



REPUBLIC OF KENYA  
OFFICE OF THE PRIME  
CABINET SECRETARY

**PUBLIC POLICY  
HANDBOOK FOR KENYA**

MARCH 2024



**P**olicy making has evolved since independence. In the post-independence period, Government administrations focused mainly on policy, legislative and institutional reforms to address the inequalities and regional disparities. In the 21st Century, policies have focused on economic sustainability. However, policies developed across government Ministries and Agencies lacked an institution to perform the critical function of policy coordination, research and advisory services.

In absence of the policy coordination department, the State Department for Economic Planning, remained key in coordinating the implementation of Government policies with focus on formulation and adoption of the National Development Plans, Kenya Vision 2030, other short-term plans, and institutionalization of performance monitoring and evaluation across Government.

The Promulgation of Constitution of Kenya, 2010 and development of Kenya's long-term Development Plan, the Kenya Vision 2030, re-prioritized policy coordination as a key pillar in Government administration, policy coordination and articulation became a powerful tool in addressing policy inconsistencies and the lack of participatory approach in public policy making.

To improve the national development performance, it is important to emphasize that policy should precede legislation, improve capacity in policy making, strengthen policy coordination ;ensure effective stakeholder engagement as well as strengthen monitoring and evaluation of public policies.

This Public Policy Handbook is therefore intended to guide Ministries, Departments and Agencies (MDAs) as well as the Counties, Commissions and Independent Offices in drafting their respective public policies.

The Public Policy Handbook specifically seeks to standardize the policy making processes across all sectors of government as it outlines the basis for policy development, implementation, coordination, monitoring and evaluation. The handbook will also contribute to the inculcation of a culture of evidence-based policy making leading to improved service delivery.

To actualize usage of this Public Policy Handbook, the Office of the Prime Cabinet Secretary will coordinate the implementation of the Handbook. The Department will also monitor the adherence to this Handbook and provide capacity building on emerging best policy making practices and implementation strategies. Effective implementation of the guidelines in the Handbook will require strong leadership and involvement of stakeholders.

I therefore call upon Ministries, Departments and Agencies, counties, development partners, and other stakeholders to support the implementation of this Handbook as a means to promote the development of effective public policies, fulfil obligation to Kenyans towards effective delivery of services and ensure that policies precedes legislations.



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**T**he State Department for Parliamentary Affairs was established through Executive Order No.2 of 2023 on Organization of the Government of the Republic of Kenya. The Mandate of the State Department is to oversee the implementation of National Government policies agenda and to co-ordinate National Government legislative agenda across all Ministries, Departments and Agencies (MDAs).

The development of this Public Policy Handbook was under the auspices of the State Department for Parliamentary Affairs in collaboration and consultation with internal and external stakeholders. The Public Policy Handbook will provide standard approach to public policy development, address the gaps in the public policy making process and provide guidance in addressing emerging issues and prioritization of the national development priorities. The key areas covered in Public Policy Handbook include the historical context of policy making in Kenya; the guiding policy and legal frameworks; the policy making cycle; the structure for a policy document; and frameworks for monitoring the implementation of this Public Policy Handbook.

I wish to thank all the stakeholders who contributed towards the preparation of this handbook and look forward to their support and partnerships during the implementation of the same. I would like to particularly thank the Prime Cabinet Secretary for the guidance and support in preparation of the Public Policy Handbook. I also want to thank my colleagues, Principal Secretaries and all the teams that contributed to the development of this Handbook by participating in the review of information on policy initiatives, existing documentation and drafting all chapters of the Public Policy Handbook.

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I hope the Public Policy Handbook will be a game changer in public policy development in Kenya.



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## ACRONYMS AND ABBREVIATIONS

<b>BETA</b>	Bottom-up Economic Transformation Agenda
<b>Cab Memo</b>	Cabinet Memoranda
<b>CECM</b>	County Executive Committee Member
<b>CIDPs</b>	County Integrated Development Plans
<b>CoG</b>	Council of Governors
<b>GoK</b>	Government of Kenya
<b>KIPPRA</b>	Kenya Institute for Public Policy Research and Analysis
<b>MDACs</b>	Ministries, Departments, Agencies and Counties
<b>MDAs</b>	Ministries, Departments and Agencies.
<b>MERL</b>	Monitoring and Evaluation, Reporting and Learning
<b>MTEF</b>	Medium-Term Expenditure Framework
<b>MTPs</b>	Medium Term Plans
<b>NGOs</b>	Non-Governmental Organizations
<b>PFM Act</b>	Public Finance Management Act
<b>SC</b>	Steering Committee
<b>TWG</b>	Technical Working Groups

## DEFINITION OF TERMS

**Agenda Setting:** The process by which certain issues or concerns are selected and emphasized by the media, policymakers, or other influential actors as being of particular importance or relevance in public discourse.

**Evaluation:** The process of examining the performance of an organization, project, program, policy, or any other intervention to determine its relevance, adequacy, effectiveness, efficiency, and progress for the purpose of identifying areas for improvement.

**Formulation:** The process of creating or preparing something, typically a plan, strategy, policy or concept, by carefully considering and arranging its key components, details, and elements.

**Handbook:** A publication that contains instructions or advice about how to develop policy documents, strategy or plan.

**Iterative:** The process or approach that involves repetition and refinement, or more than one person or organization.

**Learning:** The process through which information generated from monitoring and evaluation is reflected upon and intentionally used to continuously improve a project's ability to achieve results.

**Legislative Agenda:** Set of priorities and goals that the Government, aims to address into legislative form during a given period.

**Legislative Proposal:** A formal written document that outlines a proposed law or change to existing legislation.

**Legitimization:** The process of making something acceptable or lawful within the norms of a government, authority, or society.

**Multi Agency:** It is a collaborative working where more than one institution work together jointly, sharing tasks and responsibilities.

**Performance Contract:** A freely negotiated performance agreement between government, organization and individuals and the agency itself.

**Policy Agenda:** A set of issues, topics, or problems that are considered important and are currently under active consideration by policymakers, government officials, or decision-makers.

**Policy Impact:** Effects, changes, or consequences that result from the implementation of a particular policy or set of policies.

**Policy Implementation Matrix:** A tool used in project management and policy planning to outline the key elements and steps involved in the successful execution of a policy or project.

**Policy Outcomes:** Intended or unintended results, effects, or consequences that occur as a result of the implementation of a particular policy.

**Policy Outputs:** Tangible results or actions that are generated as a result of a particular policy or set of policies implemented by a government or an organization.

**Policy Validation:** The process of evaluating and verifying whether a proposed policy or set of policies are effective, appropriate, and aligned with its intended goals and objectives for approval for implementation.

**Problem Identification:** Process of recognizing, defining, and understanding issues or challenges affecting the society that need to be addressed or solved by a policy initiative.

**Public Policy:** A statement of intent anchored on a set of principles and decisions, that defines course of actions to which government commits to achieve specific developmental goals.

**Self-executing Policies:** Policies that automatically take effect without the need for additional legislative action.

**Sessional Papers:** A policy document approved by Parliament not in the form of an Act of Parliament.

**Whole of Government:** A strategic approach that emphasizes on collaboration and coordination across all MDAs.

# CHAPTER ONE: INTRODUCTION

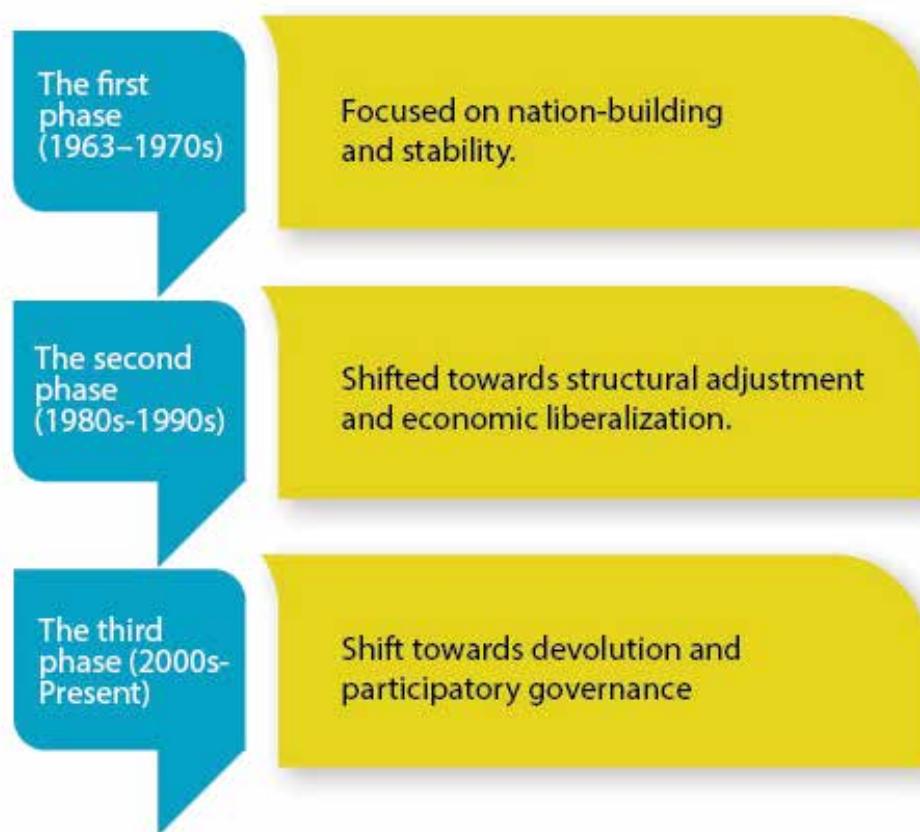
## 1.1 Overview

This Chapter provides the background to public policy formulation in Kenya. It outlines the rationale for development of the Public Policy Handbook, the guiding policy and legal framework and the objectives of the public policy handbook. It concludes by providing the scope and the structure of the public policy handbook.

