to Sirra Foon by the managing director for so call medical insurance was unjustifiable because two former managing directors refused to endorse the payment.

They further alleged that Aji Yamundow Jagne made a claimed for the payment of her medical insurance but she is still not paid. They pointed out that there are internal vacancies that are not filled and little moves have been made to fill them. They alleged that the managing director has poor communication skills and lacks a clear vision and as a result very little is achieved.

14. Internal Vacancies

They alleged that there are many director positions that are vacant and little move have been taken to fill them and it could be a repetition of the Jamal Miknass and GPA's

Abdoulie Tamedou syndrome where vacant position are given to his friends and family at the expense of the management and deserving SSHFC staff.

15. Lack of Clear Vision and Poor Communication of His Ideas

They alleged that the managing director's communication skills are very poor and through the period he spent at SSHFC very little has been accomplished due to lack of a clear plan.

16. Violation of the Service Rules as per Loans

The managing director has violated the provisions of section IX sub-section 0902 of the service rules. Since he assumed the mantle of leadership; he has decided to bring about draconian rules to administer loans.

17. Failed Taskforce

They alleged that the managing director does not read reports of the various taskforces he established thereby making a joke of staff time and resources. He is not ready for leadership as per his assignment and nothing tangible is achieved within the time under consideration. They further alleged that the managing director lost track of issues agreed at certain meetings and no follow up and decisions are taken on key issues.

18. 2018-No Calendars, No Diaries and Others

They alleged that in the history of the corporation this is the first time SSHFC went without calendars and diaries. They blamed the managing director for failing to provide calendars and diaries for 2018 and argue that SSHFC owes it to their pensioners and other stakeholders and his austerity on calendars and dairies lost track of the gains that these calendars will register in reaching out to their members and stakeholders.

19. Pooling of Promotion, Travelling and Training

They alleged that the managing director monopolizes promotion, travelling and training which was indeed a very bad idea and could only serve one purpose and that is the managing director's own ego. His ideas are always not properly executed and in the end he tries to blame people around for failing instead of taking ownership of his mistakes. He is opposed to accepting advice and taking other people's expert views on issues. He alone cannot run the SSHFC and has manifested all the traits of an office dictator.

20. Mecca Hajjs and Rome

They accused the managing director through his unfounded austerity. He cut the single Mecca Ticket which is given to SSHFC staff annually. He stopped the bag of sugar

given to low paid staff during Ramadan. After being pressurized he gave each a half bag of sugar.

INVESTIGATION

The Ombudsman received a copy of the petition dated 17th June 2018 addressed to the Secretary General and Head of Civil Service titled “vote of no confidence and petition filed against our Managing Director Muhammed Manjang”.

The Ombudsman interviewed Managing Director Mr Muhammed Manjang, Director of Finance and Investment Mr Abdoulie Cham, Director of Human Resources and Administration Mr Baboucar Foon, the representative of the SSHFC staff Mr Momodou Camara and the executive of the staff association at the Office of the Ombudsman. This was followed by other interviews with 10 other witnesses at the Social Security institution by the investigators. The appropriate documents were accessed in order to reach a conclusive and judicious decision. All interviews were done in camera as required by section 10 of the Ombudsman Act 1997.

FINDINGS

An investigation was conducted on the above subject matter by The Office of the Ombudsman and the following findings were made.

Section 19 (1) (a) (b) (c) of the Social Security and Housing Finance Corporation Act, 2015 empowers the managing director to carry out the following responsibilities: the execution of the policies and directives of the Board, the direction of the day to day business of the corporation and of its administration and the control and exercise of the supervisory powers over the activities of the corporation.

Following the fifteen months the managing director was appointed to head Social Security and Housing Finance Corporation (SSHFC) there was tension, mistrust, acrimony and bad blood between the SSHFC staff and managing director, which resulted to intense exchanges on the social media and as a result the SSHFC staff petitioned the Secretary General and embarked on a sit down strike. All these incidences happened in the absence of a board.

