**EXECUTIVE OFFICE OF THE PRESIDENT**

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

**FACT FINDING SELF-ASSESSMENT TOOL FOR REGULATORY AUTHORITIES**

**To: All Chairpersons and Chief Executive Officers of Regulatory Authorities and Agencies**

**Purpose of this Tool**

The purpose of this tool is to assist the Executive Office of the President (EOP) whose Administrative Head is the Chief of Staff and Head of Public Service (COS & HOPS), to understand the imperatives that affect the performance of regulatory authorities and agencies in the discharge of their core regulatory mandate. An analysis of the responses from this tool will provide an evidence base for the EOP to work together with regulatory authorities and agencies to ensure optimal performance of their core mandates.

The expected outcome from the above stated engagement is the robust delivery on core regulatory mandates by all regulatory authorities and agencies thus leading to enhanced levels in the quality and quantity of service delivery by implementing agencies. 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).

**Your Role as Chairpersons and Chief Executives:**

Upon receipt of this tool, Chairpersons and Chief Executives of respective organisations are requested to ensure that it is filled accurately and honestly without fear so that COS & HOPS can address the real issues that affect regulatory performance based on authentic information. Where there exists no response to the question asked, do ensure that the same is indicated as such. The results from this simple survey will be disseminated to you in a subsequent meeting to be called by COS & HOPS.

**Ensure that you fill out the fact finding self-assessment tool in respect of your organisation by 5:00 pm, Friday, 18th August, 2023 and send your typed response via Email to** **survey@headofpublicservice.go.ke** **whereupon you will receive confirmation of receipt.** A soft copy of the tool can be obtained from COS & HOPS’ website available at URL: <https://www.headofpublicservice.go.ke/>. Please note that the responses of individual regulatory authorities and agencies will be treated and held confidentially. No direct reference will be made to any specific institution when the analysis of the findings from this survey are disseminated.

Notably, in the second phase of this Survey, the implementing agencies over which you superintend will complete a similar survey outlining their perspectives with respect to the interaction with their respective regulators.

1. **DETAILS OF ORGANISATION**

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| 1. **Name of Organisation:**
2. **Geographical Location of the Organisation and Branches, if any:**
3. **Official Contact Details:** (Telephone and Email Address)
4. **Name of Chairperson of Board:**

(indicate whether the Chairperson is Executive or Non-Executive)1. **Name of Chief Executive Officer:**
2. **What Sector of the Economy is your Organisation concerned with?**
3. **Is your Organisation both an implementer and a regulator?**
4. **Where does your organisation derive its mandate (Statute; Regulation; Executive Order; Legal Notice; Others - explain):**
5. **Total Number of Board Members Including Details of:**
6. Substantive Board Members;
7. Ex-Officio Board Members;
8. Representatives of Government Institutions and Total Number;
9. Number of Independent Board Members;
10. Number of Board Members who are stakeholder nominees;
11. If the number of Substantive Board Members exceeds 9, provide the justification.
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1. **CORE REGULATORY MANDATE**

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| 1. Based on the legal instrument through which you derive your mandate, what is your **core regulatory mandate** (what do you principally exist to do) kindly provide no more than TWO answers).
2. What is the geographical scope/reach of your regulatory mandate?
3. Is the execution of your core regulatory mandate guided by any prescribed principles? If so, kindly state them and the source.
4. Do you implement any regulatory function governed by standards based on international agencies? If so, explain briefly.
5. As a regulator, who and/or what types of persons/entities do you principally superintend/ supervise/regulate in the execution of your core regulatory mandate?
6. When performing your core regulatory mandate at optimal levels, what signs/features/evidence should be witnessed or be apparent on the ground?
7. What type of data/information do you use to measure the achievement of your core regulatory mandate and how do you collect the data/information?
8. Do you encounter any overlaps in the execution of your regulatory mandate with that of other Ministries, Departments and Agencies? If so, explain briefly.
9. Should your mandate be expanded to cover other areas that are currently not ascribed to you but are very important? If so, explain briefly.
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1. **SELF-ASSESSMENT**