## 1.2 Background

The evolution of public policy making in Kenya since independence in 1963 has been a dynamic journey marked by distinct phases, each reflecting the nation's changing approaches, priorities, challenges and development goals. The distinct phases are illustrated in Figure 1.1.

*Figure 1.1: Public Policy Making Evolution Phases (1963 – Present)*



[https://www.education.go.ke/sites/default/files/2022-05/KenyaEducation-Commission-Report-Part-II\\_compressed.pdf](https://www.education.go.ke/sites/default/files/2022-05/KenyaEducation-Commission-Report-Part-II_compressed.pdf)

[http://kenyalaw.org/kl/fileadmin/CommissionReports/Report-of-the-Commission-of-Inquiry-\(Public-Service-Structure-and-Remuneration-Commission\)-1970%20-1971.pdf](http://kenyalaw.org/kl/fileadmin/CommissionReports/Report-of-the-Commission-of-Inquiry-(Public-Service-Structure-and-Remuneration-Commission)-1970%20-1971.pdf)

<https://repository.kippr.a.or.ke/handle/123456789/2345>

**The first phase (1963 – 1970s)** was characterized by the pursuit of nation-building and economic stabilization. Policies were aimed at establishing a strong foundation for the newly independent country through infrastructure development, expanding education and healthcare, and reducing economic disparities. Public policies were predominantly formulated by the central government and executed through top-down mechanisms. This approach aimed to create a cohesive national framework for development but sometimes led to limited local input and implementation challenges.

During this period, the Ominde Commission (1964) pioneered educational policy formulation, while the Ndegwa Commission (1969) modernized the civil service to improve efficiency. The most notable public policy published as a sessional paper is Sessional Paper No. 10 of 1965 on "African Socialism and its Application to Planning in Kenya", which emphasized economic self-reliance. The launch of the Sessional Paper provided the framework upon which the first National Development Plan for the period 1966 – 1970 was prepared. Limited resources, rapid population growth, and fragmented institutions posed challenges to effective policy implementation. In line with the principle of self-reliance, Kenya embraced import substitution and industrialization to promote local industries and reduce dependency on imports. The government actively intervened in the economy by establishing state-owned enterprises and controlling key sectors. Public policies were driven by an approach emphasizing government intervention and ownership. While this approach supported industrial growth, it also led to inefficiencies and governance issues within state-owned enterprises.

**The second phase (1980s-1990s)** saw a shift towards structural adjustment and economic liberalization, driven by international pressures and the need to address economic challenges. Public policy focus involved reducing government intervention, embracing market-oriented reforms, and opening the economy. Notable sessional papers during this phase include Sessional Paper No. 1 of 1986 on "Economic Management for Renewed Growth" which emphasized fiscal discipline, privatization, and export-oriented growth. While these reforms aimed to stimulate economic growth, they also brought challenges such as unemployment and inequality, highlighting the need for balanced policies. Resistance to policy changes, social inequality, and challenges in managing privatized public enterprises were prominent during this phase.

As Kenya transitioned to a multi-party democracy in the early 1990s, there was an increased emphasis on participatory and inclusive policy development. Civil society, academia, and citizens' voices gained prominence in shaping policies. Public policies began to reflect a more bottom-up approach, incorporating a wider range of perspectives and local knowledge. This inclusivity aimed to enhance policy relevance, ownership, and effectiveness.

**The third phase (2000s-Present)** saw a significant shift towards devolution and participatory governance, culminating in the enactment of the Kenya Constitution 2010. This phase aimed to decentralize power, promote local decision-making, and address regional disparities. Devolution has allowed for more localized public policy development, increased citizen participation, and the allocation of resources to previously marginalized regions. In addition, devolution led to the establishment of County Governments, each responsible for public policy formulation and implementation within their specific constitutional jurisdiction as set out in the fourth schedule of the constitution.

The third phase is also characterized by a focus on sustainable development and the realization of Kenya's long-term goals, as outlined in the Kenya Vision 2030 blueprint. The Government policy focus is on making Kenya a globally competitive, upper middle income and industrializing country. Striking a balance between economic growth and environmental concerns, resource management and harnessing technology for development remain contemporary challenges.

### **1.3 Rationale of the Public Policy Handbook**

The evolution of public policy making demonstrates Kenya's adaptability in addressing diverse challenges and aspirations in pursuit of inclusive and sustainable development. However, a review of Sessional Papers and other public policy documents developed over the years depicts lack of standardized and uniform approach in the public policy making process. For example, there are varying structures and processes followed. Other policies are not aligned to global and regional best practices while some policies lack proper mechanism for monitoring and evaluation. Lastly, some policies lack inclusion of stakeholders and public participation in the policy making process

In response to these glaring gaps in the public policy making process, an attempt to bridge the gap was made in 2011 when The National Handbook for Public Policy Making in Kenya was developed by the Government. However, the 2011 Handbook had various shortcomings. First, the handbook focused solely on public policy formulation leaving out other important aspects of policy development such as policy implementation, monitoring and evaluation. Secondly, stakeholders' consultations and engagement as well as public participation were very limited, consequently, the public policy handbook remained an inward-oriented document and lacked ownership across Government Ministries, Departments and Agencies (MDAs). Lastly, the dissemination of the handbook was not effectively done within the government agencies and the public. Therefore, given these shortcomings, the public policy handbook, 2011 did not sufficiently provide guidelines to MDAs on public policy making process within their purview. To address this gap, the Public Policy Handbook for Kenya, 2023 aims to provide a reference guide for MDAs and counties for the purposes of public policy development process in Kenya.

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<https://repository.kippra.or.ke/handle/123456789/2679>

<https://vision2030.go.ke/wp-content/uploads/2018/05/Sessional-paper-No.-10-of-2012-On-Kenya-Vision-2030.pdf>

## **1.4 Objectives of the Public Policy Handbook**

The Public Policy Handbook provides a guide to the development of public policies in Kenya and therefore aims to:

- (a) Equip policymakers with a comprehensive understanding of the public policy development process.
- (b) Provide norms and standards to ensure uniformity in developing public policies
- (c) Provide MDACs with a framework for preparing public policies.
- (d) Provide practical guidance on implementing public policies and translating them into tangible actions.
- (e) Foster a culture of accountability, transparency, and continuous improvement within the policy development landscape.
- (f) Provide for capacity development to MDAs for effective development of public policies.

## **1.5 Guiding Policy and Legal Framework**

Public policy falls within the jurisdiction of government or its agents and relates to any rule, plan or action pertaining to issues of national importance. The Constitution of Kenya, 2010 upholds principles of public participation and transparency as enshrined in Article 232 on Values and Principles of Public Service, and in Article 10 on National Values and Principles of Governance.

Further, Executive Order No.2 of 2023 on Organization of the Government of the Republic of Kenya mandates the Office of the Prime Cabinet Secretary and Ministry of Foreign and Diaspora affairs to coordinate the implementation of National Government' policy and legislative agenda across all Ministries, Departments and Agencies. In addition, the Prime Cabinet Secretary chairs the Steering Committee whose framework for the operationalization on the Government Legislative Agenda and Parliamentary Liaison was approved by the Cabinet during its meeting of 31st January 2023. The main mandate of the steering committee is to provide policy guidance and oversight on matters related to the Government's policy and legislation priority areas.

Public policy development in Kenya is undertaken at both National and County levels. Based on the Fourth Schedule of the Constitution of Kenya, 2010 on distribution of functions between the national government and the county governments, there are devolved functions which require policy development at the county level.

## **1.6 Scope of the Public Policy Handbook**

The Public Policy Handbook has been prepared primarily for MDAs and County governments mandated to formulate public policies. As such, MDAs and Counties will be required to use the handbook during the development of public policies. In addition, the public policy Handbook will serve as a reference document for the private sector, development partners and non-state actors on public policy development in Kenya.