The SSHFC staff held a general staff meeting and a consensus was reached that they hold a sit-down strike. They resumed work following the invitation to State House to find an amicable solution to their predicament. Through letter Ref: PR/c/513/vol.14 (108) dated 28th June 2018, they were informed that a board chairman was appointed and the matter was referred to him for necessary action.

They were advised to maintain the peace and avoid recurrence of such unwanted situation and that they should adhere to the required channels of communication as stated in the corporation's rules and regulations.

Through letter Ref: SSHFC/G/67 dated 26th January 2017, Mrs Isha Bayo was appointed as temporary relief cashier with effect from 30th January to 26th June 2017. At the expiry of the contract, the senior finance manager wrote a memo dated 2nd August 2017 to the managing director seeking approval for the appointment of Mrs Isha Bayo as a permanent cashier based on her punctuality and satisfactory work performance.

She was appointed through letter ref: SSHFC/G/67 dated 14th August 2017 as cashier into the permanent and pensionable establishment of the corporation effective 14th August 2017. In a memo dated 12th February 2018, she requested for transfer from the cashier office to the finance pool and urged management to consider placing her on a higher grade.

Her request for transfer to the finance pool was approved. She was designated as accounting assistant Grade 4.1. She was promised that depending on her performance over a period of six months, she would be considered for placement on a higher grade.

She was given acceptance at the Management Development Institute (MDI) to pursue a course leading to certificate in ACCA Part 2 for the period January-June 2018. Through a memo dated 26th February 2018, she applied for sponsorship from SSHFC to consider sponsoring her to pursue ACCA course at the MDI.

The managing director granted her request. SSHFC issued a Guaranty Trust Bank cheque No. 01358 720 dated 27th February 2018 amounting to D29, 550.50 to MDI being payment for tuition fees, registration and exam fees for her but the cheque was later returned to SSHFC and cancelled on the basis that she was going to sponsor herself.

The managing director declared that the finance department is weak and needed a professionally qualified accountant. He requested the finance department to consider Mrs Isha Bayo for training overseas because he was impressed with her qualification. He was made to understand that Mrs Isha Bayo was on the list of staff ear marked for sponsorship to pursue the ACCA in-country and there were other staff members on the waiting list for overseas training. It was at this stage that he gave instruction to identify another staff with Mrs Isha Bayo for overseas training. Miss Elizabeth Sarr who is currently pursuing accounting and finance at the University of The Gambia was identified but she declined the offer. Miss Louise Jallow was also approached but she too declined the offer. Finally, Pa Yusupha Gaye was contacted and he accepted the offer.

Based on the managing director's verbal instructions to recommend Mrs Isha Bayo for overseas training, he was informed through a memo dated 25th April 2018 that both Mrs

Isha Bayo and Pa Yusupha Gaye have been nominated to pursue ACCA in Ghana and he approved their sponsorship.

Pa Njanko was on the waiting list for overseas training but before the budget was approved, his name was removed by management because the managing director had openly declared that the corporation had to cut down on cost for overseas training and whoever was to be trained had to be trainable. Pa Njanko was not identified for overseas training with Mrs Isha Bayo because the procurement unit was not in the good books of the managing director.

Mrs Isha Bayo and Pa Yuspha Gaye got acceptance to pursue ACCA at Duke Williams Professional Education and Training in Ghana with effect from 29th June 2018 to 15th October 2021. The total cost for overseas training for both of them amounts to D5, 901,752. The sum of D1, 149,299.14 being tuition fees, stipend, book allowance, clothing allowance, boarding fees and air ticket for both Mrs. Isha Bayo and Pa Yuspha Gaye was paid. They were each bonded on the sum of D2, 950,876 for a period of five years.

SSHFC has no formal appraisal system for the past 10 years or a training policy to train staff. The corporation's service rules did not mention any time frame upon which an employee has to serve before being sent for overseas training. However, the norm was before any member of staff is eligible for overseas training he/she must serve the corporation for at least two years but the managing director discarded the practice and went ahead to award Mrs Isha Bayo a scholarship.

