

# **THE REPUBLIC OF UGANDA**



## **A Guide to Policy Development & Management in Uganda**

**October 2013**

## **FOREWORD**

Effective policy making is always a big challenge to Governments the world over. Uganda has been steadily making progress in making the policy making process in government more robust. With the transition to a fully fledged multi party political dispensation this does present new challenges and opportunities as well and this is what this *Guide to Policy Development* seeks to address.

At a Workshop of Permanent Secretaries, Senior Presidential Advisors and selected Directors held in February 2006 on the theme – *Public Service Readiness for A New Government*, it was agreed, among other things, that detailed guidance on the policy development process be developed to help rationalize the process. Policy development is, of course, not new to the public service or broader public sector in Uganda. For long, public servants have supported Ministers in applying and shaping the policies of the Government of the day in Uganda.

The guide sets out some key principles of good policy-making which have been developed internationally. I hope it will help to take some of the mystique out of policy development. One of the key messages which I hope this guide will help to send out is that policy development should not be seen as the preserve of a few specialists. Those involved at the front line of service delivery, whether in schools – teachers, hospitals – health workers or community workers, have a vital role in helping to gauge what is deliverable. They have a keen awareness of what really matters to the citizen. In order to develop policies which work in practice, the guide emphasizes the importance of engaging those familiar with delivery issues, and service users themselves, early in the process.

At the same time, it is important that we as public servants are fully aware of the outcomes which Government seeks to achieve for its citizens. We need to ensure that we have and use the evidence, from Uganda and elsewhere, to help analyze problems and develop effective public policy solutions.

This guide is just one of a program of measures to improve the policy development capacity of the Ugandan Public Service. It will be complemented by other steps, including policy development workshops and by more training in policy development. We also recognize that policy development is an increasingly resource-intensive process, and we will seek to reflect this in the context of our broader Public Service Reform Program (PSRP).

I recommend this guide to all who read it, as an important contribution to policy-making in Uganda.

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## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION</b> .....	<b>8</b>
1.1	Who is the Guide for? .....	<b>8</b>
1.2	The need for a policy-making guide.....	<b>8</b>
1.3	What does 'policy-making' mean?.....	<b>9</b>
1.4	What is good policy making? .....	<b>10</b>
1.5	Features of good policy-making .....	<b>11</b>
1.6	Stages in the Policy Process.....	<b>12</b>
1.7	Benefits of better policy-making .....	<b>15</b>
<b>2.0</b>	<b>BEST PRACTICES IN POLICY MAKING</b> .....	<b>16</b>
2.1	Looking at the evidence .....	<b>16</b>
2.2	What evidence is available, relevant and useful? .....	<b>16</b>
2.3	Evidence from the 'front line' .....	<b>16</b>
2.4	Experiences of other countries and regions .....	<b>17</b>
2.5	Forward-looking policy-making.....	<b>17</b>
2.6	From desired outcomes to possible solutions .....	<b>18</b>
2.7	Appraisal of options .....	<b>18</b>
2.8	Funding and how to secure it.....	<b>19</b>
2.9	Communications Issues.....	<b>20</b>
2.10	Risk management.....	<b>20</b>
2.11	Engaging Ministers .....	<b>21</b>
2.12	Ministers' Briefing Note .....	<b>21</b>
2.13	Involving Cabinet .....	<b>21</b>
2.14	Engaging stakeholders/Consultation .....	<b>22</b>
2.15	Putting it into practice and keeping it going - Implementation .....	<b>23</b>
2.16	Engaging with service users.....	<b>24</b>

2.17	Effective delivery .....	25
2.18	Monitoring and Evaluation .....	25
2.18.1	Monitoring .....	25
2.18.2	Evaluation: the basic process .....	25
2.18.3	The evaluation process .....	26
<b>3.0</b>	<b>THE LEGAL AND INSITUTIONAL FRAMEWORK .....</b>	<b>28</b>
3.1	How Policy and its development is understood in Government .....	28
3.2	Where does policy originate? .....	28
3.3	The Uganda Context: The Legal Framework .....	29
3.3.1	National Objectives and Directive Principles of State Policy .....	29
3.3.2	Party Manifestos.....	30
3.3.4	The National Planning Framework .....	30
3.3.5	International and Regional influence.....	30
3.4	The Uganda context: The Institutional Framework .....	31
3.4.1	The Presidency .....	31
3.4.2	Cabinet and its Policy making role .....	31
3.4.3	The Parliament.....	32
<b>4.0</b>	<b>POLICY DEVELOPMENT AND MANAGEMENT IN UGANDA .....</b>	<b>33</b>
4.1	Techniques to help with planning .....	33
4.2	Questions to Consider as you embark on a policy development exercise .....	34
4.3	Setting the Policy Agenda.....	34
4.4	Policy Development .....	34
4.5	Policy Review/Scrutiny .....	35
<b>5.0</b>	<b>GUIDELINES FOR WRITING CABINET MEMORANDA .....</b>	<b>36</b>
5.1	Cabinet submissions to Cabinet are made in two forms:.....	36
5.2	Types of Cabinet Memoranda .....	36
5.3	General Requirements for Standard Cabinet Memoranda.....	36

5.4	Format/structure of the Cabinet Memoranda .....	<b>37</b>
5.5	Main Body of the Submission .....	<b>37</b>
5.6	Stakeholder Consultations .....	<b>38</b>
5.7	Financial implications .....	<b>38</b>
5.8	Legal implications .....	<b>38</b>
5.9	Regulatory Impact Assessment (RIA).....	<b>38</b>
5.10	Communications Strategy .....	<b>39</b>
5.11	Recommendations .....	<b>39</b>
5.12	Conclusion.....	<b>40</b>
<b>6.0</b>	<b>CABINET DECISION MAKING PROCESS .....</b>	<b>41</b>
6.1	The Key Functions of the Cabinet Secretariat.....	<b>41</b>
	• <i>Supporting the development of policy capacity across Government.....</i>	<i>41</i>
	• <i>Supporting line Ministries in developing capacity for policy analysis .....</i>	<i>41</i>
	• <i>Preparing the Public Service to manage transitions in government.....</i>	<i>41</i>
	• <i>Supporting the political leadership in the translation of its election Manifesto into policies and programs for implementation.....</i>	<i>41</i>
	• <i>Secretariat responsibilities (gate keeping and challenge functions) in support of the Cabinet.....</i>	<i>41</i>
	• <i>Supporting Cabinet in monitoring the implementation of its decisions.....</i>	<i>41</i>
6.2	Consultation .....	<b>42</b>
6.3	Inter-Ministerial Consultations.....	<b>42</b>
6.4	Public/Stakeholder Consultations.....	<b>43</b>
6.5	Decision Making/Approval.....	<b>43</b>
6.6	Implementation, Monitoring and Evaluation.....	<b>43</b>
<b>7.0</b>	<b>THE LEGISLATION PROCESS .....</b>	<b>45</b>
7.1	Process of handling a Bill.....	<b>45</b>
7.2	Progress of Bills in Parliament.....	<b>46</b>
7.2.1	First Reading .....	<b>46</b>
7.2.2	Second Reading .....	<b>47</b>
7.2.3	Committee stage .....	<b>47</b>

7.2.4	Re-committal .....	48
7.2.5	Third reading .....	48
7.2.6	Presidential Assent .....	48
<b>8.0</b>	<b>TOOLS FOR REVIEW OF CABINET MEMORANDA .....</b>	<b>49</b>
<b>9.0</b>	<b>RETURNS ON IMPLEMENTATION OF CABINET DECISIONS .....</b>	<b>54</b>
<b>10.0</b>	<b>REGULATORY IMPACT ASSESSMENT CHECKLIST .....</b>	<b>55</b>

## **ACRONYMS**

AU	African Union
COMESA	Common Market for East and Southern Africa
EAC	East African Community
IGAD	Intergovernmental Agency for Development
IMF	International Monetary Fund
MEAs	Multilateral Environment Agreements
MDGs	Millennium Development Goals
MFPED	Ministry of Finance, Planning and Economic Development
MTEF	Medium Term Expenditure Framework
NEPAD	New Partnership for Africa's Development
PAUs	Policy Analysis Units
PEAP	Poverty Eradication Action Plan
PPM	Program and Project Management
PRSPs	Poverty Reduction Strategy Papers
RBP	Regulatory Best Practice
RIA	Regulatory Impact Assessment
UNCED	United Nations Conference on Development and Environment

## **1.0 INTRODUCTION**

### **1.1 Who is the Guide for?**

The Guide is designed as a reference document to help officials in Government Ministries, Departments and Agencies who are often called upon to develop public policies. It is aimed mainly at civil servants at all levels who are involved in policy development, implementation or review, but can be of use to anyone who needs to understand the policy-making process in Government. It is also useful to the political leaders at all levels of government as a standard of good practice in policy development and therefore, provides guidance and measures to evaluate the technical policy development work of the civil servants.

While the guide is written mainly to deal with policies which are initiated by Ministries, Departments and Agencies, many of the techniques which it advocates can equally be applied by Local Governments and other public sector organizations in developing their own policies.

This Guide is meant to be enabling rather than prescriptive. It focuses on the processes of policy development, outlining key steps and issues to address.

### **1.2 The need for a policy-making guide**

The Public Service has a traditional role of, among many other things, supporting Ministers in the development of policy. There is, therefore, considerable policy development experience and expertise in the wider public service. The public service restructuring process of 1998 saw the context of policy making reformed with the policy implementation function, in most cases, devolved to Local Governments, under the decentralization framework, and the Central Government retaining the core function of policy making:

Formulation of national policies and national standards

- Monitoring the implementation of national policies and services
- Ensuring compliance with standards and regulations
- Carrying out technical supervision, advice, and mentoring of local governments in liaison with international agencies.

Policy Analysis Units (PAUs) were established through the Public Service Reform Programme to support this core policy making function at the centre of government. However these policy analysis units are still weak and therefore, building the capacity of these units is a major challenge.

This guide seeks to provide a starting point to help those working on developing or reviewing policy to identify what issues they need to take into account to ensure that policy is evidence-



based, focused on outcomes, forward looking, 'joined up' and meets Government's and the Country's requirements.

The guide cannot be fully comprehensive and is not a substitute for consulting detailed guidance on aspects of the institutional framework, legislative and financial processes and statutory obligations. However, it seeks to cover the basic essentials and, by including appropriate contact details and web links, sets out to make it easier to track down specialized assistance. It is extremely essential to always contact the broad range of players in the process of developing policy.

This guide takes account of work elsewhere on good practice in policy-making. Literature on the policy management systems; processes and tools as well as interactions with civil servants handling policy work in Canada, Britain, Zambia and New Zealand have informed the development of this guide.

### **1.3 What does 'policy-making' mean?**

A policy is defined in the New Oxford Dictionary of English as: "a course or principle of action adopted or proposed by a government, party, business or individual".

From a practitioner's point of view, policy-making has been defined as the process by which governments translate their political vision into programs and actions to deliver 'outcomes' – desired change in the real world.

Policy can take a range of different forms, including non-intervention; regulation, for instance by licensing; or the encouragement of voluntary change; as well as direct public service provision.

According to William Jenkins in *Policy Analysis: A Political and Organizational Perspective* (1978), a Public Policy is 'a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve'. Thus, Jenkins understands Public Policy making to be a process, and not simply a choice.

According to Thomas A. Birkland in *An Introduction to the Policy Process* (2001), there is a lack of consensus on the definition of public policy. Birkland outlines a few definitions of public policy:

- Clarke E. Cochran, et al.: "The term public policy always refers to the actions of government and the intentions that determine those actions".

- Clarke E. Cochran, et al.: "Public policy is the outcome of the struggle in government over who gets what".
- Thomas Dye: Public policy is "Whatever governments choose to do or not to do"
- Charles L. Cochran and Eloise F. Malone: "Public policy consists of political decisions for implementing programs to achieve societal goals".
- B. Guy Peters: "Stated most simply, public policy is the sum of government activities, whether acting directly or through agents, as it has an influence on the life of citizens".