## **1.7 Structure of the Public Policy Handbook**

The Public Policy Handbook has Six Chapters and Annexes. Chapter one provides an introduction to the Handbook. Second chapter defines public policy, highlights the various types and forms of public policies, the features of a good public policy, and the key actors and their roles in the public policy formulation. It also provides the linkage between policies, planning and budgeting in public policy making process and the transition of policies into legislation.

Chapter Three presents the public policy development process in Kenya. It lays out the policy formulation cycle, stakeholder mapping and engagement, public participation and the need for communication in the public policy-making process. Chapter Four presents the public policy structure and content, while chapters five provides the implementation of the handbook and chapter six provides mechanisms for monitoring, evaluation, reporting and learning for the public policy handbook.

## CHAPTER TWO: PUBLIC POLICY CONTEXT

### 2.1 Overview

This chapter presents an overview of public policy context that provides an understanding of public policy; types and attributes of a good public policy; actors involved in public policy-making process as well as the linkages between policy, planning and budgeting; and the process of translating policy into legislation.

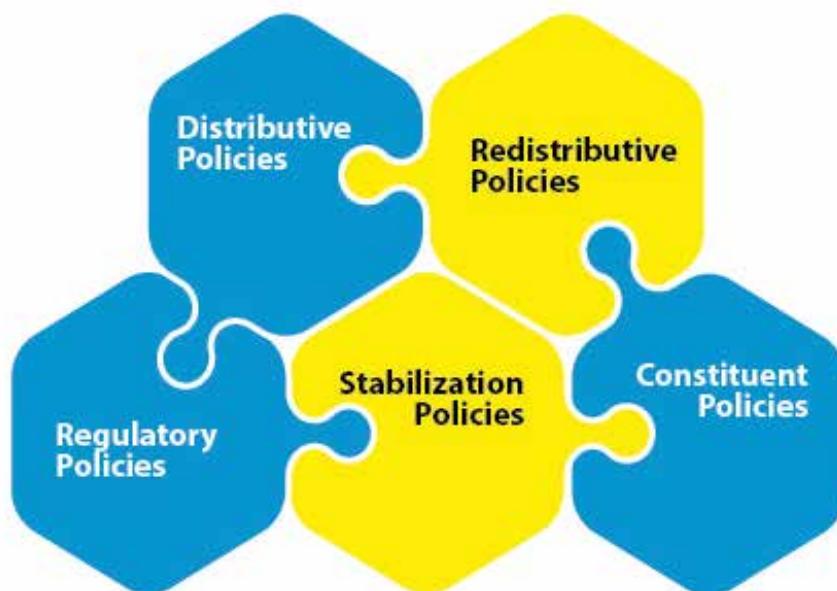
### 2.2 Definition of Public Policy

Public policy is defined differently by various scholars . However, for the purpose of this handbook, public policy is contextualized as "a statement of intent, anchored on a set of principles and decisions, that defines the course of action that the Government will be committed to in achieving specific developmental goals in the interest of the Public". Public policy can also be described as a guiding framework of government intentions for addressing a set of national or sector specific issues. Further, it can be viewed as a statement of commitment by the government, which articulates basic principles to be pursued to attain specific goals. The public policy-making process is contextualized within political, economic, socio-cultural, governance, global, technological, legal and environmental spaces.

### 2.3 Types of Public Policies

Public policies may be classified in different ways depending on the scope of application. These may include Distributive, Redistributive, Regulatory, Stabilization and Constituent Policies. Each of these types of policies is illustrated in figure 2.1 and discussed below:

*Figure 2.1: Types of Public Policies*



**a) Distributive Policies:** These types of policies are also referred to as allocative policies targeting certain segments of society. They are concerned with allocating resources towards public interest such as public welfare, transfer of goods and services, health care provision and public education. They are among the most common forms of government policies.

**b) Redistributive Policies:** Are concerned with bringing about specific changes in the economic and social status of society. They modify the distribution of existing resources and are aimed at minimizing economic disparities between income groups as well as regions. Some examples of redistributive policies include land allocation and transfers to the underprivileged, equitable share of the national revenue targeting counties, equalization fund for the marginalized areas, and National Government Constituency Development Fund.

**c) Regulatory Policies:** Are intended to condition and constrain individual and collective behaviour to govern the conduct of individuals, business, trade, safety measures, markets, and to protect the public welfare and interest. They are also intended to enhance competitiveness and growth. Some examples of regulatory policies include policies on minimizing pollution, safeguarding the environment, land use, building codes and axle limits for commercial vehicles.

**d) Stabilization Policies:** Refer to a set of measures introduced by the Government to stabilize the economy. They use monetary and fiscal instruments to mitigate economic instability. These policies aim at maintaining stable prices, full employment, and sustained economic growth. The most commonly used stabilization policies include fiscal policies that involve changes in government expenditures and taxes, and monetary policies that aim at changes in interest rates and domestic credit.

**e) Constituent Policies:** These types of policies are concerned with the establishment of government structures and establishment of rules and procedures for the conduct of government businesses. A good example of a constituent policy in Kenyan context is Executive Orders issued by the President such as Executive Order No.2 of 2023 on re-organization of Government functions.

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Howlett, M., Cashore, B. (2014). Conceptualizing Public Policy. In: Engeli, I., Allison, C.R. (eds) Comparative Policy Studies. Research Methods Series. Palgrave Macmillan, London. [https://doi.org/10.1057/9781137314154\\_2](https://doi.org/10.1057/9781137314154_2)

<https://www.uopeople.edu/blog/what-is-public-policy/>

## 2.4 Features of a Good Public Policy

A good public policy can be identified by certain attributes including the following:

- a) Goal Oriented:** Public policies should be designed to achieve specific goals or objectives. These goals should be clearly defined and measurable.
- b) Evidence Informed:** The advice and decisions of policy makers should be based on the best available evidence from a wide range of credible sources. Evidence generated to inform policy should be objective, relevant and timely. An evidence-based approach to public policy making may include reviewing existing literature, commissioning research and use of policy analysis tools.
- c) Informed by Lessons:** Public Policy formulation is informed by lessons from experience of practices on what works and what does not work to ensure the policy being designed is realistic and practicable. This can be realized through policy piloting, where successful pilots help to upscale an intervention to cover a wider scope and therefore provide basis for a phased introduction of major government policies or programmes. A good example is the piloting of Universal Health Coverage in Kenya.
- d) Consistency with Government Development Agenda:** A Country's Development Agenda sets out clear goals and expected outcomes to be realized within a specific period. A good public policy should be aligned to the Governments development agenda.
- e) Comprehensive and Technically Sound:** Public Policies should be holistic, integrated and collaborative. They should provide multi-sectoral linkages and implementable within budget estimates to ensure they yield the best solution to all possible aspects of an identified policy problem. They must be technically feasible and structured, based on specific criteria.
- f) Inclusive:** An inclusive public policy takes into consideration availability of open feedback and flow of ideas and information between implementers and recipients. The process also considers the potential impact on different segments of the community and should integrate population segments including the marginalized and the special interest groups.
- g) Futuristic or Forward-looking:** It should be based on long-term goals as defined by statistical trends and predictions of social, political, economic, and cultural trends. It should also take into consideration the identification of intended outcomes, contingency or scenario analysis, alignment with long-term national development agenda.

**h) Outward Looking:** A good public policy should take into consideration influencing factors at the national, continental, regional and global contexts such as treaties, policies and strategies, and draws from experiences in other regions and countries.

**i) Innovative and creative:** A good public Policy should be innovative and should challenge established ways of dealing with policy issues, encourage new and creative ideas and be open to suggestions of various stakeholders.

**j) Flexible:** A good public policy must be flexible and accommodative. It can be refined and improved through multiple revisions.