Through letter CE62163/01/Part 110(MF) dated 16th May 2018 from the Office of the Vice President and Ministry of Women's Affairs, travel clearance and provision of return air ticket was approved for Mrs Isha Bayo to travel to Ghana to pursue a three year professional Accounting Programme, Association of Chartered Certified Accountant (ACCA). She was to depart Banjul on 21st May 2018 and return on 15th October 2021. The commencement date of the course was 29th June 2018. She is paid basic salary on overseas training and not gross salary as alleged.

Following the managing director's assumption of office in 2017, he travelled overseas seven times. He obtained clearance from the Office of the President for the payment of per diem and air ticket on all these travels. All his travels were approved by the Office of the President except the trip to Freetown, Sierra Leone.

After his trip to Dakar, Senegal from 5th - 6th October 2017, he was invited to deliver a goodwill message during the State Opening Ceremony of Sierra Leone's National Social Security and Insurance Trust (NASSIT) on their 25th year anniversary.

He was paid 7 days per diem without approval from the Office of the President. He did not travel to Sierra Leone and failed to retire the 7 days per diem amounting to D103, 040 to the corporation. The exchange rate of £1 at the time was equivalent to D64.

The Office of the President through letter ref: OP/315/01 TEMP(121-ED) dated 15th January 2018 granted approval to the managing director to travel to Senegal for medical treatment from 15th to 19th January.

SSHFC have three board seats at Trust Bank the managing director and the director of finance and investment represented the corporation at the Trust Bank Board of Directors. Regarding the third board seat the managing director used his discretion to nominate Mr Abdoulie Tambadou Managing Director of Gambia Ports Authority whose Authority also owns 5% of Trust Bank which he attributed to the skills and competence of Mr Abdoulie Tamedou.

SSHFC has two Board seats at Gam Petroleum one of the seats is occupied by the managing director and the other by the deputy managing director. In February 2018 the deputy managing director went on retirement and his seat is still vacant pending the appointment of a deputy managing director.

SSHFC has two Board Seats at Home Finance one of the seats is occupied by the managing director and the other by the director of housing. The director of housing went on retirement and his seat is still vacant pending the appointment of a director of housing.

The SSHFC is not a shareholder at GNPC and therefore has no board seat at GNPC. All the vacant positions at the SSHFC have been advertised and the applications are waiting to be processed.

The position of principal personal administrative assistant was advertised. The qualification for the position was a degree and a GCE 'A' level holder would be considered with at least four years Personal/Secretary experience. There was no age limit attached to the position.

Five candidates were shortlisted but only one applicant possessed a degree in banking and finance. Another applicant got WASSCE with a diploma certificate in business studies. One applicant did not have a degree, WASSCE or GCE O level but had a certificate in Accounting Technician, Diploma in IT and Human Resources Management. Mrs Rohey Colley possessed a GCE O Level, Pitman typewriting level 1, 2 & 3 and other certificates related to secretarial duties.

Analysis of the interview results revealed that Mrs. Rohey Colley came out first with 9 points. She was appointed as principal personal administrative assistant. There is no doubt that due process was followed in her appointment.

Section 0902 of SSHFC service rules gives the managing director the discretion to grant loans to staff according to the financial rules of the corporation provided the take home pay is at least 50% of the staff gross salary.

The managing director got approval from the Office of the President through letter Ref: OP237/2666/01/TEMP: XI (LM-150) dated 15th June 2017 to travel to Victoria Falls, Zimbabwe to attend the 36th Annual General Meeting and Symposium of Shelter Afrique slated for 3rd to 8th July 2017, which he attended.

Management made a request to the Board to endorse the replacement of the IT system. Approval was granted based on management's assurance that the new system would address all the issues and challenges management is facing with the current system putting into consideration the amount that would be committed to the project is D75 million.