Birkland indicates that the elements common to all definitions of public policy are as follows:

- The policy is made in the name of the "public"
- Policy is generally made or initiated by Government.
- Policy is interpreted and implemented by public or private actors.
- Policy is what the government intends to do.
- Policy is what the government chooses not to do.

#### **1.4 What is good policy making?**

Policy-making is the process by which governments translate their political vision into programs and actions to deliver 'outcomes' - desired change in the real world. Thus policy-making is a fundamental function of any government. Policy-making is about establishing what needs to be done - examining the underlying rationale for and effectiveness of policies - then working out how to do it and reviewing on an ongoing basis how well the desired outcomes are being delivered. This chapter seeks to set out some of the fundamental characteristics of good policy-making.

The process of policy-making is not a high science, but it has its own challenges. This is because public policy operates in an extremely wide environment. Governments have obligations to, and are answerable to, every part of civic society, and policy-making often requires a department or the administration as a whole, to strike a balance among a wide range of competing interests or priorities without losing sight of the desired policy outcome. As in any process, there are tools and techniques that can help in doing the job more effectively.

Additionally, the world for which policies have to be developed is becoming increasingly complex, uncertain and unpredictable. Equally important, citizens are better informed, have rising expectations and are making growing demands for services tailored to their individual needs. Key policy issues, such as social need, low educational achievement and poor health, are connected and cannot be tackled effectively by Ministries, Departments or Agencies acting individually.

At the same time, the world is increasingly inter-connected and inter-dependent. National and global events and trends can very quickly become major issues for Government - for example, international terrorism, SARS and as occurred recently, the bird flu threat, or rapid adoption of new information and communications technology - and a wide range of interests needs to be coordinated and harnessed. In parallel with these external pressures, Ministers expect a focus on solutions that work across existing organizational boundaries and on bringing about real change. Civil servants must adapt to this new, fast-moving, challenging environment if public policy is to remain credible and effective.

### **1.5 Features of good policy-making**

Good policy-making can be characterized by the following generic features:

- **Forward Looking** - Defining policy outcomes and taking a long term view
- **Outward Looking** - Taking account of the national, regional, African and international situations; learning from the experiences of other countries; recognizing regional variations.
- **Innovative, Flexible** - Questioning established ways of doing things, encouraging new and creative ideas, identifying and managing risk.
- **Joined Up** - Looking beyond institutional boundaries; setting cross-cutting objectives; defining and communicating joint working arrangements across departments; ensuring that implementation is part of the policy process.
- **Inclusive** - Consulting those responsible for implementation and those affected by the policy; carrying out an impact assessment
- **Evidence based** - Basing policy decisions and advice upon the best available evidence from a wide range of sources; ensuring that evidence is available in an accessible and meaningful form.
- **Evaluation** - Systematic evaluation of the effectiveness of policy is built into the policy making process.
- **Reviews** - Existing/established policy is constantly reviewed to ensure it is really dealing with problems it was designed to solve.
- **Lessons learned** - Learning from experience of what works and what does not and bringing the lessons into the policy-making process.

## 1.6 Stages in the Policy Process

The policy management process involves a number of phases, each of which poses particular management challenges. The common phases of the policy-making process include:

- **Policy initiation/identification:** To develop a policy, it is important to accurately identify and understand what the social, economic or political issue. It is easy to think that a problem and its solutions are obvious, thinking in greater depth about the outcome to be achieved and what is preventing it happening can often reveal that the issue is much more complex. The process of policy identification helps one not to confuse the symptoms with the problem.
- **Policy analysis:** Policy analysis is the process of determining which of various alternative policies will most achieve a given set of goals in light of the relations between the policies and the goals. Policy analysis can be divided into two major fields: analytical and descriptive. Analysis of policy is analytical and descriptive -- i.e., it attempts to explain policies and their development. Analysis for policy is prescriptive-- i.e., it is involved with formulating policies and proposals (e.g., to improve social welfare).

Policy analysis is methodologically diverse using both qualitative methods and quantitative methods, including case studies, survey research, statistical analysis, and model building among others. One common methodology is to define the problem and evaluation criteria; identify all alternatives; evaluate them; and recommend the best policy agenda for adoption.

- **Decision-making:** Decisions are made in the context of a set of needs, preferences an individual or organization has and values they seek. The decision making process must be regarded as a continuous process integrated in the interaction with the environment. Yet, at another level, it might be regarded as a problem solving activity which is terminated when a satisfactory solution is found. Therefore, decision making is a reasoning or emotional process which can be rational or irrational, can be based on explicit assumptions or tacit assumptions. In policy development decision making is a logical process where government officials apply their knowledge in a given area to making informed decisions. As part of the policy making process, decision making is the effective balance of political; realities and public policy objectives without causing any negative impacts on some stakeholders. It involves the determination of policy options and impacts resource allocation to provide desired public services.
- **Implementation:** Implementation is the execution of public policy by public servants working in bureaucratic agencies. This process consists of rule-making, rule-administration and rule-adjudication. Factors impacting implementation include the

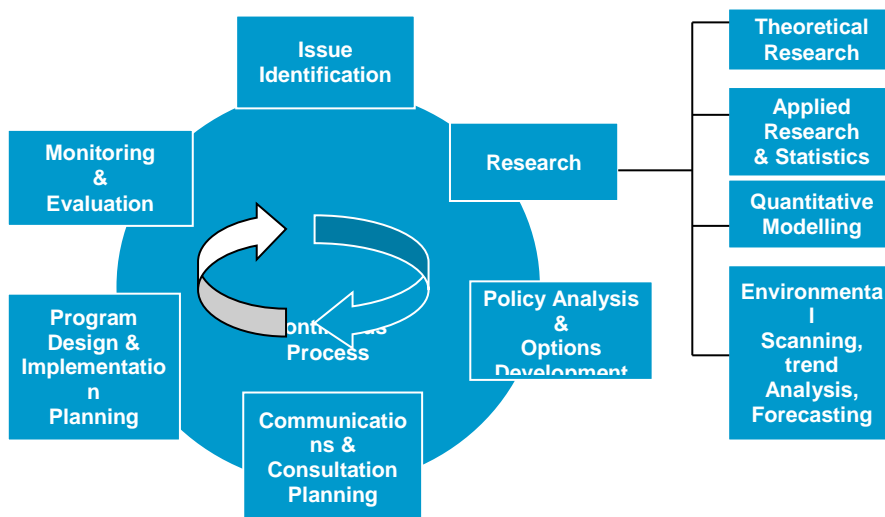
legislative intent, the administrative capacity of the implementing bureaucracy, interest group activity and opposition, and presidential or executive support.

- Monitoring and evaluation:** This is an important element of any good policy; indeed every policy should be monitored and evaluated. Monitoring and evaluation allows government to determine whether a policy is serving its original purpose in the most cost effective and efficient manner. Policies need to be periodically reviewed and kept up to date to avoid wastage and misallocation of scarce resources. This may involve consulting stakeholders on how the implementation is going and whether there have been unintended consequences.

In more practical terms, the policy management process can be depicted as four stages at which a government makes, elaborates, gives legal and financial effects to, and actually delivers their policy commitments. The process can be presented in the following stages:

- STAGE 1** The Executive sets broad policy commitments binding it to implement a particular set of policies
- STAGE 2** Departments/ Ministries prepare policy and budget proposals to deliver on the broad policy commitments
- STAGE 3** The Executive provides adequate budget, removes procedural obstacles and anticipates the likely reaction of external veto players
- STAGE 4** Departments/ Ministries implement.

**Diagram 1: Key stages in a typical policy-making process**





## **1.7 Benefits of better policy-making**

Modern public policy needs to be soundly based, enduring and coherent. Whilst the rationale behind the modernization agenda is still publicly debated both here and abroad – is it cost efficiency, - the need for better public services, and thus better public policy-making remains unchallenged.

Better policy-making enhances the involvement of the public in the decision-making process, encourages greater citizen participation and better utilization, creativity and diversity in organizations and communities.

- Better policy making has the potential to secure public confidence through greater transparency.
- Improved capacity for policy analysis ensures that the best policy options are presented to the decision makers.
- An effective policy management framework will help greatly in bringing out the priorities of the Government and will broadly ensure that policies with the greatest benefits to society are implemented over those that may benefit only some sections of the population.

## **2.0 BEST PRACTICES IN POLICY MAKING**

Promoting good practice in policy making is fundamental to the delivery of quality outcomes for citizens and to the realization of public sector reform. Policy makers should have available to them the widest and latest information on research and best practice and all decisions should be demonstrably rooted in this knowledge.

### **2.1 Looking at the evidence**

There are various sources of evidence for the development of policy. These include resource persons within the Public Service, statistics and research published by Government agencies and academic research. But one of the key messages of this section and of the Guide in general is the importance of using evidence from the 'front line' (staff actually delivering a service like the medical/health workers, teachers, clerks, policemen, etc) of service delivery, both from potential customers and from those directly involved in service management and provision.

It is also helpful to bear in mind that looking at evidence has two primary purposes - to help identify and clarify the problem which is being addressed; and to help identify potential solutions. In order to achieve the latter, it is unlikely to be sufficient to look at evidence from Uganda alone.

### **2.2 What evidence is available, relevant and useful?**

It is crucial that policy decisions should be based on sound evidence. Good quality policy-making depends on high quality information, derived from a variety of sources - expert knowledge; existing local, national and international research; existing statistics; stakeholder consultation; evaluation of previous policies; new research, if appropriate; or secondary sources, including the internet. To be as effective as possible, evidence needs to be provided by, and/or be interpreted by, experts in the field working closely with policy makers. The first port of call is likely to be technical staff within the Public Service: for example, statisticians, economists, policy analysts, administrative officers, medical officers, inspectors, scientists, and social researchers. These professionals should know what relevant statistics (published or not published) are available and be in touch with the latest research evidence and best practice internationally in the relevant policy areas. They can also advise on commissioning new research and generally point policy-makers in the right direction.

### **2.3 Evidence from the 'front line'**

However, evidence is not something that is only generated by external research. In any policy area there is a great deal of important evidence held by both frontline managers and staff in departments, agencies, boards, schools, hospitals, etc, and the citizens, customers or



consumers to whom the policy is directed. Very often these groups will have a clearer idea than the policy makers about what the problems are, why the situation is as it is and why previous initiatives did or did not work. They are also well placed to advise on how a new policy can be put into practice on the ground and what pitfalls need to be avoided. Gathering that evidence through interviews, surveys or focus groups can provide a very valuable input to the policy making process and can often be done much more quickly than more conventional research. It may well also help to avoid expensive mistakes later.

In addition, it is important to consider implementation of policy from the start. It is often easier to implement change when those directly affected understand the reason for it and have some sense of engagement or ownership over the nature of the change or the way it is to be introduced. This provides another set of reasons for considering engaging with the staff and customers involved in the area affected by the policy initiative early in the policy development process.

## **2.4 Experiences of other countries and regions**

It is helpful to use international comparisons as part of the wider evidence base. This can contribute very positively to the policy-making process, in particular helping to guide policy-makers to new solutions to problems and new mechanisms for implementing policy and improving public service delivery. It can also provide useful evidence of what works in practice and what does not work. It is of course important to take account of social, economic and institutional differences which may require adjustment to policy solutions that work elsewhere to meet Uganda's circumstances.

There are countries or regions elsewhere from which to learn: for example, regions which have successfully addressed similar social or economic issues, or which have geographical similarities to Uganda. International and inter-regional comparisons are also important for benchmarking Uganda's performance against that of other regions.

## **2.5 Forward-looking policy-making**

Ensuring that policy-making is forward-looking is important for a number of reasons. Firstly, it must be based on the country's long-term strategies, aimed at achieving defined intended outcomes. It is also important when developing policy to ensure that it is sufficiently robust to deal with change in the outside world, whether predicted or unpredictable.

Forward-looking policy-making also needs to take a long-term view based on statistical trends and informed predictions of social, political, economic and cultural trends, for at least five years into the future of the likely effect and impact of the policy. UBOS produces a range of statistics such as population projections which are helpful in this regard.

## 2.6 From desired outcomes to possible solutions

This section looks at some of the key internal processes which need to be undertaken in developing policy.