## 2.5 Actors in Public Policy Process

This section describes the actors and institutions involved in the public policy-making process. The actors are categorized based on their role in public policy-making process as outlined in Table 2.1:

*Table 2.1: Actors and their roles in public policy making process.*

<b>S/ No.</b>	<b>Actors/Organization</b>	<b>Roles in Public Policy Process</b>
1.	Government Ministries, Departments, Agencies and Counties (MDACs):	<ul style="list-style-type: none"><li>• Addresses policy issues that require interventions and provides input for policy formulation.</li><li>• Undertakes stakeholders' engagement.</li><li>• Undertakes policy analysis to inform decision-making.</li><li>• Implements, monitor and evaluates implementation of public policies.</li></ul>
2.	Cabinet/County Executive Committee	<ul style="list-style-type: none"><li>• Approves public policies.</li><li>• Provides advisory on public policies and legislation.</li><li>• Provides Public policy communication.</li><li>• Approves budget estimates.</li></ul>

3.	National and County Assemblies, Senate	<ul style="list-style-type: none"> <li>Provides inputs into public policy formulation process.</li> <li>Provides oversight in the implementation of public policies.</li> <li>Allocates budget to enable development and implementation of public policies.</li> <li>Passes legislations relevant to a specific public policy in the counties.</li> </ul>
4.	Judiciary	<ul style="list-style-type: none"> <li>Provides interpretation of the laws on public policies.</li> <li>Provides resolution of disputes with respect to the laws on public policies.</li> </ul>
5.	Attorney General	<ul style="list-style-type: none"> <li>Translates policies into Bills.</li> <li>Provides legal advice to MDAs when required.</li> </ul>
6.	Citizens/Public	<ul style="list-style-type: none"> <li>Participates in public policy formulation process.</li> <li>Provides feedback on public policies.</li> <li>Supports the implementation of public policies.</li> <li>Influences the government on public policy through advocacy.</li> </ul>
7.	Constitutional Commissions and Independent Offices	<ul style="list-style-type: none"> <li>Formulates, implement and oversight various policy frameworks towards execution of their mandates.</li> <li>Participates in public policy formulation process.</li> <li>Provides feedback on public policies.</li> <li>Supports the implementation of public policies.</li> </ul>
8.	Political Parties	<ul style="list-style-type: none"> <li>Participates in public policy formulation process.</li> <li>Influences the legislative process for public policies that require laws.</li> </ul>

9.	Think tanks/ Academia	<ul style="list-style-type: none"> <li>Provides necessary technical support and capacity building on public policy.</li> <li>Partners and collaborates in research and policy analysis on public policy issues.</li> </ul>
10.	Media	<ul style="list-style-type: none"> <li>Information dissemination on public policies.</li> <li>Provides timely feedback on public policies.</li> </ul>
11.	Private sector institutions	<ul style="list-style-type: none"> <li>Collaborates and partners with the government on the implementation of public policies.</li> <li>Participates in public policy formulation process.</li> <li>Provides feedback on public policies.</li> <li>Provides resources for the development and implementation of public policies.</li> <li>Provide and advocates for platforms to discuss public policy issues with policy makers.</li> </ul>
12.	Civil society organizations	<ul style="list-style-type: none"> <li>Provides advocacy on public policies.</li> <li>Provides technical support during public policy formulation and implementation.</li> <li>Provides inputs during public policy formulation.</li> <li>Provides civic education to citizens on public policies</li> </ul>
13.	Council of Governors (CoG)	<ul style="list-style-type: none"> <li>Provides inputs during policy formulation process.</li> <li>Provides technical support to Counties during public policy formulation and implementation.</li> <li>Undertakes resource mobilization for policy development at the counties.</li> <li>Offers collective voice on public policy issues</li> </ul>
14.	Religious Organizations	<ul style="list-style-type: none"> <li>Provides inputs during public policy formulation process.</li> <li>Promoting and supporting the implementation of the public policies.</li> </ul>

15.	Development partners	<ul style="list-style-type: none"> <li>Provides inputs during public policy formulation process.</li> <li>Provides technical support on public policy formulation and implementation.</li> <li>Provides resources for capacity building on public policy.</li> <li>Supports the use of evidence-based public policy making.</li> <li>Provides resources for public policy formulation, implementation, monitoring and evaluation.</li> </ul>
16.	International and Regional Organizations	<ul style="list-style-type: none"> <li>Advocates and supports the implementation of regional and international resolutions on public policies.</li> </ul>

## 2.6 Linkages between Policy, Planning and Budgeting

Integrated policy, planning and budgeting is basically about having expenditure programs that are driven by policy priorities and disciplined by budget realities.

The policy, planning, and budgeting stages of the development planning cycle are indivisibly linked to the country's long-term development agenda, such as the Kenya Vision 2030 and the Bottom-up Economic Transformation Agenda (BETA). Kenya Vision 2030 identifies pillars and enablers for socio-economic transformation and provides broad national goals, objectives, and strategies. It is implemented through five-year successive Medium-Term Plans (MTPs) at National level and the County Integrated Development Plans (CIDPs) at County levels. These plans are implemented through departmental strategic plans, Annual Work Plans, Performance Contracts and the budgets through the Medium-Term Expenditure Framework (MTEF).

The budget making process is guided by Public Finance Management (PFM) Act, 2012, Article 35 which stipulates that budget making process shall integrate with the development planning process while Article 68 requires organizations to prepare strategic plans in conformity with Medium Term Fiscal Framework and Fiscal policy objectives of the National Government. These linkages are illustrated in figure 2.2:

Figure 2.2: Linkages between policy, planning and budgeting.



## 2.7 Translating Policy into Legislation

The government may opt for direct implementation of a policy through ministerial orders, administrative measures, economic instruments, voluntary agreements, information disclosure or persuasion. However, certain policy matters may require to be executed through legislative measures. Best practice requires that laws and regulations should be underpinned by policy. In making determination whether to use a law or a sessional paper to implement a policy, the Executive must consider whether:

- a) The policy itself prescribes for an enabling legislation.
- b) Implementation requires a law to operationalise the policy.
- c) It is determined that a law is required to give effect to implementation of the policy.
- d) The proposed policy actions would have legal consequences such as limitation of rights, creation of criminal sanctions and the imposition of fees, charges, or other fiscal penalties.
- e) There are procedural and process matters proposed in the policy.
- f) Where the public policy issue requires strict timelines in terms of implementation, and enforcement; and
- g) Whether the Constitution demands, for example, if it is a question of limitation of fundamental rights.

# CHAPTER 3: PUBLIC POLICY DEVELOPMENT PROCESS

## 3.1 Overview

This chapter describes the public policy making process and highlights the fundamental stages of public policy making cycle. It also explains the process of undertaking stakeholder identification, mapping, engagement and public participation. The chapter concludes by outlining the role of public policy communication across all the stages of public policy-making cycle.

## 3.2 Public Policy Making Cycle

This section explains the public policy making cycle to enable the users appreciate and understand the requirements for each stage and how it is conducted. The section provides a structured way in examining how public policies are formulated, adopted, implemented, and modified. The public policy development cycle is presented in figure 3.1:

*Figure 3.1: Public policy making cycle.*



### **3.2.1 Problem Identification and Agenda Setting**

This stage starts with the identification of the existence of a public policy issue that requires government intervention and action to address the issue. During problem identification, it is important to specify the issue, describe how it came about, the magnitude of the issue, state who is affected and the root cause of the problem. Problem identification involves both state and non-state actors.

Identification of policy issues is very crucial because the policy issue may manifest itself in various forms and may require a thorough analysis of the causes and effects to come up with all the dimensions of the problem to develop appropriate interventions. At the end of the process, a listing of all public policy issues identified through analysis and proposed solutions to the issue forms the policy agenda universe. It is from this Policy Agenda Universe that “policy agenda” is agreed through negotiation, persuasion and compromise by the stakeholders. The policy agenda can be viewed as “agenda setting” where all policy issues and proposed solutions are identified by policy actors and agreed upon for prioritization by the government.

Agenda setting process is lengthy and sometimes requires a lot of persuasion and negotiation with different stakeholders pushing for their proposed solutions to enter the policy agenda based on their interest. This is because benefits and costs of addressing the policy issue falls disproportionately on different actors and therefore there will be winners and losers. It requires stakeholder mapping based on their interest, power and influence, and their areas of operation. The process is done in stages with each set of stakeholders meeting to discuss and pick issues that qualify to get into the policy agenda of the government in addressing the public policy issue identified.

### **3.2.2 Policy Formulation**

The policy formulation also referred to as policy design involves actual drafting of the public policy document to provide effective and acceptable course of action for addressing the identified problem, and is based on the policy agenda selected. The main activities undertaken at this stage are generating the policy options through policy analysis and drafting all the sections of the policy in question based on the prescribed outline in Chapter Four of this handbook. In addition, it involves developing the public policy implementation matrix (Annex 3) to guide the policy user during implementation. The process of identifying the best policy option is guided by the following criteria:

- a) Efficiency and Effectiveness:** Efficiency is the ability of the proposed policy options to achieve maximum benefits in relation to the inputs to the policy options such as the least cost for maximum social benefit or the largest social benefit for a given cost. On the other hand, effectiveness measures the degree to which a policy option addresses or responds to a problem; a measure of how well a policy achieves its goals.

**b) Equity and Equality: Equity is the sense of fairness or justice.** The ability of the proposed policy action to achieve fairness or justice in the distribution of the policy costs, benefits and risks across population sub-groups in the targeted sector. Equality is the ability of the policies to treat individuals or groups equally by providing same resources and opportunities, regardless of their circumstances.

**c) Political Feasibility:** The extent to which proposed policy action is acceptable to elected officials and their buy-ins and support for the proposed action.

**d) Social Acceptability:** The extent to which the proposed policy action is acceptable to the public and gains their support on the proposed policy action.

**e) Administrative Feasibility:** The extent and likelihood of a department or agency charged with implementation of the policy action to implement the policy action effectively.

