



The
Council of Governors
48 Governments, 1 Nation

REPORT ON THE REVIEW OF THE EXISTING GUIDELINES ON COUNTY PERFORMANCE MANAGEMENT FRAMEWORK

GREAT RIFT VALLEY LODGE, NAIVASHA COUNTY

NOVEMBER 28 & 29, 2016



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Acronyms and Abbreviation

AHADI	Agile and Harmonized Assistance for Devolved Institutions
AIDP	Annual Implementation Development Plan
AODP	Annual Operational and Development Plan
CEC	County Executive Committee
CECM	County Executive Committee Member
CEO	Chief Executive Officer
CIDP	County Integrated Development Plan
CIMES	County Integrated Monitoring and Evaluation System
CO	Chief Officer
CoG	County of Governors
CPM	County Performance Management
CPMF	County Performance Management Framework
KPI	Key Performance Indicators
M&E	Monitoring and Evaluation
MED	Monitoring and Evaluation Department
MoDP	Ministry of Devolution and Planning
MTEP	Medium Term Expenditure Plan
MTP	Medium Term Plans
PC	Performance Contract
PFM Act	Public Finance Management Act
PwC	PricewaterhouseCoopers Kenya
SDU	Service Delivery Unit

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Introduction

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1.1 Background

The Council of Governors (CoG) is established under Section 19 of the Inter-governmental Relations Act, 2012 and is mandated to provide a mechanism for consultation amongst county governments and share information on the performance of the counties in the execution of their functions among others (Section 20). The CoG, in full recognition of the various initiatives contributing to performance management at the county level, aims to offer clarity in the performance management processes and system.

To this end, CoG is engaged in several developments that will facilitate and offer leadership concerning integration and adoption of performance management systems within county governments. The USAID-funded Agile and Harmonized Assistance for Devolved Institutions (AHADI) is consequently supporting CoG to engage in initiatives that go towards; strengthening performance management, developing of systems for monitoring and evaluation, policy dialogue, consultative meetings as well as technical assistance in the design of county performance management structures.

The CoG has held various stakeholder consultative meetings on performance management. So far, USAID AHADI has supported the Council in the process of understanding and rationalizing the philosophy of performance management in the public sector especially in the counties. So far, AHADI support to the CoG has been on:

- a. County sectoral performance management progress by the counties
- b. Review of the County Governments (Amendment) Bill, 2016 concerning the functionality of the county administrators as their roles translate to performance management
- c. Policy dialogue to finalize the framework on performance management and coordination.

The Harmonized Performance Management Framework finalized during the stakeholders' retreat held on August 8, 2016, was adopted by the full Council meeting on August 15, 2016. Consequently, the Council sensitized members of county executives in charge of performance management on September 8 and 9, 2016 in Nairobi.

At a consultative meeting with the Ministry of Devolution and Planning (MoDP) on October 14, 2016, it was resolved that a residential meeting be designed to enable the relevant stakeholders' review and finalize the existing guidelines to generate a harmonized performance management framework. The CoG had then sent a request to AHADI to support a consultative meeting on November 28 and 29, 2016 in Naivasha that would bring together representatives from the Office of the President, National Treasury, CoG, the County Assemblies Forum, Ministry of Lands and Urban Planning (State Department of Planning and Urban Development), Attorney General, Controller of Budget (CoB), Commission on Revenue Allocation (CRA), Public Service Commission (PSC), Kenya School of Government, the National Assembly, the Senate, Inter-governmental relations Technical Committee (IGRTC) and the Inter-governmental Budget Economic Council (IBEC).

The AHADI activity has been designed to support the implementation of devolution in Kenya with one of its key objectives being to foster partnerships and linkages to support improved inter-governmental engagement and cooperation. It is under this objective that USAID AHADI supported the Council of Governors to facilitate the consultative meeting.