Having weighed up the available evidence, it should be possible to start developing a broad outline of what policy interventions, if any, might be appropriate to address the issues being dealt with. Where possible, a range of options should be developed, including costing and management of risk.

It is important to keep staff engaged in policy work within your ministry involved in policy development as you move from initial consideration of the evidence towards formulating policy solutions. At the very least, all the different cadres of staff within your ministry with an interest should be aware of key papers at a senior level to keep them informed and involved. However, it is likely that you will also need to keep them engaged in a more proactive way.

## 2.7 Appraisal of options

Consideration of alternative options is an important part of the policy making process. It is about identifying the range of possible courses of action, and comparing their relative merits, including the costs, benefits and risks that are associated with them, in order to inform selection of the best policy implementation option. This often involves an options appraisal.

Substantial guidance is available on option appraisal in the ***Guide to Good Regulation*** endorsed by H. E. the President and the ***Guide to Regulatory Impact Assessment*** endorsed by the Head of Public Service and Secretary to Cabinet.

Option appraisal is a flexible tool and needs to be tailored to the circumstances. However, a typical appraisal will cover the following steps:

- Establish the policy need -Identify target populations, quantify problems/demands to be addressed, show how policy intervention will contribute to strategic aims;
- Define the policy objectives -broadly enough that a range of policy options can be identified. Measurable targets should normally be developed, to provide for detailed appraisal and subsequent measurement of the policy's success;
- Identify and describe the policy options -a "status quo" or "do minimum" baseline option and a suitably wide range of alternative policy options for consideration;
- Detail the costs, benefits, risks and other relevant impacts -for each policy option. Consider screening and impact assessment requirements;
- Spell out the funding implications, including the relative priorities for funding -particularly important when appraising a policy with several components, some of which could be taken forward in advance of others;

- summarize the findings and recommend the preferred policy option -comparing the relative merits of each option in turn; and
- Make recommendations for managing, monitoring and evaluating the policy.

Plans for option appraisal should be considered early in the policy making process. It may be appropriate to conduct an initial appraisal and then develop it or re-visit it at various stages, e.g. following consultation. Specialist advice may be required – Ministry Policy Analysts and Economists can advise on the design and conduct of option appraisals, and can assist with other forms of analysis such as the regulatory impact assessments, social impact assessments, economic analysis, environmental assessments, etc.

## **2.8 Funding and how to secure it**

Ensuring that necessary resources are available is key to making policy happen. When developing a policy you must always be aware of the cost implications of policy implementation and the need to achieve best value for money. Where policies do not involve significant public expenditure, there may still be implementation costs for the administration and compliance costs for individuals and organizations, which need to be considered and justified.

The project planning process described in Chapter three will help you to judge whether you have the necessary resources to support the development of policy. However, the cost of the policy implementation can often be many times more than the cost of putting the policy together. The Ministry of Finance, Planning and Economic Development is the first port of call for advice on financing policy solutions. They should be involved in policy development at the earliest possible stage and kept up to date throughout the process. The key point, however, is that the business case for a policy must stand up in its own terms. Funding should follow policy, rather than policy being skewed, for example, by the availability of funding from external sources. If a policy is decided to be of sufficient priority by Sector Ministers and subsequently by the Cabinet on the basis of the evidence, the resources will be found. Conversely, as there will never be sufficient funding to do everything that is desirable, Ministers and in turn the Cabinet need to be in a position to take strategic decisions about policy priorities (involving both new and existing policies). That could mean ending existing activities which are no longer necessary in order to allow new priorities to be taken forward.

As the policy-making process proceeds, it becomes important to start thinking about whether there is sufficient legislative basis for the policy solutions you are considering and you need to engage in dialogue internally within the ministry and externally with relevant institutions to advise on issues of legislation.

## **2.9 Communications Issues**

Communication of government policy should not be regarded as an afterthought but should be an integral part of policy development. Often, insufficient emphasis has been placed by public servants involved in policy development on the communications strategy that every important initiative or decision will require. Staff involved in policy work should naturally think about communications aspects and involve the Ministers and the Government Spokes-person(s) early enough in the process to contribute substantively. Policy and the plans for its communication should be developed in parallel rather than sequentially. The following points should assist planning in this area: communication should:

- Be planned from the start of the policy process and tackled as an issue throughout;
- Be based on a sound awareness of the political and wider context within which the policy is being developed;
- Be focused on what is likely to be of greatest public interest, highlighting the policy proposal and resulting likely criticisms;
- Target relevant audiences and make use of a range of media and formats in order to reach those audiences; and
- Involve all those who will have a part to play in presenting policy - Ministers, policy makers, press officers and service deliverers/implementers.

## **2.10 Risk management**

Risk management involves identifying, assessing and judging risks, assigning ownership, taking actions to mitigate or anticipate them, and monitoring and reviewing progress. Good risk management helps reduce hazard, and builds confidence to innovate. The key points which those involved in policy development need to take into account are:

- Systematic, explicit consideration of risk should be firmly embedded in core decision-making processes (covering policy-making, planning and delivery),
- Government should enhance its capacity to identify and handle strategic risks, with improved horizon scanning, resilience building, contingency planning and crisis management;
- Risk handling should be supported by best practice, guidance and skills development;
- Departments and agencies should make earning and maintaining public trust a priority in order to help them advise the public about risks they may face. There should be more openness and transparency, wider engagement of stakeholders and the public to provide for wider availability of choices.
- Ministers, Permanent Secretaries and senior officials should take a clear lead in handling risk in their departments - driving forward improvements, making key risk judgments, and setting a culture which supports well judged risk taking and innovation.

## **2.11 Engaging Ministers**

This guide has already noted that Ministers initiate policy work. As the policy process develops, it is essential to give Ministers regular updates on progress, highlighting in particular the key issues for decision and retaining a focus on the overall progress of the policy project. In preparing papers, it is helpful to consult with Ministers' Personal Assistants and Special Advisers from the start.

When policy submissions are before Cabinet, it is vital that Ministries work out modalities of Briefing the Minister on Key items on the Agenda of Cabinet. This is a key challenge for the Permanent Secretaries in the respective Ministries. Here below is a simple template of briefing note.

## **2.12 Ministers' Briefing Note**

The Briefing note should;

- Include any additional information that has not been included in a given Cabinet Submission and the attached Regulatory Impact Assessment (RIA) – where this applies;
- Highlight important information that is already in the submission and RIA, that is required for urgent Cabinet attention;
- Cabinet Secretariat comment on the submission and the Ministry's response;
- Raise contentious issues that should be addressed at the meeting.

The Briefing note can also provide an important checkpoint for compliance of the submission with;

- The Constitution and other subsidiary legislation (s);
- Government priorities;
- International Commitments and Obligations
- Requirements such as certificates from the First Parliamentary Counsel, Ministry of Finance, Planning and Economic Development;
- Best practice guidance from the Cabinet (Quality standard of RIA);
- Ministries, Departments and Agencies and other institutions consulted, issues raised and responses to them.

## **2.13 Involving Cabinet**

When a Minister is appointed, they have the authority to make certain decisions but there are a number of areas where they must seek the approval of Cabinet. In this regard, the following are the scenarios where and when matters come to Cabinet:

- When it represents new Government policy;
- When it represents a change in existing policy approved in a previous Cabinet decision;
- When it has significant financial implications for the Government;
- When it has significant implications for other Ministries;
- Requires new legislation;
- Is a response to a report of a Committee of Parliament;
- Is a matter covered by international agreements;
- Is deemed to be an especially politically sensitive matter;
- Matters relating to the appointment to Boards of Parastatal bodies

This list is not exhaustive and Cabinet Secretariat should be consulted when not sure whether a matter requires Cabinet approval or not. Departments should refer to the ***Ministerial Hand Book*** for further guidance on the matters which are to be brought to the Cabinet.

## **2.14 Engaging stakeholders/Consultation**

This section emphasizes the importance of engaging stakeholders at the right time and in the right ways.

Consultation is not an end in itself. The most fundamental reason for consulting in formulating policy is to help develop solutions which will work and gain acceptance in practice. Early informal consultation with key stakeholders and in particular those involved in front-line service delivery and service users, is therefore of key importance. Proceeding with no or token consultation may appear to save time in the short term, especially in a context of limited resources, but it can result in problems afterwards.

Depending on the importance and likely impact of your policy, you should normally consider holding some seminars or organizing other alternative channels for consultation during this period to help individuals and organizations in the wider community in formulating their responses. It is important to bear in mind the requirements of groups which may have special needs and be prepared to make available key documents in alternative formats, such as Braille, large print or alternative languages. Further guidance on formal consultation can be got in the ***Guide to Good Regulation*** and the ***Guide to Regulatory Impact Assessment***.

To avoid the danger of consultation fatigue, it is important to have targeted and more proactive consultation with key stakeholders at an earlier stage. That should help to build greater consensus around policy proposals when they are subject to formal consultation. Some stakeholders, for example in the voluntary or private sectors, may be able to help find innovative policy solutions, for example, involving partnership approaches to service delivery, which would not be achievable by the public sector alone. In order to help plan consultations, it is good practice to undertake a stakeholder analysis exercise early in any policy project, based on the question "Who or what is likely to be affected by this initiative?" It is important to

remember that there are both internal and external stakeholders and that they can be affected directly, in predictable ways, or indirectly, or in ways that may be less predictable.

With the adoption of the Sector Wide Approach for implementing public policy which among others entails working with civil society organizations and the private sector, many programs in health, education and community services are currently implemented by Non Governmental Organizations. It is important to consult these organizations during policy development. Being on the ground, they have useful insights which would help during implementation. It may be necessary to enlist their support in implementing certain aspects of the policy for which they may have better capacity.

During policy development, it is also a requirement that Ministries consult with the Ministry of Justice and Constitutional Affairs, the Ministry of Finance, Planning and Economic Development, the Ministry of Public Service and any other relevant agency to identify the legal, financial, and human resource implications of the proposed policy and how they will affect other Ministries and stakeholders.

Ministries also are required to consult with Development Partners, who may exercise some veto powers/sanctions which may result in unpleasant consequences.

## **2.15 Putting it into practice and keeping it going - Implementation**

It is crucial that implementation and delivery issues are fully considered from the start of the policy-making process and continually reviewed. In particular, it is vital to engage meaningfully with those who will be responsible for implementation and delivery. This Section sets out in more detail some of the ways in which this can be achieved, especially moving towards implementing a new or revised policy.

As with formal and informal consultations throughout policy development, there also needs to be early dialogue at a senior level between the department and delivery bodies such as ministries, government agencies, or Local Governments in planning for implementation. It is likely that these bodies will need to agree to the arrangements for implementing a new or revised policy at their different levels. This is important in terms of ensuring that delivery bodies give due priority to a policy and to securing the interest and ownership of the ultimate implementers.

Dialogue between departments and delivery bodies should proceed on the basis of 'no surprises'. There should be early discussion about the resource implications of delivering a new policy, and it is important to be realistic about these on both sides.

It is not sufficient to rely on communication in writing alone between departments and delivery bodies on the arrangements for delivering policy. While formal letters and clear guidance

documents are important for setting clear policy objectives, ground rules, etc, a department should also be prepared to follow these up with early and regular meetings in order to clarify any points on which there is doubt before any problems arise. Where a policy is being applied by Local Governments across the country, it may be helpful to establish an implementation group or arrange seminars so that practical solutions to problems can be explored as they arise, and to promote consistency in the implementation of policy.

Piloting policies before adopting them more widely can be very helpful: in identifying issues which arise in delivery; in gauging the responses of service users; and in assessing how well they are likely to achieve their intended outcomes in practice.

Where a policy is cross-cutting in nature, it may be desirable to use partnership arrangements to plan its delivery at local level. It is also important to establish from the start what type of information the department needs to collect in order to monitor and evaluate the effectiveness of policy. The data collected should be based as closely as possible on the outcomes sought from the policy, and should include baseline data against which the impact of the policy will be judged in due course. Monitoring data which are simply activity measures can lead to misdirection of effort.