**f) Technical Feasibility:** The extent to which there is availability of and reliability of technology, needed for adequate implementation of the proposed policy action, to achieve desired quality results.

**g) Human Rights Based Approach:** Putting people at the centre and ensuring inclusion of all including the most vulnerable and observing public participation, accountability and transparency as crucial tenets of policy making process and implementation.

In Kenya, the most common approach adopted in formulating public policy is through taskforces and Technical Working Groups (TWGs). The taskforces and TWGs are formed based on the policy issue to be addressed and consists of diverse experts in various areas touching on the policy issue. Usually, the membership to taskforces and TWGs are drawn from Government, private sector, Academia, Statistical Agencies, and Research Institutes. However, during the process of policy formulation, the team can bring on board other actors such as NGOs, development partners, civil society organization, among others, to ensure the process is as inclusive and participatory as possible.

The product generated from this stage is a draft public policy that is ready for scrutiny by the policy makers before it is subjected to public participation to solicit their views through memoranda. After the period given to the public to provide feedback lapses, the policy drafters incorporate the comments from the public. This is done by clearly documenting all the comments provided, by whom, and how each of those comments have been incorporated into the policy; and if the proposals by the public have not been incorporated for some reasons, an explanation is provided as to why they have not been included in the policy. This process concludes with validation workshops with various stakeholders and the public to explain how

various proposals were incorporated in the policy. At this stage, further comments or proposals are taken on board and incorporated. After the validation, the draft policy is ready for approval.

### **3.2.3 Public Policy Approval**

This is the process through which a proposed policy is formally accepted and authorized by the relevant governing body or authority. During this stage, decision-makers review and consider the proposed policy's content, objectives, potential impacts, and feasibility.

They may gather input from experts and stakeholders to ensure that the policy is well-informed and addresses the intended issues.

The review process involves legitimization of the following elements;

**1. Process Legitimization:** Determine whether the development of the proposed policy complied with the procedures outlined in the public policy-making process as outlined in the public policy handbook.

**2. Product Legitimacy:** Determine whether the draft public policy covers all the elements of the public policy structure.

**3. Technical Legitimacy:** Determine whether policy analysis was conducted and evidence generated that is required to inform policy options and actions proposed in the policy.

**4. Political Legitimacy:** This entails checking whether the proposed draft public policy is in line with the expectation of the political elite and the government bureaucrats and whether the policy has popular acceptance and recognition by the public.

**5. Compliance with the Constitution of Kenya,** existing laws and national development priorities.

There are two types of public policies that require approval. The first type of policies are those that are self-executing (or can be implemented without the need of developing a law to implement the policy) while the second type are those which require legislative action. The self-executing policies will require approval by the Executive such as the Cabinet or the County Executive Committee Members at the Counties. Policies that require legislative instruments for implementation are approved at the Executive level for transmission for legislative action.

The draft public policies are transmitted to Cabinet or the county CECMs cabinet through a Cabinet Memorandum. The Cabinet Memorandum must comply with the structure and contents as outlined in Annex 2. The Cabinet considers the proposed draft public policy and can approve the draft public policies without amendments; approve subject to addressing the comments from the Cabinet or reject the draft policy.

Where possible, the team developing public policies should endeavour to develop legislative proposals as they develop the policies, where it is considered that the policy will require a law or sessional paper for implementation.

### **3.2.4 Public Policy Implementation**

Policy implementation is the process of translating public policy statements into actions. This entails actualizing the public policy implementation matrix (Annex 3) through development of annual work plans and budgets for the implementation of the policy actions. It also involves carrying out sensitization to the public to create awareness on the public policy. Communication is also carried out in this stage where the concerned entities develop communication strategies to disseminate the public policy contents to various stakeholders and the public and where possible, in the language the public can understand.

### **3.2.5 Public Policy Monitoring, Evaluation, Reporting and Learning**

Monitoring, Evaluation, Reporting and Learning (MERL) are interconnected processes used to assess the progress, relevance, efficiency, effectiveness, impact and sustainability of the implementation of public policies. This process is crucial for ensuring that activities outlined in the policy are implemented on time, by respective MDAs and the Counties. It also helps to track and ensure goals of the policy are achieved and lessons learned are used for future improvements of the policy. The MERL contributes to evidence-based decision-making in policy development, improved accountability, enhanced transparency and the overall effectiveness of policy implementation. The processes of MERL and what it entails is elaborated below.

**a) Monitoring:** This involves regular and systematic collection of data and information to track the implementation of the activities and outputs outlined in the public policy implementation matrix. This also helps identify early warning of potential problems or risks and bottlenecks in the implementation of the policy and provides appropriate remedy.

**b) Evaluation:** It is a systematic and objective assessment of the effectiveness, efficiency, relevance, and impact of a policy action implementation. It involves collection of data and evidence on policy to determine whether the policy goals have been achieved and to inform the review or relevance of continual implementation of the policy.

**c) Learning:** It involves drawing insights and lessons from the monitoring and evaluation processes. Learning informs decision-making, helps identify best practices, and guides adjustments for ongoing and future activities of the public policy.

**d) Reporting:** It involves communicating the findings, results, and lessons learned from the monitoring and evaluation processes. The reports are shared with both state and non-state actors to provide information on the achievement of the policy actions and to ensure transparency and accountability.

### **3.2.6 Policy Review**

The process of policy review is informed by the results of monitoring and evaluation of implementation of the policy actions. If policy actions, activities and objectives have been achieved as outlined in the policy, decision makers will recommend continual implementation of the policy. If the results show that the policy goals are not being achieved however, the decision makers may recommend policy review or termination of the policy implementation altogether.

## **3.3 Stakeholder Mapping and Engagement**

### **3.3.1 Stakeholder Mapping**

Stakeholders are individuals, groups, or organizations that have a direct or indirect influence, interest and power in a particular public policy issue, decision, or initiative. Stakeholder mapping is a process of identifying and prioritizing individuals, groups, and organizations that are affected by or have an interest in and/or affect the proposed policy. This process helps in understanding the dynamics and relationships among various stakeholders, which is crucial for effective communication, engagement, and decision-making. Stakeholder mapping is conducted using power/influence – interest matrix. After mapping, stakeholders are classified into the following categories:

- a. Category 1:** High Influence/power-High interest: These stakeholders are very crucial in the public policy development process due to their power of influence and interest in policy development and can determine the success or failure of the policy development. The policy drafters must keep this category of stakeholder actively engaged during the public policy development process.
- b. Category 2:** High Influence/power-Low Interest: This category of stakeholders has high power to influence policy development but might not be directly interested in the policy development. Policy drafters must keep this category of stakeholders informed on what is happening in the public policy development process.
- c. Category 3:** Low Influence/power-High Interest: This category of stakeholders has high interest in the public policy issue in question but may have limited power to influence the policy decisions during policy formulation. Given their interest in the issue, public policy drafters must keep them satisfied to ensure that they contribute and have a buy-in of the policies being proposed.
- d. Category 4:** Low Influence/power-Low Interest: The impact of this category of stakeholders in the public policy development process is minimal. However, these stakeholders can be affected by or can affect the public policy-making process and the outcomes of the policy itself.

In undertaking stakeholder mapping, policy drafters should consider using the stakeholder mapping matrix as provided in Table 3.1.

**Table 3.1: Power-Interest Matrix**

		INTEREST	
POWER/INFLUENCE		High	Low
	High	A – Maximum effort (Manage closely)	B - Keep Satisfied
	Low	C - Keep Informed	D – Minimal Effort (Monitor)

Stakeholders involved in public policy-making process includes, but not limited to the citizens, MDAs, Academia, Research Institutions, Development Partners, the Private Sector, Non-Governmental Organizations (NGOs), Civil Society Organizations and the Media. Special interest groups such as the youth, women, elderly persons and persons with disabilities should also be considered during the public policy formulation process.

### **3.3.2 Stakeholder Engagement**

Stakeholder engagement is a constitutional imperative in the public policy-making process. It is a strategic action that is undertaken by public policy drafters to ensure stakeholders interact, communicate, and build relationships throughout the entire process of public policymaking. Stakeholder engagement is undertaken in all stages of policy development by policy drafters. The drafters engage various stakeholders in different forums such as roundtables, workshops and policy working sessions to ensure they provide inputs in all stages of policy development.

Stakeholder engagement ensures views and proposals are taken on board to enrich the proposed policy. This also enhances public policy legitimacy, increased public support and ensures the achievement of better policy outcomes. Further, the stakeholder's engagement enables better planning and more informed public policies. Stakeholder engagement can be mutually beneficial for the stakeholders. The benefits of stakeholder engagement include the opportunity to contribute as experts in relevant fields to policy development, stakeholders' issues are considered in policy development and stakeholders have the opportunity to participate in the policy making process.