Following the Board's approval to replace the IT system, Mr. Jamal Miknass was given a contract of appointment for six months through letter Ref: SSHFC/G/67 dated 5th February 2017 to carry out a full systems review and strategic business requirement analysis to kick-start systems upgrade and migration to a suitable and secure interleaved operational platform with leaner processes and a robust Management Information System (MIS) and Business Analytics platform. Following the expiry of the contract he was given an additional three months contract.

A business case for Sopi version 4.1 was prepared for SSHFC to highlight the problems currently facing SSHFC as follows:

- Partial automation of the business processes has led to invention of manual process workarounds and oversight to enforce critical business rules.
- Absence of a centralized enterprise-wide online real-time Financial Transaction Processing System (FTPS) and collaborative process workflow platform.
- Data integrity is highly compromised due to lack of proper definitional and behavioural business rules. Instances include data duplication across the organisation, wrongly inputted data and missing of critical mandatory data fields.

The benefits that the corporation will get from this contract if the proposed project is successfully implemented are as follows:

- Improve services provided to Member Institutions through the implementation of multiple service delivery channels.
- Implement a comprehensive integrated system to increase flexibility and improve information management.
- Reduce the member enrolment cycle through the implementation of e-forms and clearly defined workflow processes.
- Minimize multiple member registration through a highly secured (possibly biometric) system
- Identify and improve upon processes that are susceptible to abuse and fraud.
- Install a centralised enterprise-wide online real-time Financial Transaction Processing System (FTPS) to handle the processing of contribution and benefit payments.

- Reduction of member transaction processing time by issuing biometric cards with features that will allow both online and offline verification of members.
- Reduction of statements and benefits processing time by providing regular feedback to members and institutions on their bio-data and financial data.
- Provide an effective reporting solution to support decision-making.
- Ensure operational transparency across the Departments by providing real time information about the status and results of various operations, processes, and transactions.
- Customise and deploy the existing office 365 Hybrid installation as a collaboration, document and content management platform.
- Automation of all manual process workarounds and enforce all critical business rules.
- Improve the overall quality and integrity of data across the corporation by enforcing robust definitional and behavioural business rules. In doing so, we would eradicate the duplication of data across the organisation, guarantee accurate input of quality data and ensure critical mandatory data fields are not overlooked.

Jamal Miknass had already prepared a budget for the SSHFC project which is estimated at 1,922,340 US dollars equivalent to D92, 272,303.20. The tender is now closed and the contract is yet to be awarded to the successful bidder.

In the USA and Canada, one cannot enrol in a program without an insurance policy. SSHFC through letter Ref: SSHFC/G/67 dated 12th December 2006, undertook to train Mrs Sirra Begay Foon and Mrs Aji Yamoundow Jagne to study Actuarial Science at the Roosevelt University in Chicago, Illinois, USA.

The corporation agreed to pay their tuition fees, living expenses, health insurance premium, books, transportation and stipend. SSHFC failed to pay the health insurance premium. Mrs Sirra Begay Foon and Mrs Aji Yamoundow Jagne both paid their health insurance premium from their stipend and money earned from part time jobs.

Upon their return to the Gambia, they claimed for refund of their health insurance premium but it was rejected by previous MDs (Mr Graham and Mr Gibba). Mr. Manjang finally endorsed refund of Mrs Sira Begay Foon's health insurance premium but Mrs Aji Yamoundow Jagne's is yet to be settled.

The corporation paid D54, 000 on the managing director's private internet facility annually.

Approval was given on a memo dated 5th June 2017 to purchase iPhone 7 Plus, costing D55, 000 for the managing director's official use. After some time the managing director claimed that his phone was faulty. He submitted an invoice No. 6919114977 dated 28th November 2017 claiming £999 equivalent to D64,435.50 being the cost of iPhone X Space Gray 64GB. He was refunded D64, 435.50 being the cost of the iPhone X.

Phones are not capitalized but treated as miscellaneous and no inventory is taken. It was also found that the alleged faulty phone was never returned to the corporation.

The managing director and his family had a dinner at Coco Ocean Resort and Spa. The sum of D19, 750 was incurred and the corporation paid the bill on voucher No.FPS:001690 dated 29th December 2017.

