



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE**

**VIRTUAL MEETING WITH THE STANDING COMMITTEES ON
THE REVITALISATION AND RE-ENERGISATION OF
REGULATORY AUTHORITIES AND AGENCIES**

THEME:

**REINFORCEMENT OF KEY MESSAGES FROM THE CHIEF OF
STAFF AND HEAD OF THE PUBLIC SERVICE ON THE
SUBMISSION AND ANALYSIS OF THE BI-ANNUAL REPORTS
TO BE SUBMITTED BY 31st OCTOBER 2024.**

ON

03 OCTOBER 2024

BRIEF ON THE REVITALISATION AND RE-ENERGISATION OF REGULATORY AUTHORITIES AND AGENCIES (RAAs) AND THE ROLE OF THE STANDING COMMITTEES

Background

Regulatory Authorities and Agencies (RAAs) essentially set norms and standards and superintend the implementing agencies and members of the public relevant to their mandate, to ensure adherence to the norms, standards and behaviour expected.

The mandate of regulators extend beyond mere enforcement; it encompasses the delicate balance between **ensuring compliance with established norms, standards, and expected behaviors**, and **fostering an environment conducive to individuals and entities that they superintend, to thrive and flourishing**.

Revitalisation and Re-Energisation of RAAs Campaign

The Campaign was initiated to strengthen the role and capacity of RAAs and particularly to:

- i. Address the inertia in the performance of mandates by regulatory authorities and agencies thereby affecting the quality, quantity and timeous-ness of service delivery;
- ii. Ensure that all the RAAs focus their efforts at delivering on their respective mandates visibly;
- iii. Rollout of an accountability and performance improvement mechanism for RAAs;
- iv. Enhance Monitoring, Evaluation and Reporting; and
- v. Assess the impact of the campaign on service delivery to Kenyans.

Standing Committees on the Revitalisation and Re-Energisation of Regulatory Authorities and Agencies

The Office of the Chief of Staff and Head of the Public Service, *vide* Circular Ref No. OP/CAB 6/1 dated 15 November 2023 issued a directive to Principal Secretaries to appoint Standing Committees for the **urgent** Revitalisation and Re-Energisation of RAAs under their ward to enhance the visibility of the execution of the mandate as keepers and enforcers of norms and standards.

Terms of Reference for the Standing Committees

- a) Be the vanguards of the Revitalisation and Re-energisation of the RAAs campaign under your respective State Department;
- b) Review, understand and internalise the Reports from the RAAs and the essence of the questions that were asked in the **Self-Assessment Tool**;
- c) Undertake a **similar review** of the Self-Assessment Tool with the leadership of each RAA under your ward;
- d) **Assess the effectiveness** of the regulatory tools and methods deployed by each of the regulators under your State Department to ensure adherence to the norms and standards they set out and superintend over;
- e) Assess the instances of **administrative action** taken by each of the RAAs against non-compliance institutions and persons they superintend;
- f) **Address the challenges expressed** by each of the RAAs that hinder their optimal and visible execution of their mandate;
- g) **Escalate any challenge/reasons** for where your Office is unable to proffer a solution and for which you require assistance from this Office;
- h) Take any **further steps and interventions** from your Office to enhance the visibility of each of the RAAs under your State Department as key agents of the change outlined in the Kenya Kwanza Bottom-Up Economic Transformation Agenda;

Prepared by the Office of Chief of Staff and Head of Public Service – October 2024

- i) Ensure that each RAA undertakes a **rapid assessment** of all factors on the ground and in the existing regulatory framework that are likely to affect negatively and even ominously, the lives, livelihoods, property, business and quality of goods and services delivered to Kenyans;
- j) Ensure that each RAA under your State Department take **immediate corrective, preventive and sustainable action to ameliorate the negative consequences**;
- k) Submit a report to the Head of Public Service capturing all the above.

The Standing Committees have been established in all State Departments and now serve as a vehicle through which the Campaign for the Revitalisation and Re-energisation of RAAs has gained traction.

The Inaugural Conference to Assess the Status of the Revitalisation and Re-Energisation of RAAs Campaign against the Background of Emerging Issues

This Conference, held on 11 – 12 April 2024 outlined the Administration’s expectations clearly, and reinforced the performance standards expected of RAAs in order to achieve optimal performance in the execution of their mandates. In addition, the Conference headlined the urgency for actions required of RAAs as key agents of the change envisioned under the Bottom-Up Economic Transformation Agenda (BETA).