Guidance on the implementation of policy needs to be offered on an ongoing basis in order to improve service delivery. However, it is important to bear in mind that the statutory basis for delivery of many policies comes through primary or secondary legislation. Amending these if they are not right first time is cumbersome, time-consuming, and expensive and may be politically embarrassing for Ministers, and it is particularly important to consult on them proactively at draft stage with delivery bodies and those at the front line of delivery.

Front line staff and those receiving public services have an invaluable role to play in formulating and shaping policy direction, and providing feedback on how effectively the policy objective is met in terms of meeting the needs of service users.

## **2.16 Engaging with service users**

It is vital too that consideration is given to how the implementation of a measure will impact upon those to whom the policy is directed. A key role for ministries is to maintain close contact with both front-line users throughout both the policy- making and post-implementation stages. Policy-making must be viewed as a cyclical process, requiring periodic re-evaluation, rather than one which terminates upon policy formulation.

Front line staff and those receiving public services have an invaluable role to play in formulating and shaping policy direction, and providing feedback on how effectively the policy objective is met in terms of meeting the needs of service users. The adoption of a whole systems approach towards policy development allows for the incorporation of a wide range of perspectives from



front-line staff, service users and key stakeholders. In this way both users and front-line staff can provide evidence of the implementation, effectiveness and robustness of policies.

In taking forward policy, it is vital to be continually mindful of the purpose of the policy, those likely to be affected and how it will impact upon the targeted groupings. There is a need to monitor the outcome that a policy is achieving against that which it set out to achieve. Through the evaluation of implementation account can be taken of any unforeseen and unintended consequences. Qualitative evidence such as from customer satisfaction surveys, comments and complaints received can be just as important as quantitative data.

## **2.17 Effective delivery**

To sum up the key messages in this section, effective delivery in practice depends on many factors, and success depends on getting them all right:

- a few clear and consistent priorities;
- a widely shared and understood vision;
- policy design that takes account of implementation issues and knowledge of what works;
- regular intensive support and training for managers and front-line staff;
- sufficient freedom for those on the ground to innovate and adapt policy to local conditions;
- clear leadership;
- effective management of complex technologies;
- clear lines of accountability; and
- Quick learning.

## **2.18 Monitoring and Evaluation**

### **2.18.1 Monitoring**

Past experience shows that delivery of policy is rarely a one-off task. It is best understood not as a linear process - leading from policy ideas through implementation to change on the ground - but rather as a more circular process involving continuous learning, adaptation and improvement, with policy changing in response to implementation as well as vice versa. It is therefore important to undertake effective appraisal of policy options initially, and to build ongoing monitoring and review mechanisms into the delivery of policy from the start.

### **2.18.2 Evaluation: the basic process**

Equally, formal evaluation has a crucial role in assessing whether policies have actually met their intended objectives. To be effective, policy-making must be a learning process which involves finding out from experience what works and what does not and making sure that others can learn from it too. This means that effective ex ante evaluation or appraisal should be

carried out as part of the policy development process; new policies must have evaluation of their effectiveness built in from the start; established policies must be reviewed regularly to ensure that they are still delivering the desired outcome; and the lessons learned from evaluation must be available and accessible to other policy makers. Good evaluation should be systematic, analytical, study actual effects and judge success.

The principal mechanism for learning lessons is through evaluation of new policies and by monitoring and regular review of existing policies. Systematic assessment of policies, programs and projects helps to improve the design and delivery of current and future policies. It also reinforces the use of evidence in policy-making by helping policy makers find out 'what works'.

The evaluation process can be broken down into 10 key parts outlined below. This framework should be flexible in recognition that circumstances differ within and between programs. However, the items listed are the essential ingredients of policy or program evaluation and will permit a consistency of approach across evaluations.

### **2.18.3 The evaluation process**

**Planning an evaluation** - Programs to be evaluated should be prioritized on the basis of importance, openness to influence and adequacy of information. Evaluation should be planned before a program starts. It is necessary to decide what questions the evaluation will address and who should undertake it, and to ensure that the costs of evaluation are outweighed by the lessons to be learnt.

**Establish the scope and purpose of the evaluation** - This might depend on whether the objective is to identify weaknesses which need to be addressed (a process evaluation) or to assess the overall success of a program with a view to continuing, expanding or reducing it (an outcome evaluation).

**Establish the rationale, aims and objectives of the policy or program** - These should be clearly defined prior to program implementation, but if not, the evaluator should determine them. Is the policy instrument the most effective to address the rationale? This stage also involves identifying indicators of need and establishing the more specific targets which underlie the objectives.

**Specify measures and indicators** - Effectiveness and efficiency measures, and input, output and outcome/impact indicators, in order to assess the value for money of policies. As far as possible, these should allow international comparisons to be made.

**Establish the base case for comparison** - What would have happened if the program had not been implemented? It may be possible to set up a control group for comparison with a group affected by the policy. Alternatively, 'before and after' comparisons can be made.

**Define assumptions** - These may involve assumed causal relationships between a policy and outcomes, or may relate to the external environment.

**Identify side effects and distribution effects** - Effects (beneficial or otherwise) beyond those originally envisaged for the policy; equality/equity impacts and impacts on voluntary activity and the voluntary sector.

**Analysis** - This will depend on whether it is a process or outcome evaluation. Both quantitative and qualitative analysis may be important. The key measure is net additional output. Cost Benefit Analysis provides a useful framework.

**Evaluation outcome** - Recommendations such as program continuation, modification, succession or termination. This leads into reappraisal and appraisal of new proposals. Sensitivity analysis should be carried out.

**Presentation and dissemination of results** -The evaluation process and outcome should be adequately documented. The report must reach senior management and be widely disseminated to staff concerned with future project design, planning, development and management.

## **3.0 THE LEGAL AND INSTITUTIONAL FRAMEWORK**

### **3.1 How Policy and its development is understood in Government**

Policies are conceptual “road maps”, reflecting aspirations, values, intents, commitments and priorities. They are select courses of action that guide governmental decisions affecting the lives of the citizens. Policies usually address issues or problems that cross functional and organizational boundaries. They frequently encompass a complex set of programs and activities. Policies are generally stated in terms of goals or outcomes for whole groups of people. Often they represent an agenda or set of priorities for Government actions or spending.

Policy is arguably the primary output of Government. While service delivery is increasingly being privatized, contracted out or delivered through partnerships, public policy, for the most part, continues to be prepared by public servants and decided upon by the political leadership.

Policy development is decision making for results. It includes a range of analytic and often highly creative activities that seek to meet public demand for positive response to increasingly complex and volatile issues. Effective policy making involves two related operations: the executive decision-making process; and the policy planning process that supports and informs the decision.

All too often in Government, events take control of the Government’s time and attention. The immediacy of issues and problems – many of them unexpected – overwhelms decision makers and their staff. A cycle of crisis management begins.

An effective policy development process, coupled with strategic planning, helps define and accomplish the chief executives’ agenda. It provides sound analysis on other important issues to ensure that the executive is informed of and meets all his or her responsibilities; avoids surprises and responds positively to internal and external forces.

### **3.2 Where does policy originate?**

The traditional constitutional framework of policy-making suggests that politicians make policy and public servants implement it. In practice, this offers a limited understanding of policy-making, which fails to recognize the many competing factors which shape the way policy is formulated, implemented and evaluated.

Policies can come from various sources: Ministers, party manifestos, Parliamentary Committees, international and regional commitments, pressure for change from professionals within a particular part of the public service, research evidence, public opinion and lobbying from the voluntary organizations and the community, as well as from the planned review of existing policies. Often, the pressure for change will come from several of these sources at

once, and it is rare for civil servants working on the detailed development of a policy to start with a completely blank sheet. Most policy reviews or policy development projects, however, are likely to be initiated by, or have their initiation agreed with, Ministers.

### 3.3 The Uganda Context: The Legal Framework

#### 3.3.1 National Objectives and Directive Principles of State Policy

The Constitution of the Republic of Uganda sets out National Objectives and Directive Principles of State Policy that guide all organs and agencies of the State, all Citizens, organizations and other bodies and persons in applying or interpreting the Constitution or any other law and in taking and implementing any policy decisions for the establishment and promotion of a just, free and democratic society. The Constitution under implementation of Objectives, sub paragraph (ii), provides that the President shall report to Parliament and the Nation at least once a year, all steps taken to ensure the realization of these Policy Objectives and Principles.

These policy objectives and principles are the foundations on which any public policy development process should rest. The objectives cover the following range of aspects:

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|--|--|
| <ol style="list-style-type: none"> <li>1. <u>Political Objectives:</u> <ol style="list-style-type: none"> <li>(i) Democratic principles,</li> <li>(ii) National unity and stability,</li> <li>(iii) National sovereignty, Independence and territorial integrity</li> </ol> </li> <li>2. <u>Protection and promotion of fundamental and other human rights and freedoms:</u> <ol style="list-style-type: none"> <li>(i) Fundamental and other human rights and freedoms,</li> <li>(ii) Gender balance and fair representation of marginalized groups,</li> <li>(iii) Protection of the aged,</li> <li>(iv) Provision of adequate resources for organs of government,</li> <li>(v) The right to development,</li> <li>(vi) Role of the people in development,</li> <li>(vii) Role of the state in development,</li> </ol> </li> </ol> | <ol style="list-style-type: none"> <li>(viii) Balanced and equitable development,</li> <li>(ix) Protection of natural resources</li> </ol> <ol style="list-style-type: none"> <li>3. <u>Social and economic Objectives:</u> <ol style="list-style-type: none"> <li>(i) Recognition of the role of women in society,</li> <li>(ii) Recognition of the dignity of persons with disabilities,</li> <li>(iii) Recreation and sports,</li> <li>(iv) Educational objectives</li> <li>(v) Protection of the family,</li> <li>(vi) Medical Services,</li> <li>(vii) Clean and safe water,</li> <li>(viii) Food security and nutrition</li> <li>(ix) Natural disasters</li> </ol> </li> <li>4. <u>Cultural Objectives:</u> <ol style="list-style-type: none"> <li>(i) Preservation of public property and heritage,</li> </ol> </li> <li>5. Accountability,</li> <li>6. The environment,</li> <li>7. Foreign policy objectives, and</li> <li>8. Duties of the citizens</li> </ol> |
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### **3.3.2 Party Manifestos**

Uganda is a democratic country with a multi party political dispensation. The winning Party Manifesto reigns. The Winning Party Manifesto therefore is the basic source of public policy – what the people have endorsed in the general election.

In developing policy therefore at the ministry level, it is important that the Reigning Party Manifesto forms a significant part of the premises of the policy development exercise. The Cabinet Secretariat has developed a series of tools to guide the translation of election commitments into Government program.

### **3.3.4 The National Planning Framework**

To guide the systematic and coherent implementation of public policy, Government has put in place a national planning framework. From 1997, Government implemented the Poverty Eradication Action Plan (PEAP) as the policy framework for determining Government's priorities and defining the resource allocation modalities. Since 2010, Government adopted a longer term planning framework, the National Development Plan, which provides an overarching framework to guide public action to eradicate poverty, and transform Uganda into an industrial economy. The National Development Plan provides a framework within which sectors develop detailed plans.

Through the national planning framework, Government also signs a wide range of agreements with Development Partners, for instance, the Letter of Development Policy and the Donor Partnership Principles.

### **3.3.5 International and Regional influence**

Government is a signatory to a number of international treaties specifying obligations such as the International Convention for the Rights of the Child. Since the United Nations Conference on Development and Environment (UNCED), 1992, Uganda has been an active participant in global environmental policy processes, including ratification of Major Multilateral Environment Agreements (MEAs).

Government is also participating in a number of regional initiatives, including the East African Community, COMESA, IGAD and the New Partnership for Africa's Development (NEPAD) – a continental initiative. As the national planning process evolves, the links between these processes is articulated.

The most high-profile of these international initiatives is the Millennium Development Goals (MDGs), under which a number of targets have been set that both developing countries and development partners are committed to achieving by 2015.

International policies and legislation impact on a wide range of matters in Uganda. It is therefore very important to keep in touch with international policy development in your policy area and to consider as early as possible the potential implications of implementation. Therefore, Government does not control all of the ways in which new policy initiatives may develop. There is a need to scan the environment to ensure surprises are avoided as far as is possible and potential connections are identified.