Another invoice no 24386 dated 6th January 2018 amounting D8, 234.85 was paid to Coco Ocean by the corporation on voucher No. FPS:001712 dated 29th December 2017, being cost of food and beverage consumed by the managing director.

An invoice from KORI D"OR dated 10 February 2018 amounting to D1, 885 being the cost of food and beverage consumed by the managing director was paid by the corporation on voucher No. 002007 dated 15th February 2017.

The managing director declared that during his tenure there has been a significant reduction in operating cost for instance in 2016, SSHFC had D271,703 million as operating cost and it came down to D178,791 million during his tenure. SSHFC made a loss of D1.5 million in 2016 and D81, 827 million profits in 2017, which was more than the profit made from 2013 to 2016 combined.

The corporation had a difficult past in terms of its finances. The 2016 Audited Accounts revealed a true image of the mismanaged social security funds through Executive Directives by the former regime on loans and investments without due process, resulting in heavy provisioning on impaired loans and non-performing investment amounting to over D1.7 billion, of which a consolidated shortfall of over D1.78 billion was registered.

There is a tradition of giving out sugar for the Ramadan and Hajj package to SSHFC staff. The managing director decided to break with tradition by not giving out a hajj package and by giving less amount of sugar to staff after initial refusal as part of his austerity measures.

The members of staff had been getting increment every year and in January 2018 they enjoyed 25% increment.

Mr Modou Camara was selected by the aggrieved members of staff of SSHFC to represent them in their vote of no confidence and petition filed against the managing director to the Secretary General and Head of the Civil Service. Through letter Ref: SSHFC/G/67 dated 16th August 2018; he was suspended for three months with salary pending a formal investigation being carried out on the staff grievance among others. The managing director was sent on administrative leave following the members of staff's reaction to Modou Camara's suspension. Mr. Camara's suspension was later changed to administrative leave pending the outcome of the investigation panel set up by government.

The High Court entered judgment in favour of Amadou Sanneh the plaintiff against SSHFC the defendant as follows: the sum of D900, 000 being the market value of the plot of land measuring 200m x 200m, be paid by the defendants to the plaintiff.

The sum of D450, 000 being the market value of land measuring 93m x 93m be paid by the defendants to the plaintiff.

The sum of D17, 000 being amount spent for purchasing, transporting and planting of cashew plants be refunded to the plaintiff by the defendants.

Interest of 4% on the total sum to date of payment.
Cost of D10, 000

Through voucher No. HFF000127 dated 11Th September 2017; a payment of D1.7 million was made to Mr Amadou Sanneh the plaintiff through his solicitor Mrs Hawa Kuru Sisay Sabally.

Mr Saikou Sanneh is on secondment to GTSC. The Directorate of Internal Control requested for Mr Sanneh's office to be used by the staff of ICD due to lack of office space. The managing director did not approve the directorate's request on the ground that Mr Sanneh was not on permanent transfer. The office is still vacant.

CONCLUSIONS

Investigations revealed that some of the allegations were either incorrect or were correct but not wrong to have taken place. There were truths as well as those that are partially true. On the bases of the findings the Ombudsman concludes as follows.

Payment Made to Amadou Sanneh

It is incorrect to call the payment made to Mr Amadou Sanneh as a bribe. In view of the court judgment in favour of Mr Sanneh, the Managing Director did the right thing by honouring the judgement of the court.

Private Internet Facility

This was created for the corporation's managing director as a form of motivation. Therefore, the managing director did not commit any wrong by enjoying the same facility that previous managing directors had enjoyed.

Ramadan Sugar and Hajj Package

This is not a right but a privilege the managing director has the discretion to approve or disapprove such incentives especially at a period when the finance of the corporation is in a precarious situation.

Aisha Bayo's Time of Departure

The allegation that Mrs Isha Bayo travelled two months prior to the commencement of the ACCA course is incorrect. She left on 21st May 2018 when the course was supposed to commence on 29th June 2018. She therefore left five weeks before the commencement of the program.