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| 1. Please rate your performance on your core regulatory mandate by ticking the band you deem appropriate below:
2. 1 – 3 (Poor)
3. 4 and 5 (Average)
4. 5 - 7 (Fair)
5. 8 – 9 (Good)
6. 10 (Excellent)
7. If you assessed yourself in the band between 8 – 10, please provide details of **no more than three** of the key enablers for this performance:
8. If you did not score yourself at full marks i.e. 10, please account for the deficit in marks by providing details below of **not more than three** of the key reasons for this performance:
9. How did your organisation perform in the year 2020/2021 and 2021/2022 as assessed by the Public Service Performance Management Unit?
10. What is your comment on the assessment in (iv) above as compared to your self-assessment in (i) above?
11. What challenges have you encountered during the execution of your core regulatory mandate?
12. What can you do differently to enhance your results in (i) above?
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1. **MODE OF UNDERTAKING REGULATORY FUNCTION**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. As a regulator, how do you communicate your expectations as to standards and norms with the entities that you regulate?
2. Do you have a tool/mechanism/framework/system for superintending/supervising/regulating the entities under your area of jurisdiction? If so, provide details.
3. If your response to the above is **yes**, kindly **indicate on a scale of 1 – 10** (1 being poor and 10 being excellent) to what extent it has been successful in achieving the response you require.
4. Based on your response to (iii) above, kindly provide **no more than THREE** reasons for your score:
5. If your response to (ii) above was **no**, kindly provide **no more than THREE** reasons as to why you do not have a tool/mechanism/framework/ or system for undertaking your mandate.
6. On a scale of 1 – 10 (1 being poor and 10 being excellent) to what extent do you use ICT to deliver on your core regulatory mandate?
7. If you scored yourself between 1 and 7 in (vi) above, please state the **TWO most important** reasons for this:
8. If you scored yourself between 8 and 10 in (vi) above, provide details of the ICT system(s) that you are using and the impact to service delivery.
9. Do you have a working information sharing and feedback mechanism that is well known to the public to facilitate the interface between you and the public? If so, provide a brief description of:
10. How it works;
11. Whether it has been effective, and why;
12. How it can be improved;
13. If you have social media handles, provide details.
14. On a scale of 1 – 10 (1 being poor and 10 being excellent) rate how you think your customers perceive your institution.
15. When was your last customer satisfaction survey done?
16. Explain the process for addressing complaints emanating from your complaints feedback mechanism and its effectiveness in addressing stakeholders’ grievances at first instance.
17. Are there any court cases filed by, or against your organisation in the last 3 Financial Years in relation to your core regulatory mandate? If so, provide details in the following format:

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| --- | --- | --- |
| **Year** | **Cases filed by your organisation** | **Cases filed against your organisation** |
| 2020 - 2021 |  |  |
| 2021 - 2022 |  |  |
| 2022 - 2023 |  |  |

1. To make the regulation of your sector more effective, are there any policy, legal, regulatory and administrative changes/interventions necessary that should be instituted? If so, explain briefly.
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1. **COST OF PERFORMING YOUR CORE REGULATORY FUNCTION**

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| 1. What are the sources of your revenue?
2. Do you raise any revenue chargeable from the execution of your core regulatory mandate?
3. If you generate revenue internally, is it adequate to enable you to carry out your regulatory mandate?
4. What budget was allocated to you in the last **THREE** Financial Years (FYs) from the exchequer and what amount was used in activities that are directly related to ensuring the performance of your core regulatory mandate?

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| --- | --- | --- | --- |
| **Year** | **Allocated Budget**  | **Amount and Percentage allocated by Organisation to Core Regulatory Mandate** | **\*Actual Amount and Percentage used on the Core Regulatory Mandate** |
| 2020 - 2021 |  |  |  |
| 2021 - 2022 |  |  |  |
| 2022 - 2023 |  |  |  |

**\*This takes into account the possibility of re-allocation of funds in the course of the Financial Year**1. Explain the trend in the table in (iv) above.
2. Please list the items that your budget was spent on that are not directly related to your core regulatory function.
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