### **3.4 The Uganda context: The Institutional Framework**

In many countries, those responsible for the policy management process are members of their country's Executive office. The term "Executive office" refers to the organizations that heads of state and heads of government use to manage the policy process of government. Depending on the country and constitutional context, these organizations include the Office of the President, Office of the Prime Minister as well as supporting advisory, liaison or analytic units.

#### **3.4.1 The Presidency**

Article 98 (1) of the Constitution of Uganda provides for a President who is the Head of State, Head of Government and Commander-in-Chief of the Armed Forces.

Under Article 99 (1) of the Constitution of Uganda, the executive authority of Uganda is vested in the President to be exercised in accordance with the Constitution and the laws of the country.

The Constitution provides the fundamental governance framework through which the President governs in the public interest. The executive must, in addition, have an effective means of ensuring that good decisions are taken and executed. The apex of that process is the Cabinet.

#### **3.4.2 Cabinet and its Policy making role**

Cabinet is the highest policy making organ of the Executive and under Article 111 of the Constitution, Cabinet consists of the President, the Vice President, the Prime Minister, the Attorney General and a number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State.

There are also Ministers of State who are alternate Cabinet Ministers and attend Cabinet in the absence of their senior Colleagues and when there are sensitive issues that may require collective responsibility and or support of all Members in Parliament.

The Constitution empowers Cabinet to **Determine, Formulate** and **Implement** the policy of the Government (Article 111(2)) of the Constitution. Cabinet therefore makes most of the key

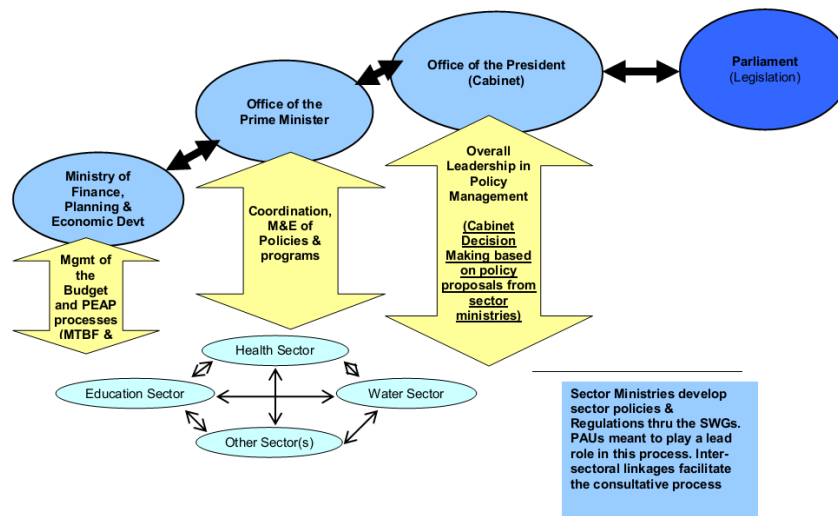
policy, financial and resource decisions of Government. With respect to statutory decisions, Cabinet approval signifies the government position to be presented for formal consideration by Parliament.

### 3.4.3 The Parliament

The Constitution under Article 79, empowers contains articles which provide for the establishment, composition and functions of the Parliament of Uganda and empowers Parliament "to make laws on any matter for the peace, order, development and good governance of Uganda", and "to protect the Constitution and promote democratic governance in Uganda". The following are the key functions of Parliament:

1. To pass laws for the good governance of Uganda.
2. To provide, by giving legislative sanctions to taxation and acquisition of loans, the means of carrying out the work of Government.
3. to scrutinise Government policy and administration through the following:
  - (i) pre-legislative scrutiny of bills referred to the Parliamentary committees by Parliament
  - (ii) scrutinising of the various objects of expenditure and the sums to be spent on each
  - (iii) assuring transparency and accountability in the application of public funds
  - (iv) monitoring the implementation of Government programmes and projects
4. To debate matters of topical interest usually highlighted in the President's State of the Nation address.
5. To vet the appointment of persons nominated by the President under the Constitution or any other enactment.

**Diagram 2: The Institutional Framework for Policy Management in Government**





## **4.0 POLICY DEVELOPMENT AND MANAGEMENT IN UGANDA**

Before embarking on any policy program or project, it is important to give adequate consideration to how it will be managed and resourced. Some aspects of the policy-making process are very time-consuming, and effective planning is essential. For example, it is important to take a realistic view of timescales for consideration of policy proposals by Ministers, especially where a policy needs to be considered by the Cabinet. It is recommended that a reasonable period for a public consultation exercise be planned for. And when legislation is required to implement a policy, this can add considerably to the time taken from the initial idea to implementation. It is very easy to underestimate the time and effort which will be required to introduce a new policy or review an existing one, and inadequate planning can lead to failure to deliver.

It is also necessary to consider carefully what resources will be required. This relates not only to the Directorate, Department or Unit responsible for the program but also to the potential involvement of professional advisers such as statisticians, economists or lawyers. Such specialists need to be alerted early so that their work programs can take proper account of the department's needs. It is important to ensure that implementation issues are integrated into policy development from the start.

It is also important to identify information requirements. Good policy-making will be based on evidence, setting out what the need is and potential evidence surrounding how best to intervene to meet the need also. This is particularly important when policies come forward for consideration by Cabinet, which must decide among a wide range of competing priorities for funding from a limited budget. The Cabinet has endorsed, in principle, the need for evidence based policy making and this means that submissions to Cabinet should have appropriate supporting analysis, including economic analysis, to improve decision making. It is therefore important that all policy papers coming before the Cabinet address this issue explicitly, and that those working on policy development anticipate this need early on and arrange for the necessary information to be gathered.

### **4.1 Techniques to help with planning**

A range of techniques is available which can assist with the planning of policy work. For example, Program and Project Management (PPM) has a track record of delivering the achievement of pre-determined goals within time and cost constraints. It does so by providing a number of techniques to translate strategies and policies into organizational programs and projects.

Essentially project management requires you to be clear about what you are trying to achieve, the key milestones and target dates and the major work elements which together form the

project. Too often policies fail to meet the needs of customers (such as Ministers) in one of the above ways because insufficient time has been spent planning the work.

To minimize the risk of a policy project failing to deliver on time and on budget, it is advisable to establish a project team to take it forward. In this way, those involved in the project have more control over their priorities and can focus clearly on delivering on time.

#### **4.2 Questions to Consider as you embark on a policy development exercise**

1. What is our vision?
2. Who are the stakeholders?
3. What outcomes do the priority stakeholders want?
4. What mechanisms, systems, processes and changes does the vision suggest?
5. What's the scope of this initiative? What are we prepared to do?
6. What are we going to have to produce?
7. Who needs to participate in the project?
8. What do we need from others? How big are these needs? In what sequence?
9. What resources do we have available?
10. What assumptions are we making?
11. What are the success criteria?
12. What are the pre-conditions of success?
13. What are the constraints? What are the barriers to success?
14. What are the likely consequences and side-effects of our success? Who/what is likely to be disadvantaged by our success? What are they likely to do that would cause problems?
15. What is the likely probability and impact of each risk? What should we do to reduce the probability and/or impact? What contingency arrangements do we need?
16. What's the plan?

#### **4.3 Setting the Policy Agenda**

In Uganda, the key sources of strategic policy areas for inclusion in the policy agenda would be the Party's Election Manifesto, the Budget Speech, State of the Nation Address, and sectoral reviews. Policy promises in the Manifesto and other Presidential Statements find their way into the budget either through the Medium Term Expenditure Framework (MTEF), or the Annual Budget Cycle and the Poverty Eradication Action Plan (PEAP) which is the main framework (fiscal plan) to guide optimal utilization of resources.

#### **4.4 Policy Development**

In most cases the development of policy is done by the relevant line Ministry. When a ministry seeks to deliver on an election commitment in the Manifesto or when a Ministry identifies the need for a policy, it goes ahead to prepare a draft Cabinet Memorandum based on Guidelines

provided by the Cabinet Secretariat. It is strongly recommended that the draft policy Memorandum is discussed by the Ministry's Senior as well as their Top Management teams in order to obtain ownership of the proposed policy in the Ministry. The overall responsibility for preparing the Cabinet Memorandum however lies with the Permanent Secretary but the responsibility for presenting the Memorandum in Cabinet is that of the Minister.

During policy development, Ministries identify the financial, legal and other administrative implications of proposed policies and how they will affect other Ministries. Consultations must be carried out to iron out any differences with other Ministries over proposed new policies.

Policy Memoranda may also be prepared on the directive of Cabinet itself. In the course of considering various policies brought before it, Cabinet may identify the need for additional policy and can then direct the responsible Minister to prepare and submit a Cabinet Memorandum on the policy matter.

Within the context of Article 99 of the Constitution that vests the Executive Authority of Uganda under the President, the President may also, and does often, direct that a Minister seeks Cabinet approval on certain policy matters or direct a Minister, in writing, to prepare a Cabinet Memorandum on a particular policy issue.

Where there is need for the introduction of a new law or an amendment to an existing law, the Minister responsible is required to prepare and submit to Cabinet the principles for the proposed legislation. Once Cabinet approves those principles, then the First Parliamentary Counsel (Legal Counsel) is directed to draft the Bill in accordance with the principles earlier approved by Cabinet. The draft Bill is subsequently presented to Cabinet for approval and authorization given to the Minister to have the Bill gazetted and tabled in Parliament for debate and enactment.

#### **4.5 Policy Review/Scrutiny**

The Cabinet Secretariat vets all draft Cabinet Memoranda introducing new policies before allowing them to be placed on the agenda. Ministries are encouraged to consult the staff of the Secretariat as soon as they begin work on developing a new policy and should continue the consultations with the Secretariat until the final Cabinet submission is completed.

When a policy proposal has financial, legal or personnel implications, the sponsoring Ministry must obtain a certificate from the Ministry of Finance, Planning and Economic Development, or Justice and Constitutional Affairs or Public Service, as the case may be, to confirm that the resources required will be available to implement the proposed policy. A Cabinet Policy Memorandum without such a certificate will therefore not be placed on the agenda of Cabinet. The Budget Act has also introduced the requirement to demonstrate clear costs of legislations being proposed by the Executive. The Budget Act requires that a new Bill be accompanied by its indicative financial implications on both revenue and expenditure.

## **5.0 GUIDELINES FOR WRITING CABINET MEMORANDA**

This chapter of the Guide seeks to expose the user to the Cabinet decision making process and specifically the enabling tool-the Cabinet Memorandum. The overriding principle should be that the issue is presented to Cabinet in a concise and logical way that is appropriate to the issue and facilitates Cabinet decision-making.

### **5.1 Cabinet submissions to Cabinet are made in two forms:**

- The substantive Cabinet memorandum which seeks a decision from Cabinet and,
- The Cabinet information paper which a Minister may use to inform his/ her colleagues about a matter under his/ her portfolio that may be of interest to Cabinet but the memorandum is merely for the noting of Cabinet and is usually not discussed and therefore no decisions are made out of a Cabinet information paper.