Loans

Loan is a privilege and not a right. The managing director should rationalize loans. He should be prudent in the approval of loans to ensure that members of staff are not indebted which could affect their productivity.

Trip to Zimbabwe

The allegation that the managing director did not travel to Zimbabwe and failed to retire the per diem is incorrect as he was on the trip with the Finance and Investment Director who confirmed his attendance.

Trip to Sierra Leone and Non-Retirement of Per Diem

The managing director was paid 7 days per diem without approval from the Office of the President. He did not travel to Sierra Leone and failed to retire the 7 days per diem amounting to D103, 040 to the corporation, which is a gross administrative misconduct. The managing director receiving 7 day per diem without travelling to Sierra Leone and failing to retire the per diem contravenes the Circular reference OP315/01/PART (155-ES) dated 28th March 2017 relating to travel arrangements and Circular OP315/01/PART XLV(29) dated 30th May 2017 concerning travels without authorization which was addressed to all heads of institutions and public enterprises.

Performance of the Managing Director

Looking at the past challenges of the corporation, for the managing director to cut administrative cost by such a margin and register profit after a year of losses is commendable.

However, the figure of D81, 827, 000 profits in 2017 is obtained from the 2017 unaudited accounts, which may be affected by provisions for non performing investment during an external audit exercise.

The managing director's claim that he spent D27,000 on the entertainment vote is incorrect investigation revealed that he spent D29, 869.85 on dinners at Coco Ocean Resort Spa and KORI d'OR.

The managing director travelled overseas seven times and not ten times as alleged. The Office of the President granted him travel clearance in all these trips except the trip to Freetown Sierra Leone.

Vote of No Confidence / Removal of the Managing Director from Office

The SSHFC members of staff are not an appointing authority and by the same token, they do not have the powers to dismiss/terminate the services of the managing director, or recommend his dismissal or seek to engineer his removal by such means as they have employed in this case. This power is only vested on the President. They have overstepped their bounds.

However, the Ombudsman recognises the rights of the staff to petition the executive and to complain to the Ombudsman against the administrative wrongs he commits.

The Office of the Ombudsman is an administrative watchdog established to give the citizen adequate opportunity to test the legality and fairness of any administrative decision. The SSHFC staff knew some of the administrative wrongs (as revealed in this report) that were being committed but failed to bring it to the notice of the Ombudsman.

The Ombudsman condemns the strike action of the SSHFC staff. Their actions are not justifiable in view of the fact that means of addressing their grievances exist and the fact that their actions are not supported by the law and the relevant administrative instruments.

Isha Bayo's Selection for Training

Mrs Isha Bayo's selection for overseas training was unprecedented in the history of the corporation. She was not confirmed in her appointment as cashier at the time she was sent on training. This is a clear sign that there was favouritism and preferential treatment regarding her award of scholarship for the simple fact that there were members of staff that served the corporation for more than 3 years with a similar qualification but were not given the opportunity to be trained overseas. One can deduce that the awarding of scholarship to Pa Yusupha Gaye was a cover up to conceal the favouritism and preferential treatment given to Mrs Isha Bayo. As our findings revealed only Isha was initially selected.

The managing director's statement that his priority is not to train staff in their 40's but to train younger staff that are more likely to serve the institution longer, is discriminatory and contravenes section 33(3) of the 1997 Constitution of the Republic of the Gambia which states **"...no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority"**.

Jamal Miknass

Jamal Miknass is not on board as consultant but was given a contract of six months which is in line with the authority vested on the managing director under section 0101 (2) of the SSHFC Service Rules.

Contravention of Own Austerity Measures

Sending Mrs Isha Bayo and Mr Pa Yusupha Gaye for overseas training instead of allowing them to pursue the ACCA in country, purchasing two mobile for the managing director costing D119, 435 .50 within a period of one year and the managing director's failure to retire the 7 days per diem amounting to D103, 040 to the corporation contradicts the managing director's austerity measures.