### **3.4 Public Participation in Public Policy-Making Process**

Articles 10 and 232 of the Constitution places a mandatory obligation on all public officers developing public policy to engage the public in the public policy development process. The County Government Act, 2012 also outlines the mechanisms for public participation during public policy-making process at the County level. Thus, in public policy-making process, public participation is a process through which citizens contribute their perspectives, expertise, and interests on a public policy issue to shape policy actions and decisions that would affect their lives. Forms of public participation in policy-making processes include public consultations, advocacy and lobbying.

### **3.5 Communication in Public Policy Making Process**

Communication in public policy-making process is a continuous process in all stages of public policy making. It involves the exchange of information related to the policy between two or more stakeholders. Communication ensures that public policies are well-understood by stakeholders for acceptability and avoiding the risk of rejection due to poor communication or adoption of poorly formulated policies. In public policy process, communication serves to share and disseminate information, create awareness on the public policy, and helps build consensus among stakeholders.

MDAs are advised to develop their respective communication strategies and content for different stakeholders based on the stage of public policy development. Communication strategy guides on how communication will be undertaken throughout the entire public policy development process. Importantly, communication strategy should set the tone and direction for all information and activities towards achieving policy development goals.

## CHAPTER FOUR: POLICY DOCUMENT STRUCTURE

### 4.1 Overview

This chapter describes the structure of a public policy document with various parts including preliminary sections, situational analysis, policy statements and strategies, framework for implementing the public policy, monitoring and evaluation and policy review interval.

### 4.2 Public Policy Structure

The public policy structure and outline should be logical, well-articulated and provide a flow of various sections in the policy. Figure 4.1 presents the structure of a public policy document:

*Figure 4.1: Public Policy Document Structure*



#### 4.2.1 Preliminary Sections

The section describes the title, forward, preface and acknowledgment, acronyms and abbreviations, and table of contents.

##### a) Title

This provides the heading of the policy, which should be descriptive but concise, informative, and self-explanatory.

##### b) Foreword

In Public Policy documents, this part is usually done by the person commissioning the public policy (such as the President, Deputy President, Prime Cabinet Secretary, Cabinet Secretary; and in the case of the counties; the Governor or County Executive Committee Member (CECM)). The section is intended to give authority or credibility to the public policy document. It should include the policy direction, rationale and commitment of the government towards implementation of the public policy.

##### c) Preface and Acknowledgement

This section of public policy is written by the author of the public policy such as the Principal Secretary at the national level or the Chief Officer in the case of the counties. The section articulates the key areas as illustrated in Table 4.1:

*Table 4.1: Key areas of Preface and Acknowledgement*

Key area	Content includes
Rationale	<ul style="list-style-type: none"><li>• Clearly describes the problem the public policy seeks to address.</li><li>• Identifies the gaps that will be filled by the proposed policy.</li></ul>
Processes in the Policy Development	<ul style="list-style-type: none"><li>• Clearly explains the process followed in the development of the public policy.</li><li>• Identifies all key stakeholders that were involved in the public policy development process.</li></ul>
Sources of data	<ul style="list-style-type: none"><li>• Briefly describes the sources of data that was used to inform the public policy development.</li></ul>
Acknowledgement	<ul style="list-style-type: none"><li>• Identifies and appreciate the contribution of key stakeholders for their role in the public policy development process.</li></ul>

#### d) Table of Contents

This section outlines or lists the numbered sections of the policy document and their page numbers. It provides an overview of the content and directs the reader to specific sections of the policy document.

#### 4.2.2 Introduction

This section provides background information on the need for the development of the public policy. In drafting the introduction section, the author should be guided by the following:

**Table 4.2: Key areas of Introduction**

Key area	Contents
Background information	<ul style="list-style-type: none"><li>• Describes the history of the topical issue or cause of the problem.</li><li>• Provides best practices at global, regional and national levels.</li><li>• Describes the previous government interventions on the issue.</li></ul>
Policy Issue(s) Identification	<ul style="list-style-type: none"><li>• Describes the core problem that is being addressed by the policy.</li><li>• Provides evidence using current and official data/statistics to support the existence of the policy issue.</li><li>• Explains how severe the problem is and why the issue is important for the government to address.</li><li>• Provides who is affected by the issue and how.</li><li>• Identifies the areas affected by the issue and explains how the policy issue came about and why the issue persists e.g., whether the problem occurrence was gradual or sudden and unexpected like the Covid-19.</li><li>• Outlines the underlying causes of the problem and what has been done by the government before to resolve the problem.</li><li>• Justifies why Government must intervene on the policy issue now and not later.</li><li>• Elaborates whether there are legal, ethical, or moral implications of the issue and what the perspectives of different stakeholders on the issue are.</li></ul>
Rationale	<ul style="list-style-type: none"><li>• Provides a Justification on whether there is any case for Government action.</li><li>• Identifies the policy issue towards which the policy is directed.</li></ul>

Policy Goal and Objectives	<ul style="list-style-type: none"> <li>Ensures that the policy goal and objectives are clearly pronounced and are aligned to the proposed actions by the Government on the policy issue.</li> </ul>
Scope of the Policy	<ul style="list-style-type: none"> <li>States the applicability and coverage of the public policy</li> </ul>
Structure of the policy document	<ul style="list-style-type: none"> <li>Provides how the public policy document is organized.</li> </ul>

#### 4.2.3 Situation Analysis

This section describes the current status of the issue the policy is seeking to resolve and also review the trends on the issue. The status and trends of the issue are then used to highlight any unusual patterns. Policy drafters must examine the existing policy, legal and institutional frameworks and their sufficiency in addressing the policy issue at hand and draw the gaps that exist. The drafters should review regional and international frameworks on the policy issue to inform the development of the policy. The lessons learnt from the analyses are key in identifying the gaps and informing the next steps.

#### 4.2.4 Public Policy Statements

This section outlines the policy statements expressing what the Government has committed to do on the public policy issue. The drafters must provide innovative approaches to fulfilling the policy objectives and must emphasize the type of instruments the Government may use to meet its commitment to the policy issue.

Additionally, the drafters should provide a short background on the issue and identify the gaps that need to be addressed. The drafters then must provide Government's action/strategies for every gap identified. The drafters need to keep the thematic areas to a maximum of 6 although there may be cases where one could have more than 6 depending on the context of the policy being developed. However, strategies to address each issue will depend on the gaps identified. An example of how to draft policy statements is shown in Annex 4.

#### 4.2.5 Framework for Implementing the Public Policy

This section provides coordination and administration mechanisms for policy implementation. It may also highlight any institutional, legal, and regulatory reforms that must be undertaken for successful implementation of the policy. The section should cover the following elements as outlined in Table 4.3:

**Table 4.3:Elements of Policy Implementation Framework**

<b>Area of focus</b>	<b>Content</b>
Coordination Framework and Administrative Mechanisms	<ul style="list-style-type: none"> <li>• In this section, the drafters should specify the hierarchy of the institutions, composition of the membership and their functions (Flow charts of the coordination framework).</li> <li>• If the Policy implementation is multi-agency in nature, the drafters must specify the role of each agency and the coordinating institution among them.</li> <li>• The drafters should outline the coordination mechanisms of the policy at all levels to avoid duplication and conflicts in policy implementation; and</li> <li>• The section should clearly provide a framework for integrating other stakeholders in the implementation of the policy.</li> </ul>
Legal and Regulatory Framework	<p>In this section, the drafter should:</p> <ul style="list-style-type: none"> <li>• Identify any existing laws on the issue, if any, that the current policy being developed should align with, or those that will need to be reviewed to align with the new policy.</li> <li>• Provide laws and regulations that relate to the issue that can support the implementation of the proposed policy.</li> <li>• Specify how relevant international conventions and treaties have been domesticated on the issue and how they will supplement in implementing the new policy.</li> <li>• Outline the legislative proposals that should be developed (such as a “Bill” for introduction to the National assembly, the Senate or the County assemblies) to provide for establishment of structures, powers, and functions.</li> </ul>
Funding Arrangements	<ul style="list-style-type: none"> <li>• The section should describe the sources of funds to cater for the policy activities and actions.</li> <li>• In case the policy recommends establishment of a fund, the drafters should refer to the relevant provisions of the Public Finance Management Act, 2012.</li> </ul>

In implementing the public policy, the policy implementers will use the policy implementation matrix as provided in annex 3. Further, the implementers will also develop annual workplans based on the implementation matrix to enable implementation of the policy actions. Policy implementers should also align implementation of the policy with their institutional Strategic Plans and/or County Integrated Development Plans (CIDPs) as well as their Performance Contracts.

#### **4.2.6 Monitoring and Evaluation**

This section explains how policy strategies and actions will be monitored and evaluated. In drafting M&E section, drafters should indicate the data sources, timeframe for implementation of the identified strategies and actions and who is responsible for tracking the implementation of the policy actions. They should also define the reporting channels within the organization, dissemination of M&E results as well as the feedback mechanism from the public on the policy implementation (a sample of M&E matrix is indicated in annex 5). The M&E section should also explain the following elements as presented in Table 4.4.