### **5.2 Types of Cabinet Memoranda**

There are seven categories of Cabinet memoranda/submissions. The formats of the various submissions are repeated under paragraph 5.3 of the Guide. The submissions include those seeking:

- Ratification of Protocols, Treaties, Conventions, Agreements, etc;
- Approval of Draft Bills;
- Approval of Principles for new laws (Bills);
- Approval of national and sector policy proposals (those that may not result into or require legislation);
- To Inform Cabinet (Information Papers);
- Approval of Statutory Appointments;

### **5.3 General Requirements for Standard Cabinet Memoranda**

The overriding principle for the writing of a Cabinet Memorandum is that the issue is presented to Cabinet in a concise and logical manner that will facilitate effective Cabinet decision-making

Papers to Cabinet should:

- be concise, coherent and logical;
- be as short as possible, without excluding essential information;
- be written in plain language;
- not assume the reader has expert knowledge;
- be structured so that the key issues stand out;
- use charts, diagrams, facts and figures where they can assist understanding;

- have clear recommendations where the decisions needed can be easily and logically assessed;
- use appendices to include detailed information that may be vital to the issue;

#### **5.4 Format/structure of the Cabinet Memoranda**

The standard Cabinet Memoranda should be structured simply but logically to enable a flow in argument that will build up to a pragmatic recommendations to guide the cabinet decision generally. The structure should reflect the following:

- A brief explanation of the reasons for the Paper (for example, government policy)
- Reference to previous Cabinet or Committee decisions (it may not be necessary to restate in full all the previous decisions; an accurate summary will often suffice - Always quote the Cabinet Minute reference or, where the Cabinet Minute confirms decisions made by a Cabinet committee, quote the appropriate Cabinet Committee Minute reference of the decision
- Introduction/background information
- Purpose
- The main body (summary of developments)
- Stakeholder consultations
- Financial cost/implications
- Legislative implications
- Regulatory Impact Assessment
- Communications strategy
- Recommendations
- Conclusion/decisions sought from Cabinet

#### **5.5 Main Body of the Submission**

The main body provides details required for Ministers to understand the proposal. The emphasis should be on the analysis – highlight the options considered and make a justification for the proposed/preferred option.

The Paper should focus on essential information and argument that supports the recommendations and facilitates good decision making. Lengthy, complex and detailed arguments may not be read or understood.

State the need for the proposed changes and, as appropriate, set out alternatives and arguments for and against.

Make sure the key issues stand out. Break this section up with headings if required.

## **5.6 Stakeholder Consultations**

This section should list the Ministries, Departments and Agencies and other stakeholders that were consulted and whether they concurred or not with the proposed courses of action. If any stakeholder did not concur, this should be stated. A clear statement of their views should be reported and if a stakeholder does not wish to comment, this should be stated also.

If specific consultation is required as under an Act, outline the statutory requirements, describe the consultation process and comment on any controversial aspects. The Paper should also name any outside interest groups that were consulted. If external interest groups have been consulted, provide details. If such consultation is intended after decisions are made, comment on that too.

## **5.7 Financial implications**

All proposals that contain recommendations on expenditure or revenue, or that have financial, fiscal or economic implications, must include this section and must be referred to the Ministry of Finance, Planning and Economic Development for clearance. The Cabinet Secretariat will reject Papers that have financial implications but do not have a certificate of clearance from the Minister of Finance, Planning and Economic Development. This certificate is also a legal requirement under the Budget Act, 2001 and will be demanded by Parliament on submission of a Bill for legislation.

## **5.8 Legal implications**

Legal implications should be mentioned (that is, whether a Bill or regulation is required to implement the proposal and whether a proposed policy or Bill may have implications for ratification of protocols or amendment of existing laws. In this case, a certificate of clearance from the Attorney General/MJA should be attached to the Cabinet Memorandum before submission of the paper to the Cabinet Secretariat.

## **5.9 Regulatory Impact Assessment (RIA)**

Comprehensive RIA guidelines were developed to operationalise the ***Guide to Good Regulation*** which was endorsed by H.E. the President and issued to all Ministries by the Cabinet secretariat. It is important that Regulatory Impact Assessments be appended to submissions to support evidence based decision making, but more importantly to highlight the impact of proposed regulations on different sectors of the economy.

## **5.10 Communications Strategy**

Often times, the importance of considering communication issues regarding a new policy or legislation are not appreciated, yet good proposals have been derailed by poor communication. A communications strategy should therefore be an integral part of any Cabinet Submission.

You should state whether any publicity is planned. It may be helpful to attach to the Paper a draft press statement if the issue is controversial or urgent. If proposals are likely to create controversy, the Paper should draw the attention of Cabinet to the implications and suggest possible communication strategies.

## **5.11 Recommendations**

Discussions at the Cabinet or Cabinet committee meeting will usually focus on the recommendations in the memorandum. Therefore it is important to set out the recommendations in a logical order, and to state a preferred option clearly and unambiguously. All recommendations, including alternatives, must be drawn together at the end of the Paper, not scattered throughout the text and must be able to stand alone.

Each recommendation must be supported by a statement(s) in the body of the Paper. Do not introduce new material or points into the recommendations.

It may be useful to draft the recommendations first and then go back and write the rest of the Paper in a way that supports the recommendations. Do not omit important issues on which decisions are required.

If a report back is proposed, recommend a realistic, achievable date. If no date is recommended, Ministers may choose one that cannot be met by the department. Recommendations should also state to whom the proposed report back is to be made (this should be to the appropriate level - for example, to the relevant portfolio Minister(s) or to Cabinet, and which departments are to be involved.

While every effort should be made through consultation to produce agreed recommendations, if there are genuine differences that cannot be resolved, the Paper should give clear options, so that Ministers can make the final decision.

In summary, good recommendations:

- identify all the decisions needed;
- contain a minimum of noting recommendations;
- are accurate in every detail;
- do not leave any room for doubt about what is being decided;

- make sense independently of the paper;
- set out clear options for Ministers to decide between, if necessary;
- give clear instructions on the next steps or work required, identifying who is to do the work and by when; and
- rescind earlier decisions, where necessary.

## **5.12 Conclusion**

The conclusion must be written in a way that will guide cabinet on specific decisions that can be committed into a Minute Extract to facilitate implementation by the relevant Ministry, Department or Agency without need for recourse to the discussion.

With the exception of Information Papers where noting progress towards implementation of a given policy or programme may be required, requests that seek Cabinet to 'Note' information should be used sparingly.

In the same way, seeking approval 'in principle' should be made sparingly to avoid returning to Cabinet for confirmation or otherwise of a given proposal.

Normally in the conclusion, Cabinet is requested to;

- Note...
- Agree...
- Direct
- Approve...
- Authorise...
- Defer...
- Rescind a previous decision...



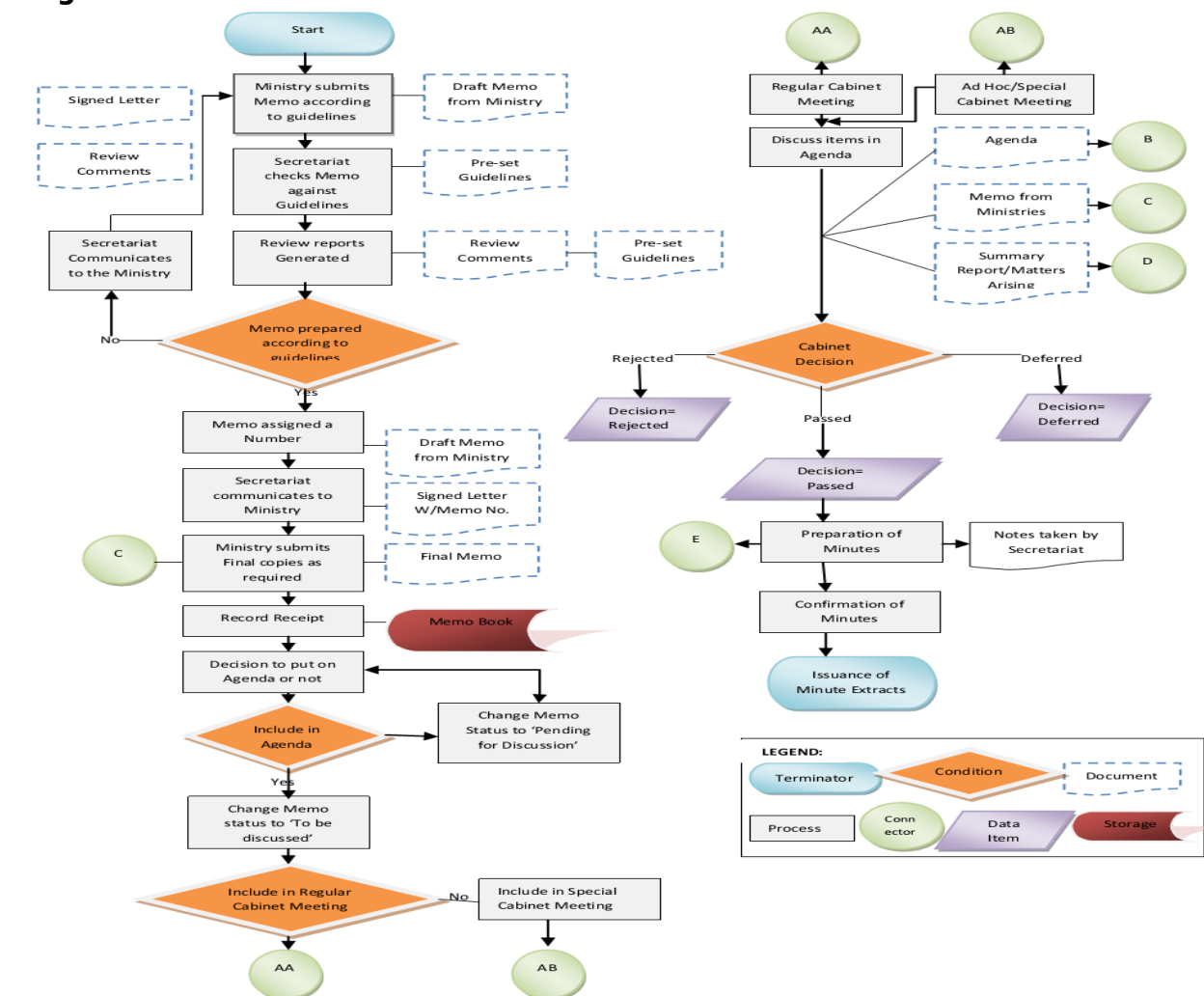
## 6.0 CABINET DECISION MAKING PROCESS

The Cabinet Secretariat in the Office of the President is at the centre of the institutional mechanism that supports Cabinet in its decision making role. Article 111 (4) of the Constitution provides that the Secretary to Cabinet shall have charge of the Cabinet Office.

### 6.1 The Key Functions of the Cabinet Secretariat

- Supporting the development of policy capacity across Government
- Supporting line Ministries in developing capacity for policy analysis
- Preparing the Public Service to manage transitions in government
- Supporting the political leadership in the translation of its election Manifesto into policies and programs for implementation
- Secretariat responsibilities (gate keeping and challenge functions) in support of the Cabinet
- Supporting Cabinet in monitoring the implementation of its decisions

**Diagram 3: The Cabinet Secretariat Process Illustrated**



## **6.2 Consultation**

We need to view policy consultation as a problem-solving tool, not just as a communications tool, throughout the policy process. The kind of consultation you do at issue definition, policy option development and program design and implementation will be different.

The process should involve consultation where people are asked for solutions and where the policy elements undergo continual improvement as a result. Ongoing consultation enables us to be ready with the perspectives and ideas of stakeholders and the public at those times when we may be involved in specific policy initiatives.

We need, within and across our policy areas, to think about new ways to engage citizens in meaningful discussions about their values, their perspectives on social issues and their ideas for solutions.

A good policy process, on specific policy issues, includes rigorous dialogue (e.g. across a ministry's departments, within and across policy sectors and, where necessary, with the public). Draft policies need to be looked at through a variety of lenses, including legal, operational, economic, technical, communications and marketing.

The final consumer for policy products is the public who will appraise the government on its policy outcomes at the polling booth. Good public policy development requires a solid understanding of when and how to involve the public and an ability to anticipate the reactions of the variety of stakeholders to the proposed policy directions.

Good public policy is the product of sound policy analysis in combination with sound communications strategies. Communications issues need to be identified early to ensure that issues are defined and options developed in a way that resonates with the public's experience and values.

## **6.3 Inter-Ministerial Consultations**

Inter-Ministerial consultations play a major role in the policy development process. Other Ministries have expertise on how a policy option can affect their portfolio areas and can provide feedback on the implications of a proposal. Often, another line Ministry will identify unforeseen impacts. It is the responsibility of the Ministry preparing the Cabinet Memorandum to undertake the necessary inter-ministerial consultations. Ministries are required to circulate the draft Cabinet Memorandum to the affected Ministries early in the process to provide enough lead-time so that whatever differences there are, can be effectively addressed. At the recent Joint Leadership Forum for Ministers and Permanent Secretaries, it was agreed that policy submissions prepared for Cabinet should first be discussed at the Permanent Secretaries'

monthly meeting. This is expected to improve inter-ministerial consultations on new policies in a significant way.