Entertainment

The entertainment vote is meant for entertaining official guest and not family members. The managing director spent D29, 869.85 on dinners at Coco Ocean Resort Spa and KORI d'OR with his family members.

Trips to Dakar

The managing Director travel to Dakar Senegal once for medical treatment and not on many trips as alleged by the staff petition.

Board Seats and The Appointment of Mr Abdoulie Tamedou

The allegation that the MD occupied five seats is incorrect. Investigation revealed that SSHFC does not have board seat at GNPC.

For the MD as head of institution to be on all four seats when the seats are multiple providing opportunity for other members of staff to serve along with him on the boards is in order

We understand that MD according to the practice at SSHFC has the discretion to nominate anyone to the boards however it would not be justifiable to nominate outsiders when there are competent and skilful individuals within SSHFC to occupy the seats.

RECOMMENDATIONS

SSHFC is tasked with the responsibility of managing the funds of workers. This task must be performed by people who have high regard for procedural correctness and observance of the tenets of administrative uprightness. The events leading to this

investigation, as manifested in the indiscipline and lack of respect for the rules and regulations that guides the institution by staff and some acts of maladministration on the part of the managing director did not conform to expected standards. There is need for a redirection, a reversal of certain actions and a strong stance to discourage behaviour that has the potential to undermine institutional effectiveness. In light of the above the Ombudsman recommends as follows:

A new Board should be constituted a month before the expiry of the term of any existing board for proper handing over to the new board to avoid the existence of a gap. This has contributed to the problem as at the time of the strike there was no existing board at SSHFC.

The 7 days per diem paid to the managing director amounting to D103, 040 to attend a meeting in Sierra Leone which he never attended should be refunded to the corporation without delay.

All staff members should be confirmed in appointment before promotion or sent on training. Our findings revealed that Isha Bayo was not confirmed in her position.

Management should ensure that there is a training policy in place to guide the training needs of the institution.

Promotion and training should depend on appraisal of staff and institutional needs. It is important that staff are appraised and their training needs, weakness identified for building their capacity and that of the institute rather than giving staff the choice to accept or decline training offer.

Any mobile phone bought for any member of staff that costs more than D10, 000 should be capitalized thereby taking inventory.

Competent members of staff of SSHFC should be nominated to fill the existing vacant board seats to represent SSHFC interest on the various boards such as Trust bank, Home Finance and Gam Petroleum without delay. Our investigation revealed that the board sits are vacant.

For effective measure SSHFC should train members of staff locally where preferable before training them overseas such as in the case of Mrs Isha Bayo and Pa Yusupha Gaye. ACCA programs are available locally

There should be equal treatment of members of staff. Aji Yamoundow Jagne should equally be refunded her health insurance premium as was done for Sirra Begay Foon.

Aggrieved staff should channel their complaints through the right procedures at SSHFC. In the event the matter cannot be resolved the staff can lodge their complaint with the Office of the Ombudsman rather than embarking on strike action.

The Ombudsman recommends that the managing director should refund to SSHFC the sum of D29, 869.85 being money spent on dinners at Coco Ocean Resort Spa and KORI d'OR with his family members without delay. This is because the entertainment vote is not meant for his family but for office and official guests. Misusing of Public funds must be discouraged.

The Ombudsman recommends that the shortlisting and interviewing process of the current vacant position be quickened so that the vacant positions can be filled.

The board should take appropriate action in relation to the misbehaviour of staff during the strike.

The managing director should be guided by the relevant laws, service rules and policies in taking and making administrative and management decisions.

The managing director should use the institution's funds judiciously.

Yours sincerely,



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Mrs Fatou Njie-Jallow
Ombudsman

CC: Acting Managing Director - SSHFC
Permanent Secretary Ministry of Finance and Economic Affairs
National Assembly Chair to PAC/PEC Committee
Chairman of the Board SSHFC
Mr Mohammed Manjang Managing Director
Mr Momodou Camara Staff Representative
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