*Table 4.4 : Elements of M&E*

<b>Stage</b>	<b>Issues</b>
Policy Monitoring, Evaluation, Reporting and Learning	<p><b>Monitoring</b></p> <p>The policy drafters should:</p> <ul style="list-style-type: none"><li>• Provide mechanisms for data collection, analysis and storage.</li><li>• Provide the baseline values, indicators and targets that will be used to measure the policy implementation progress.</li><li>• Provide mechanism to monitor whether policy activities are being implemented within the specified timeframe and budget.</li><li>• Identify challenges or bottlenecks that could hinder successful implementation of the policy activities and actions.</li></ul> <p><b>Evaluation</b></p> <p>The section should provide:</p> <ul style="list-style-type: none"><li>• How the implementers will evaluate whether the desired outcomes and objectives of the policy were achieved.</li><li>• The indicators that will be used to measure effectiveness, coherence, impact and sustainability of policy implementation.</li><li>• How the evidence to support policy impact on the issue will be collected.</li><li>• An explanation how the implementers will identify intended and unintended consequences as well as positive or negative effects of the policy implementation.</li></ul>

	<p><b>Reporting</b> The section should indicate the types of reports, frequency of reporting, format and the users of the reports.</p> <p><b>Learning</b> This section should:</p> <ul style="list-style-type: none"> <li>• Outline how lessons learnt from the policy implementation and outcomes will be collated to inform how the policy can be improved.</li> <li>• Indicate how successful elements of public policy can be replicated.</li> <li>• Indicate how unsuccessful elements can be avoided.</li> <li>• Indicate how the management of interventions, M&amp;E and engagements with partners will be improved.</li> </ul>
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#### **4.2.7 Public Policy Review Interval**

Public policies should be reviewed after ten (10) years of implementation. However, the policy should provide a caveat for early policy review in the event of emerging situations such as change in the Constitution, occurrence of calamities, or need to align the policy to regional and international frameworks.

#### **4.2.8 Annexes**

This section contains annexes with details that may not be included in the body of the policy. These would include, but not limited to the following;

- Definition of Terms
- Flow charts of the coordination framework.
- Policy Implementation matrix.
- Policy M&E Matrix.

# CHAPTER FIVE: IMPLEMENTATION OF THE PUBLIC POLICY HANDBOOK

## 5.1 Overview

This Chapter provides information on the coordination framework for the implementation and adherence to the Public Policy Handbook. The Chapter also presents resource mobilization strategies to support implementation of the handbook, capacity development areas for the policy drafters as well as the handbook risk management framework.

## 5.2 Coordination of the Public Policy Handbook

The implementation of the Public Policy Handbook will be undertaken through coordination and collaboration with various actors as discussed below:

### a) The Steering Committee (SC) on the Government Legislative Agenda and Parliamentary Liaison

The Steering established by “Guidelines on the Framework for Coordination and Supervision of Government Business Across Ministries, State Departments and Agencies” of March 2023 is chaired by the Prime Cabinet Secretary and co-chaired by the Attorney-General. The Principal Secretary, State Department for Parliamentary Affairs is the secretary to the SC. The SC will coordinate the implementation of the Public Policy Handbook and provide policy guidance and oversight on matters related to government policy priorities.

### b) Council of Governors

The Council of Governors (CoG) will be responsible for, among other functions, overseeing the promotion and mainstreaming of the Public Policy Handbook in the Counties and recommending appropriate strategies and policy actions for implementation of the Public Policy Handbook.

### c) Ministries, Departments, Agencies and Counties (MDACs)

MDACs will implement the Public Policy Handbook during the process of formulation, implementation, monitoring and review of public policies in their respective sectors.

## 5.3 Compliance with the Public Policy Handbook

The State Department responsible for Policy Coordination and Strategy will ensure compliance and enforcement of the public policy Handbook by MDAs and the counties.

MDAs will submit their draft public policies to the State Department for review and advice before submission to Cabinet for approval. Specifically, the review will entail the following:

- i. Compliance with the guidelines as outlined in the Public Policy Handbook for Kenya.
- ii. Review and prioritization of policies necessary to achieve the National Development Agenda; and
- iii. Analysis on emerging issues of public concern.

Further, the State Department will undertake capacity needs assessments, provide technical support during capacity building for MDACs, and undertake risk management while implementing the handbook and also take measures to ensure MDAs comply with the requirements that legislation is preceded by public policies. In addition, assessment of the compliance with the handbook will be done to ensure that MDAs comply with the guidelines as outlined in the public policy handbook to ensure policy quality and coherence.

#### **5.4 Resource Mobilization**

In the implementation of the Public Policy Handbook, the State Department responsible for Policy Coordination and Strategy will mobilize both financial and human resources needed for the Handbook implementation. MDACs will be required to mobilize resources for capacity building for the state department to deliver on the implementation of the Public Policy Handbook.

In addition, non-state actors including Development Partners, Non-Governmental Organizations, Philanthropists, Foundations, Faith and Community Based Organizations will not only undertake the Public Policy Handbook advocacy but also undertake civic education and provide technical and financial resources to support the national and county government in the implementation of the public policy handbook.

#### **5.5 Capacity Building**

The State Department responsible for Policy Coordination and Strategy in collaboration with MDAs will undertake capacity needs assessment on public policy. This will entail an evaluation of existing skills sets and competences to ascertain their adequacy and relevance towards supporting implementation of the Handbook.

The State Department responsible for Policy Coordination and Strategy in collaboration with MDAs, and other key capacity development stakeholders will also prepare a capacity development strategy to guide capacity building on policy-making process in the public sector. Capacity building will be undertaken in the following key areas: Public Policy-Making Process; Tools for Policy Analysis; Applied Research Methods; and Monitoring and Evaluation among other areas.

## 5.6 Risk Management

The Public Policy Handbook will be implemented within an established Risk Management framework to allow for mitigation of risks. The State Department responsible for Policy Coordination and Strategy will identify, describe and categorize the risks that may hinder the realization of the goal of the Public Policy Handbook. The process will involve categorization and prioritization of the risks based on the likelihood of occurrence and expected impact with suggested actions for mitigation, monitoring and reporting of those risks. From preliminary assessments, the probable risks that may be encountered in the implementation of the Public Policy Handbook and their mitigation measures are as presented in Table 5.1:

*Table 5.1: Risks Matrix*

S/No.	Risks	Risk Likelihood (L/M/H)	Se-verity (L/M/H)	Mitigation Measure(s)
1.	Non-compliance with the Handbook by MDAs	H	H	The State Department responsible for Policy Coordination and Strategy to enforce compliance by the MDAs as per their mandate.
				Cabinet Directive to enforce compliance of the Handbook.
2.	Inadequate Resources	M	H	Mobilize resources from Development partners; private sector and other non-state actors for public policy-making process.
3.	Inadequate capacity of the coordinating agency to ensure effective implementation of the Handbook	H	H	Capacity Building for staff in the State Department responsible for Policy Coordination and Strategy in public policy making among other trainings.
				Deployment, secondment and recruitment of staff.

4.	Resistance to Change by MDACs	H	H	Conduct Change Management initiatives, including process re-engineering, capacity building, culture management and communication campaigns to increase understanding of and support for new policies.
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# CHAPTER SIX: MONITORING, EVALUATION, REPORTING, LEARNING AND REVIEW OF THE PUBLIC POLICY HANDBOOK

## 6.1 Overview

This Chapter presents how the Monitoring, Evaluation and Learning (MERL) of the public policy handbook implementation will be conducted. It also provides a guide for future review of the Public Policy Handbook.

## 6.2 Monitoring the Implementation of Public Policy Handbook

The State Department responsible for Policy Coordination and Strategy will spearhead and coordinate monitoring of the implementation of the Handbook. Monitoring will involve continuous and systematic collection of data on a quarterly basis using a monitoring framework.

## 6.3 Evaluation

Evaluation will involve a systematic and objective assessment of the effectiveness, efficiency, relevance, and impact of the Public Policy Handbook. The State Department responsible for Policy Coordination and Strategy will conduct baseline survey, mid-term and end-term evaluations. However, to maintain objectivity in the evaluation, the State Department may undertake the survey jointly with external expertise or may wish to delegate the evaluation to an independent expert. It is envisaged that the results of the evaluation will be utilized to inform decision-making, promote accountability, facilitate learning, and to support addressing identified gaps in the implementation of the Handbook.

## 6.4 Reporting and Learning

Reporting will involve communicating the findings, results, and lessons learned from the monitoring and evaluation processes with policymakers, stakeholders, and the public to engender transparency and accountability. The State Department responsible for Policy Coordination and Strategy will prepare periodic reports on the status and progress of implementation of the Handbook which will be shared with MDAs, Counties and stakeholders, using various communication channel and also the reports will be made available through online platforms such as the website of the State Department responsible for Policy Coordination and Strategy.