#### **6.4 Public/Stakeholder Consultations**

Public consultations can range from informal consultations to one-time meetings with stakeholders to extended formal public consultations on Discussion Papers or Draft Legislations.

In Uganda, public stakeholder consultation is not very well formalized in the policy management process. Yet, due to the success of the Government's democratization and empowerment programs, there are a number of civil society organizations that are extremely alert and vocal and an equally vibrant Parliament. Most often, these interest groups have made significant contributions to policy development at the point of approval in Parliament. It is important to involve stakeholders at the early stages of policy development.

#### **6.5 Decision Making/Approval**

Policy matters come to Cabinet for consideration by way of a Cabinet Memorandum which spells out what the sponsoring Minister would like Cabinet to do. In Uganda, all policy matters are considered in full Cabinet. Cabinet meets once every week on Wednesdays. The Committee System has not been adopted yet although a proposal to that effect has been prepared. It is therefore important that Ministries with urgent Cabinet submissions ensure that their Memoranda reach the Cabinet Secretariat in good time if they are to make it on the agenda for a particular week. It is also important that all the requirements have been fully met such as clearance of financial implications among others.

The decisions of Cabinet are transmitted to the relevant Ministers and Permanent Secretaries as Cabinet Minute Extracts once the Cabinet Minutes are confirmed. The Ugandan Cabinet, like other Cabinet systems in the Commonwealth, subscribes to the doctrine of Collective Responsibility<sup>1</sup> and all Ministers are expected to support all decisions taken in Cabinet.

#### **6.6 Implementation, Monitoring and Evaluation**

Approved policy items that require legislation or regulations are communicated to the Ministry, which then works with the First Parliamentary Counsel in the Ministry of Justice and Constitutional Affairs to prepare the draft legislation, which is then re-submitted later to Cabinet for approval. For other policy decisions requiring operationalisation following Cabinet approval, it is the responsible Ministry to implement the approved policy direction once the Cabinet Extract has been issued.

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<sup>1</sup> A member of Cabinet who violates this principle should expect sanctions from the appointing authority

Cabinet monitors the implementation of its decisions by way of "Matters Arising", placed on its agenda after every six weeks. In addition, Ministries do submit quarterly reports on implementation of Cabinet decisions to the Head of Public Service and Secretary to the Cabinet. *See Chapter 8.0 and 9.0.*

## 7.0 THE LEGISLATION PROCESS

Legislation is the process of making laws. This is a key role of Parliament that is exercised when Parliament debates and enacts Bills tabled before it by the Executive and Bills originating from within Parliament. There are three types of Bills i.e.:

**Government Bill:** Bill introduced/tabled in Parliament by the Executive Arm of Government.

**Private Members' Bill:** Bill introduced/tabled in Parliament by a Member of Parliament. When this happens, the Bill should conform to Article 94 of the Constitution.

**Bill introduced by Committees under Rule 124:** A Committee of the House may initiate any Bill within its area of competence.

### 7.1 Process of handling a Bill

- The Ministry initiating a Bill prepares the principles of the Bill for approval by Cabinet.
- Cabinet approves the principles and authorizes the sponsoring ministry to issue drafting instructions to the First Parliamentary Counsel.
- Drafting instructions should comprise a clear and comprehensive statement of the nature of the problem by providing background information, the purposes of the proposed legislation, the means by which those purposes are to be achieved and the impact of the proposals on existing circumstances and law. They should include the Cabinet Minute and the Cabinet Memorandum relating to the Cabinet Policy on the drafting of the Bill.
- Once the draft Bill has been prepared by the First Parliamentary Counsel the Minister then submits the Bill to Cabinet for approval with a covering Cabinet memorandum (the Bill should be accompanied with a certificate issued by the First Parliamentary Counsel addressed to the Secretary to Cabinet stating that the Bill is consistent with the principles approved by Cabinet).
- In exceptional circumstances, the Attorney General or in his or her absence, the Solicitor General, may waive the requirement of prior approval by Cabinet of the principles of a Bill to allow a Ministry to request a Bill to be drafted for submission to Cabinet. The request for waiver should be made in writing by the Minister concerned and the Bill when being submitted to Cabinet should be accompanied by a certificate issued by the First Parliamentary Counsel addressed to the Secretary to Cabinet stating that the Bill was drafted on the basis of approval by the Attorney General or Solicitor General waiving the initial requirement of prior Cabinet approval of principles.

- The Minister obtains authorization to have the Bill gazetted and introduced in Parliament when Cabinet approval is granted. Attached to the Bill should be a letter from the Attorney General confirming that the Bill has been drafted according to the principles approved by Cabinet and that it complies with the Law. The Certificate of Financial Implications from the Ministry of Finance, Planning and Economic Development should also be attached to the Bill.
- Then the First Parliamentary Counsel will instruct the Government Printer to publish the Bill in the Gazette on receipt of the Cabinet Minute authorizing publication.
- When the First Parliamentary Counsel issues instructions to the Government Printer to print the Bill for publication in the Gazette, the Government Printer will provide to the Ministry concerned a cost estimate for the printing and publication of the Bill and the Ministry concerned will have to issue to the Government Printer a Local Purchase Order (LPO) to cover the printing of the Bill and the copies to be supplied for delivery to Parliament. It has to be borne in mind that the Government Printer will not print or publish the Bill in the Gazette if the LPO is not produced.
- According to Rule 94(1) of the Rules of Procedure of Parliament, where the House determines upon the recommendation of the appropriate Committee of the House appointed for the purpose that a particular Bill is of an urgent nature, that Bill may be introduced without publication.
- After the Bill has been published in the Gazette, the First Parliamentary Counsel will assist the ministry to procure the required number of copies of the Bill for transmission to the Clerk to Parliament, with a request from the Ministry concerned that the Bill be put on the Order Paper to be given first reading by Parliament.

## **7.2 Progress of Bills in Parliament**

### **7.2.1 First Reading**

- A Minister moves that the Bill be read the first time and no question shall be put. The Clerk reads aloud the short title of the Bill, and then the Bill is taken as read the first time. The Bill is then referred to the appropriate Committee appointed under the provisions of Article 90 of the constitution.
- The Committee examines the Bill in detail to ensure that all inquiries in relation to it are complete and report to the House within two months from the date the Bill is referred to the Committee.
- The Minister will be required to appear before the Committee to interact with the Committee and to answer any questions that the Committee may require him or her to answer on the Bill.
- Upon completion of the Committee's report, a copy of the report will be submitted by the Chairperson of the Committee to the Minister for study. The Minister is expected to

study the report and prepare the Government's responses to the report. If necessary the Minister will consult Cabinet on any matter of importance raised by the Committee.

### **7.2.2 Second Reading**

- The Minister in charge of the Bill shall move that the Bill be read a second time. The Chairperson of the Committee to which the Bill is referred shall after the motion for the second reading has been moved and seconded, present to the House the report of the Committee on the Bill.
- Debate ensues on the merits and principles of the Bill on the basis of the explanatory memorandum and the report from the Committee. If the motion is carried, the Clerk shall read aloud the short title of the Bill and then, to have been read the Second Time. Except in special circumstances, Second Reading will not be taken earlier than the fourteenth day after the publication of the Bill in the Gazette.

### **7.2.3 Committee stage**

- If the motion for the second reading is carried, the Bill shall stand committed immediately or on a date to be fixed to the Committee of the Whole House unless the House on motion commits it to a Select Committee.
- The House resolves itself into a Committee of the Whole House under the Chairmanship of the Speaker acting as Chairperson of the Committee of the Whole House.
- The Committee of the Whole House discusses only details of the Bill – Clause by Clause.
- The Minister in charge of the Bill may move amendments to the Bill at Committee Stage subject to Rule 108(4), which provides as follows:
  - The Committee of the Whole House shall consider proposed amendments by the Committee to which the Bill was referred and may consider proposed amendments on notice, where amendments were presented but rejected by the relevant Committee or where, for reasonable cause, the amendments were not presented to the relevant Committee.
  - Upon completion of the Committee Stage, the Minister in charge of the Bill, will move for the House to resume so that he or she reports to the House the result of taking the Bill to the Committee Stage.
  - If the motion is carried, the Speaker resumes his or her seat as Speaker and the Minister will report to the House the decisions taken at the Committee Stage and move that the House adopts the report.

#### **7.2.4 Re-committal**

After the Committee of the Whole House has reported the motion and before the Bill proceeds further, a member may move that the Bill be recommitted either wholly or in respect of some particular clause or amendment or amendments.

Where the motion is carried, the Committee shall where the motion relates to the whole Bill, go through the whole Bill as described above.

Where the Bill has been recommitted only in respect of some particular clause or amendment, the Committee shall consider only that clause or amendment and any amendment which may be moved to them, unless the Chairperson in his or her discretion is satisfied that the clause, amendment or amendments proposed are substantial and it is necessary or desirable to reconsider the whole Bill.

If handled by Select Committee, the whole text of amended Bill shall be printed as part of the report of the Select Committee. Then the Chairperson shall lay the report of the Select Committee on the table and the Speaker shall appoint time for the consideration of the report.

#### **7.2.5 Third reading**

When the Committee Stage of the Bill is completed and the House has adopted the report of the Committee of the whole House, the Minister shall move a motion that "the Bill be read a Third time and do pass".

#### **7.2.6 Presidential Assent**

- After the Bill has been read a third time and passed, the Clerk to Parliament is required, with the assistance of the Government Printer, to incorporate in the Bill all amendments made by Parliament and produce ten copies of the Bill for submission to the President for assent.
- Before submission to the President, the Clerk is required to sign on each copy a statement to the effect that it is a true copy of the Bill as passed by Parliament.
- A Bill becomes an Act after it has been assented to by the President.
- Under Article 91 of the Constitution, a Bill may also become law without the assent of the President in certain circumstances where the President and the Parliament disagree on the Bill.
- A Bill assented to by the President or which becomes law without the assent of the President, is required to be published in the Gazette.



## **8.0 TOOLS FOR REVIEW OF CABINET MEMORANDA**

### **8.1 THE ADEQUACY CHECKLISTS**

1. In the process of vetting Cabinet Memoranda for clearance, an adequacy check/review is done by the Cabinet Secretariat. This adequacy review is guided by a simple tool developed by the Secretariat on the basis of the various types of Cabinet Memoranda (see forms A-D attached).
2. The adequacy checklist is intended to be widely shared by ministries to further inform the process of preparation of Cabinet Memoranda for the respective ministries as well as support the inter-ministerial review/consultation processes on Draft Cabinet Memoranda.
4. The Cabinet Secretariat continues to provide comments to Ministries on all Cabinet submissions. However, it is important that the Cabinet Secretariat is involved in the policy development process early. This will give the Cabinet Secretariat ample time to review the policy.
5. The Line Ministries will have an opportunity to consider and discuss with the Cabinet Secretariat the proposed adequacy comments.
6. The adequacy review focuses on whether the Cabinet Submissions are consistent with the established Guide<sup>2</sup>.