During this Inaugural Conference, the Chief of Staff and Head of Public Service made several directives, key among which was for RAAs to: get back to real work; make recommendation for amendments where the law creates challenges; synergize to avoid overlaps; prioritize preventive strategies; manage corruption risks; build capacity of the technical compliance officers; review organizational structures, utilize the limited resources effectively and leverage on technology to implement their mandate.

Submission of Bi-annual Reports by RAAs and Standing Committees

The Chief of Staff and Head of Public Service *vide* Circular Ref No. OP/CAB 6/1 dated **27 May 2024** directed the Submission of Bi-annual Reports by each of the 125 RAAs to their relevant Standing Committee on the Revitalisation and Re-energisation of RAAs in the State Departments, with a copy to his Office on the following dates:

- i. Thursday, 31 October 2024; and**
- ii. Monday, 31 March 2025.**

Further, **Standing Committees** on the Revitalisation and Re-energisation of RAA were directed to **submit Analytical Reports** of the RAAs under their ward to COS&HOPS by:

- i. Monday, 11 November 2024; and**
- ii. Wednesday, 9 April 2025.**

An analysis of the responses from this tool will provide an evidence base for the Office of COS&HOPS to work together with Principal Secretaries; Standing Committees on the Revitalisation and Re-energisation of RAAs; and all other relevant stakeholders to ensure optimal performance by RAAs in the execution of their core mandates. This is in line with the Kenya Kwanza Government's prioritization of its responsiveness to the needs of the public in a transparent and accountable manner in accordance with the Bottom-up Economic Transformation Agenda (BETA).

The Capacity Building Programme for Regulatory Authorities and Agencies in Conjunction with the Kenya School of Government

The Office of the Chief of Staff and Head of the Public Service in collaboration with the Kenya School of Government developed a capacity building program for Chairpersons, Board of Directors, CEOs, Corporation Secretaries and Heads of Internal Audit of RAAs to facilitate running their affairs within the legal frameworks that have been given to them as well as adhere to the policies they have generated and within their delegated powers.

Capacity Building programme focused on leadership, governance, policies, collaborations, utilization of resources that would enable better understanding of citizen’s needs and aspirations. It also served to find solutions that would help Government to reinvent itself to efficiently and effectively utilize limited resources and quality service delivery.

The Trainings were conducted in three cohorts as follows:

Cohort	Venue	Dates	No. of Attendees
1 st Cohort	Kenya School of Government, Kabete Campus	12 – 14 Sept 2024	144
2 nd Cohort	Kenya School of Government, Mombasa Campus	16 – 18 Sept 2024	259
3 rd Cohort	Tom Mboya Labour College, Kisumu	16 – 18 Sept 2024	293

The goal of the Capacity Building Program was to develop transformed RAAs and in particular,

- a. Enhance the capacity of RAAs to re-focus on delivery of their Regulatory Mandates;
- b. Assist in the navigation of complex regulatory challenges ensuring premier service delivery for all Kenyans qualitatively, quantitatively, and timeously;
- c. Enable RAAs to correctly anticipate, prevent and avoid problems well in advance;
- d. Enable RAAs enhance their internal and external accountability; and
- e. Enhance the Monitoring, Evaluation and Reporting.

Reports from the Regulatory Authorities and Agencies

Among the challenges expressed by the RAAs during the Capacity Building Exercise include:

- a. Lack of Support from the State Departments on issues that would require administrative interventions;
- b. Lack of knowledge of the existence of Standing Committees in State Departments and the role they play in enhancing the capacity of Regulatory Authorities and Agencies to perform at optimal levels;
- c. Little or no interactions from the Standing Committees in respect to the reporting tools issued by the Office of Chief of Staff and Head of Public Service;
- d. Little or no consideration in budget cuts that directly affect the execution of regulatory mandates;
- e. Lack of facilitation from State Departments in processes of amendments to enabling laws and regulations aimed at enhancing optimal performance.

Conclusion

The Standing Committees are required to answer the call to action in holding regular meetings with their regulatory bodies and attending to their terms of reference – a commitment that will become more visible through feedback from the public on the delivery of premier services to Kenyans, qualitatively, quantitatively and timeously. **Complacency is not an option** and the **momentum** to Revitalise and Re-energise Regulatory Authorities and Agencies, **must be sustained.**