Learning will involve drawing insights and lessons from the monitoring and evaluation processes which will inform decision-making, help in identifying best practices, and guide adjustments of the Handbook. In addition, the State Department responsible for Policy Coordination and Strategy in collaboration with other stakeholders will organize annual forum to share experiences on the implementation of the Handbook.

## **6.5 Review of the Handbook**

The Public Policy Handbook will be reviewed after ten (10) years to respond to emerging issues. However, the State Department responsible for Policy Coordination and Strategy may review the Handbook as and when need arises or if extra-ordinary circumstances demand, to align it with the international and regional frameworks, change in other overarching policies and laws such as the Constitution or emergency situation that may warrant the earlier review of the Handbook. If there is need for review of the Handbook, then the approval shall follow the same process adopted during the preparation of the Public Policy Handbook.

## ANNEXES

### 7.1 Annex 1: Public Policy Development Cycle

S/No.	STAGE	ACTIVITY	TIMELINE
1.	Problem Identification and Agenda-setting	<ul style="list-style-type: none"><li>• Undertake review on current status of the issues to resolve and identify the gaps.</li><li>• Examine existing policies, legal and institutional framework and their sufficiency in addressing the policy issue at hand.</li><li>• Identify and map the stakeholders to be involved in the policy formulation.</li><li>• Hold consultative forums with key stakeholders to gather information on issues that need to be addressed and alternative solutions.</li><li>• Develop a Concept Note for public policy formulation</li></ul>	2 Months
2.	Policy Formulation	<ul style="list-style-type: none"><li>• Undertake analysis on the alternative solutions to identify the best strategy to resolve the issue.</li><li>• Draft the Public Policy</li></ul>	3 Month
		<ul style="list-style-type: none"><li>• Undertake Public Participation.</li><li>• Undertake validation exercise</li></ul>	3 Months
3.	Policy Adoption and Approval	<ul style="list-style-type: none"><li>• Preparation of Cabinet Memo</li><li>• Approval of the Public Policy by Cabinet</li><li>• Printing and Dissemination of the Policy</li></ul>	2 Month

## 7.2 Annex 2: Structure and Content of Cabinet Memorandum

### Definition

A Cabinet Memorandum (CAB MEMO) is a document that is prepared to illuminate an issue of public policy requiring Cabinet consideration and decision. It outlines policy options and recommendations.

### Outline

1. Objective of the Memorandum
2. Background of the subject matter
3. Analysis of the problem
4. Options and the way forward
5. Financial implication
6. Legal Implication
7. Request to the Cabinet

#### 1. Objective of the Memorandum

This is usually a summary of the primary decision being sought from Cabinet.

#### 2. Background of the Subject Matter

This section provides a background to the issue. It states the origin of the issue, who and what was involved, what previous resolution were attempted, why does the issue warrant government attention, and why is it coming before Cabinet now.

#### 3. Analysis of the Problem

This section identifies the issue to be addressed by the Cabinet. It attempts to identify the What, Who, Where, When and How. It may identify the drivers and the effects.

#### 4. Options and the Way Forward

This section is an integral part of the advice to the Cabinet. It builds on the background to explain the issues. It outlines the key considerations which the Cabinet will need to take into account in reaching a decision. It identifies the possible options and impacts of each option. It outlines recommended course of actions or the decisions which the Cabinet needs to make building on information given and a summary of the rationale of choosing the recommended option over other alternatives.

#### 5. Financial Implication

In case the subject matter has financial implications, this section must outline the cost, the period, phasing of expenditure, and arrangements for sources of funds. (National Treasury Cabinet Secretary will have to also sign the Memo)

## **6. Legal Implication**

Where the subject matter has legal implications, this section should outline such consequences, identify all laws and regulations that may be affected or may affect implementation of the recommendations. In all cases, the Attorney General will countersign the Cabinet Memo.

## **7. Request to the Cabinet**

The Cabinet Memo should state all decisions sought and give firm recommendations on the course of action to be followed. The requests should be set out point by point.

The Cabinet is requested to:

1. Approve.....

2. Authorize .....

Sign ..... Date.....

### 7.3 Annex 3: Policy Implementation Matrix

Policy Goal/Objective	Strategies	Expected Output	Key Performance Indicators	Timeframe	Estimated Cost	Funding Sources	Lead	Support	Responsibility
<b>Statement #1:</b>									
Strategy 1									
Strategy 2									
<b>Statement #2:</b>									
Strategy 1									
Strategy 2									

## 7.4 Annex 4: Sample of Policy Statements

### Sample 1: Policy Statements

The objective of this statement is to provide a framework for the provision of meteorological services for safety of life, protection of property and safeguarding the natural environment for socio-economic development and posterity.

#### 1. Observation Networks

The data, weather and climate pattern that these networks provide is invaluable for planning in the agriculture, food security, health, aviation, water resources and marine sectors of Kenya. There exist inadequacies in siting, installation, methods of observation, calibration and maintenance of instruments and equipment. There is therefore a need to foster and strengthen collaborative management of observation and networks among all the actors involved.

To achieve the above objective,

*The Government will:*

- a) *Ensure adherence to the Guide to Meteorological Instruments and Methods of Observations (WMO No. 8) which is the authoritative reference for all matters related to instrumentation and methods of observation.*
- b) *Ensure increased investment in meteorological instruments and observations systems and a coordinated development of networks.*
- c) *Promote multi-sectorial collaboration in meteorological and environmental data observation.*

#### 2. Telecommunications Networks

Effective and reliable telecommunication networks for weather and climate includes the exchange and facilitation of the flow of data in a timely and cost-effective way ensuring that all Member States of the WMO have access to timely data and products in accordance with approved procedures to make real time forecasts. The National Meteorological Services (NMSs) establish and operate telecommunication networks that together form the WMO Global Telecommunication System that facilitates rapid exchange of observations data and products to enable the NMSs worldwide meet their national, regional and international obligations. The challenges facing transmission of Meteorological Telecommunication are coordination and information exchange. To tackle these challenges,

*The Government will:*

- a) *Build capacity for the National Meteorological Service provider to become a global meteorological and environmental information exchange centre.*
- b) *Ensure uninterrupted connectivity to public and dedicated communication networks at a capacity that is adequate and supports appropriate level of availability and capacity necessary to meet the requirements of meteorological telecommunications.*

### **Sample 2: Policy Statements**

This Policy adopts an approach that entails an inclusive framework that boosts increased political commitment to disaster risk management by encouraging County government to take lead in disaster risk management with support from the national government and other stakeholders. It identifies diverse challenges which the county aims to address through effective application of policy objectives and strategies.

#### **1. Understanding disaster risks**

There is clear evidence that advocacy is necessary to raise awareness on the need to participate in proactive disaster risk management. Kwale county shall set forums for disaster risk awareness and outreach to the county staff, community, business proprietors and other stakeholders to increase their capacity on understanding disaster prevention, mitigation, preparedness, response, recovery, rehabilitation and reconstruction. To achieve the policy theme of achieving the understanding of disaster risk and the objective of increasing knowledge on the dimensions of vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment at community and institutional level, the government will: -

- i. Enhance knowledge and technical capacity of government officials at all levels, civil societies and communities to enable them to identify and access disaster risk information through various means.
- ii. Enhance the incorporation of traditional, indigenous and local knowledge and practices to complement scientific knowledge in disaster risk assessment; and
- iii. Conduct periodic collection of information on hazard exposure and vulnerability analysis to build up the possible scenarios, livelihoods and associated impacts.

## **2. Strengthening governance and institutions to manage disaster risks.**

Disaster risk governance systems and processes are essential elements in prevention, mitigation, preparedness, response, recovery and rehabilitation through collaboration and partnership among various levels of government, development partners, private sector and civil society in managing disaster risks. The government recognizes disaster risk reduction as a priority through establishment of Directorate of Disaster Risk Management and allocation of resources to ensure efficient operations. However, this has been rendered impossible by the absence of policy framework, proper coordination structures and mechanisms for disaster risk management. To achieve the objective of strengthening disaster risk governance for effective and efficient implementation of disaster risk management, the government will: -

- i. Develop laws and regulations to provide coordination and organizational structures for DRM activities across the sectors, public and private.
- ii. Mainstream DRM in laws and regulations, including those addressing land use and urban planning, environmental resources and health management and health and safety standards.
- iii. Develop and strengthen mechanisms to follow up, periodically assess and publicly report on progress of county implementation of DRR plans; and
- iv. Establish and strengthen coordination forums composed of relevant stakeholders at levels for disaster risk reduction.

## 7.5 Annex 5: Public Policy M&E Matrix

	Indica-tor(s)	Base-line	Target(s)		Source of data	Frequency
			Mid Term	End Term		
Goal 1						
Outcome(s)1						
Outcome(s)2						