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<sup>2</sup> (i) Circular on Procedure to be followed when seeking Ratification of Any Protocol or Treaties by Cabinet, REF: SC. 185/225/01 dated 10<sup>th</sup> June 2004; (ii) Circulars on Preparation of Cabinet Memoranda Submitting A Bill for Consideration By Cabinet, REF: SC. 107/172/01 dated 15<sup>th</sup> March 2002 and 19<sup>th</sup> March 2002; (iii) Circular on Preparation of Submissions of Cabinet Memoranda, Ref: S. 7396 dated 24<sup>th</sup> August 1999; and, (iv) Circular on Procedure for Initiation and Processing of requests for Legislation, Ref: ADM/33/8/01 dated 8<sup>th</sup> December 2000

## **ADEQUACY CHECKLIST**

### **FORM A**     CABINET MEMORANDUM ON RATIFICATION OF PROTOCOLS, TREATIES, CONVENTIONS, AGREEMENTS, ETC.

**Title of Paper:**

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<b>Code</b>	<b>ASPECTS OF REVIEW</b>	<b>YES/NO</b>	<b>COMMENT</b>
<b>1.0</b>	<b>Title</b>		
1.1	Is the title of the memo clear?		
1.2	Is the title of the Author - Minister spelt out?		
<b>2.0</b>	<b>Introduction</b>		
2.1	Is the background to the memo clearly established?		
2.2	Is the objective of the memo defined?		
2.3	Are aspects of consultation highlighted?		
<b>3.0</b>	<b>Main Body of the Memorandum</b>		
3.1	Are the key clauses/articles of the protocol/treaty outlined?		
3.2	Is an implementation arrangement defined?		
3.3	Are resource implications identified?		
<b>4.0</b>	<b>Conclusion</b>		
4.1	Is it clear in the conclusion whether: implementation of the agreement, treaty or protocol would not involve amending of the constitution?		
4.2	Does the memo indicate whether the Attorney General has been Consulted and that (s)he is in agreement that under the Constitution and the Ratification of Treaties Act, Cabinet has the authority to ratify the protocol in question?		
4.3	Are all the KEY decisions required from Cabinet captured?		
<b>5.0</b>	<b>Attachments and References</b>		
5.1	Is a copy of the treaty attached to the memo?		
5.2	Are any relevant communications or documentation referred to or hinted on attached?		
<b>6.0</b>	<b>Address of Author and Date of initiation/submission</b>		
6.1	Is the address of the author - Minister indicated at the bottom of the last page?		
6.2	Is the date of writing or initiating of the memo indicated at the bottom of the back page?		

**FORM B**      CABINET MEMORANDUM ON DRAFT BILLS

**Title of Paper:** \_\_\_\_\_

<b>Code</b>	<b>ASPECTS OF REVIEW</b>	<b>YES/NO</b>	<b>COMMENT</b>
<b>1.0</b>	<b>Title</b>		
1.1	Is the title of the memo clear?		
1.2	Is the title of the Author - Minister spelt out?		
<b>2.0</b>	<b>Introduction/Background</b>		
2.1	Is reference made to the Cabinet Minute that approved the Principles for the new Bill or Repeal of existing Act or Statute? Is reference to other, relevant, prior decisions of Cabinet made?		
2.2	Is it indicated that the draft Bill or Amendment Bill was prepared by the Office of the Attorney General as per the approved Principles?		
2.3	Is the introduction succinct?		
2.4	Is the object of the memo stated?		
2.5	Are aspects of the consultative process highlighted?		
<b>3.0</b>	<b>Main body of the Memorandum</b>		
3.1	Are the objectives of the Bill briefly outlined?		
3.2	Are the key features/clauses in the Bill outlined?		
<b>4.0</b>	<b>Conclusion</b>		
4.1	Are all the key decisions required from Cabinet Captured? (Requesting Cabinet to Approve the Repeal or Passage..., Authorizing the minister to have the Bill gazetted and tabled in Parliament for debate and enactment and, others, as the object and/or context of the memo may warrant)		
<b>5.0</b>	<b>Attachments and References</b>		
5.1	Is the draft Bill or Amendment Bill attached?		
5.2	Is a Certificate from the First Parliamentary Counsel, confirming that the Bill was prepared in line with the approved principles, attached?		
5.3	Is a Certificate of Financial Implications from MFPED attached?		
5.4	Is an outline of the financial implications and modalities of implementation of the draft Bill attached to the memo?		
<b>6.0</b>	<b>Address of Author and Date of initiation/submission</b>		
6.1	Is the address of the author - Minister indicated at the bottom of the last page?		
6.2	Is the date of writing or initiating of the memo indicated at the bottom of the back page?		

**FORM C**      CABINET MEMORANDUM ON (I) NATIONAL AND SECTORAL POLICY PROPOSALS  
(THOSE THAT MAY NOT RESULT INTO OR REQUIRE LEGISLATION) **AND/OR**  
(II) PRINCIPLES FOR NEW LAWS (BILLS)

**Title of Paper:** \_\_\_\_\_

<b>Code</b>	<b>ASPECTS OF REVIEW</b>	<b>YES/NO</b>	<b>COMMENT</b>
<b>1.0</b>	<b>Title</b>		
1.1	Is the title of the memo clear?		
1.2	Is the title of the Author - Minister spelt out?		
<b>2.0</b>	<b>Introduction/Background</b>		
2.1	Is reference made to previous Cabinet decisions? Is a brief explanation of the reasons for Paper made? Is a summary of developments made? (establishing the context)		
2.2	Is the object of the memo stated?		
<b>3.0</b>	<b>Main body of the Memorandum</b>		
3.1	Is it clear what the fundamental <b>problem</b> being addressed is? ( <i>elaboration of the problem</i> )		
3.2	Is the magnitude of the problem identified? Is a case made for why government Action is needed?		
3.3	Is there a clear articulation of the <b>policy objectives</b> sought by government action? Have the outcomes, goals or targets of the proposed government action been reflected in the policy objective?		
3.4	Are linkages to the relevant strategic objectives of the Country's over arching policy frameworks (e.g. the PEAP, PMA, MTCS, etc) established?		
3.5	Are aspects of the consultative process highlighted? ( <i>Form of <b>consultation</b>, articulation of the significant concerns of those consulted, how the concerns were addressed, if there was no consultation; is an explanation made?</i> ).		
3.6	Is the proposed course of action clearly articulated?		
3.7	Is an implementation arrangement outlined?		
3.8	Are the cost implications specified? Has MFPED cleared this?		
<b>4.0</b>	<b>Conclusion</b>		
4.1	Are the recommendations being made clearly stated? Is the approval, authority, direction, agreement, deferment, note etc that is being sought reasonably summarized?		
<b>5.0</b>	<b>Attachments and References</b>		
5.1	Is a Certificate of Financial Implications of MFPED attached?		
5.2	Is an outline of the financial implications and modalities of implementation of the draft bill/policy attached to the memo?		
5.3	Are annexes referred to within the memo appended?		
<b>6.0</b>	<b>Address of Author and Date of initiation/submission</b>		
6.1	Is the address of the author - Minister indicated at the bottom of the last page?		
6.2	Is the date of writing or initiating of the memo indicated at the bottom of the back page?		

**FORM D**      CABINET MEMORANDUM TO INFORM CABINET (INFORMATION PAPER)

**Title of Paper:** \_\_\_\_\_

<b>Cod e</b>	<b>ASPECTS OF REVIEW</b>	<b>YES/NO</b>	<b>COMMENT</b>
<b>1.0</b>	<b>Title</b>		
1.1	Is the title of the memo clear?		
1.2	Is the title of the Author - Minister spelt out?		
<b>2.0</b>	<b>Introduction</b>		
2.1	Is reference (if necessary) to prior Cabinet Minutes made? (If applicable)		
2.2	Is the background to the memo clearly established?		
2.3	Is the objective of the memo defined?		
<b>3.0</b>	<b>Main Body of the Information Paper</b>		
3.1	Are the key aspects being drawn to the attention of Cabinet clearly outlined?		
<b>4.0</b>	<b>Conclusion</b>		
4.1	Are the issues for Cabinet to note reasonably precise?		
<b>5.0</b>	<b>Attachment and References</b>		
5.1	Are all the relevant documentation attached to the memo?		
<b>6.0</b>	<b>Address of Author and Date of initiation/submission</b>		
6.1	Is the address of the author - minister indicated at the bottom of the last page?		
6.2	Is the date of writing or initiating of the memo indicated at the bottom of the back page?		

## 9.0 RETURNS ON IMPLEMENTATION OF CABINET DECISIONS

### REPORTING FORMAT

Institution<sup>3</sup>: \_\_\_\_\_

Reporting period<sup>4</sup>: \_\_\_\_\_

Title of the Cabinet Memorandum	Cabinet Minute Number	Cabinet Decision	Action Taken <sup>5</sup>	Remarks

#### Endorsement<sup>6</sup>:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

#### Reporting timeframe:

- (i) January to June Report to be submitted to the Cabinet Secretariat by the 2<sup>nd</sup> week of July; and,
- (ii) July to December Report to be submitted to the Cabinet Secretariat by the 2<sup>nd</sup> week of January.

<sup>3</sup> Ministry, Commission, or other Government Authority

<sup>4</sup> This is based on the Calendar Year and will be (for a start) Bi-annual i.e.: January to June and July to December.

<sup>5</sup> Actions taken should be expressed in quantifiable measures, where this is possible.

<sup>6</sup> The Returns should be endorsed personally by the Permanent Secretary and, in his/her absence, by the Senior Officer designated to act in his/her absence.

## 10.0 REGULATORY IMPACT ASSESSMENT CHECKLIST

It is important to note that in the process of developing a policy, Ministries conduct Regulatory Impact and Cost benefit Analysis of the Policy. This is but one of a range of impact measurement tools. Others include Environmental Impact Assessments, Social Impact Assessments and Poverty Reduction Impact Assessments. Therefore, Ministries, Departments and Agencies should apply relevant assessments to sector policies as the need may be.

Remember that the RIA should be a stand-alone document.

### Sections 1-8

Sections 1-8 should be completed for the initial, partial and full RIA.

#### 1. Title of proposal

Full title including any document reference, e.g. that of the EC directive.

#### 2. Purpose and intended effect

- **Objectives**

Say clearly what the proposal intends to achieve and in what timescale.

- **Background**

Outline the existing situation and whether there is currently a framework in place addressing the issue.

- **Rationale for government intervention**

Describe the impact on the current situation if there is no government intervention. This is the 'do nothing' option.

#### 3. Consultation

- **Within government**

List the government agencies and departments that you have consulted.

- **Public consultation**

Record the consultation results and the impact on the decision being taken.

#### 4. Options

Identify all the options and the potential of each to achieve the objective. The 'do nothing' option should be included, not only because the implications of not acting should be clear but also because it acts as a baseline for the other options. Flag up any risks associated with each option, the likelihood of these risks occurring and ways that these risks could be mitigated. Outline implementation and delivery plans for each option.

## 5. **Costs and benefits**

- **Sectors and groups affected**

List the sectors and groups most likely to be affected by the proposal. These may be groups of individuals, charities, or public or private sector organisations.

It is often difficult to predict accurately the exact costs and benefits. You should consider presenting a range and stating whether this represents extreme values or the most likely range of outcomes.

- **Benefits**

It is just as important to identify and quantify the benefits of the policy as well the costs. You can identify the benefits by thinking about the aim of the proposal and the risks being addressed.

- **Costs**

The analysis should reflect the split between policy and administrative costs. Identify the costs by thinking about the aim of the proposal and what you will be requiring firms and consumers or the public sector to do.

## 6. **Small Firms Impact Test**

Consider the impacts of each option on small firms and record the details of the Small Firms Impact Test. Make sure you speak to the Small Business Service.

## 7. **Competition assessment**

Provide an assessment of the competition impacts for each option.

## 8. **Enforcement, sanctions and monitoring**

How will the proposal be enforced? Who will enforce it? What will the sanctions be? How will you monitor whether your policy meets the original objective?

## **Sections 9-12**

Sections 9-12 should be completed after consultation and included in the full RIA.

## 9. **Implementation and delivery plan**

Include as an annex to the RIA a robust plan of how the change in policy will be brought about, who is responsible for what and when it will happen.

## 10. **Post-implementation review**

How and when will you measure the effectiveness of the policy proposal? Major new regulations will have to be reviewed within three years of coming into force.



### 11. Summary and recommendation

Which option is being recommended and why? Refer to analysis of the costs and benefits in reaching the decision. Summarise in a table the information gathered for each option.

### 12. Summary costs and benefits table

<b>Option</b>	<b>Total benefit per annum: economic, environmental, social</b>	<b>Total cost per annum: - economic, environmental, social - policy and administrative</b>
1		
2		
3		
4		

### 13. Declaration and publication

The Minister must declare that he/she has read the Regulatory Impact Assessment and is satisfied that the benefits justify the costs.

## **Contact Details**

For further inquiry or clarification concerning the Guide, contact the following:

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