1.2 Objectives of the Guidelines Review Retreat

David Tambo from the Ministry of Devolution and Planning started by stating that the retreat was a very important forum as it brought together different stakeholders and teams who formed a strong technical team which was able to relate to and deliver on the meeting's objectives.

He mentioned that the key objective of the retreat was to draft the harmonized guidelines which would be used in the County Performance Management Framework.

He mentioned that the retreat would be looking at four thematic areas below: -

- i. Planning
- ii. Performance Management
- iii. Budget
- iv. Monitoring & Evaluation

1.3 Summary of Trainers

The facilitators of the retreat included: -

- ❖ Sharon Makena – Director Programs Council of Governors (COG)
- ❖ Elizabeth Ouma – MoDP
- ❖ Dr Obuya Bagaka – PricewaterhouseCoopers (PwC)
- ❖ Jeremiah Nyambane – PricewaterhouseCoopers (PwC)

1.4 Summary of stakeholders' present for the Guidelines Review Retreat

The meeting was attended by a total of 30 representatives from; COG, National Treasury, MoDP, MoDP/SDD, USAID AHADI, PwC, Kenya School of Government, Ministry of public service youth and Gender, Head of Performance Management Kakamega, County Government Kakamega, Director Administration Kericho County, and CRA.

2.0 Opening Remarks

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2.1 Word from the Council of Governors

Sharon Makena gave the opening remarks from the CoG. She thanked all the participants for finding time in their busy schedules to attend the very important retreat. She highlighted that the lack of a standard framework and proper guidelines on performance management had led to the existence of fragmented approaches being applied by various counties in performance management.

It was, therefore, necessary, and urgently so, for the CoG to address these gaps. The Council convened a retreat on August 8, 2016, which comprised participants from the National Government, county governments, development partners and representatives from the private sector. The output of the retreat was a harmonized performance management framework that was presented and adopted by the Full Council meeting on August 15, 2016.

By applying the approved framework, the Council would ensure that the roll-out of performance management is done under a well thought through and coordinated process that is based on global standards and best practices.

county governments had been taken through the framework as an initial step towards establishing their standards in performance management. As a pioneer county government, it was imperative that they set the standards for future governments, and to ensure a smooth transition during and after the 2017 general elections.

To achieve the above, counties must operate from a common understanding of performance management. What is currently happening and the county governments wish to shelve is:

1. Counties contracting consultants who have little or no understanding, experience and or capacity regarding devolution, CIDPs, Performance Management and the roll-out of the end-to-end County Performance Management Framework, therefore misleading counties.
2. Counties contracting and paying individual staff members from the National Government to roll out performance management in their county.
3. Uncoordinated training, M&E support and other initiatives by various role players operating in silos.

Through the leadership of the Ministry of Devolution and Planning, an inter-governmental task force was established to develop relevant guidelines that will operationalize the now approved end-to-end performance management framework. The plan was to launch this framework at the 4th Annual Devolution Conference in February 2017. This meant that the participants were to strictly adhere to the timelines for that to be achieved.

Makena highlighted that the participants of the retreat were convened in Naivasha for the two days' retreat through the support of the development partner, USAID-AHADI. The participants were to ensure that they develop guidelines that can support the implementation of the Performance Management Framework by counties with ease. Of priority was to ensure the CIDP guidelines were ready by January 2017 and counties could start working on the second generation CIDPs.

Having all the participants in the retreat and participate in the review of the guidelines was an indication that the Council of Governors cannot achieve this on their own. The support of every institution represented in the retreat is vital. Sharon was optimistic that the two days would steer the participants to a common understanding of performance management and help harness highly technical skills, expertise and experience towards this noble cause.

At the National Government level, there are different players charged with the development of different standards and guidelines, and from the county level, there was a challenge as these guidelines were not talking to each other, thereby resulting to implementation challenges. CoG engaged PwC as they can guide on global best practice in the process; they have the workforce and expertise and can give the required support in this process.

Sharon concluded by thanking all the participants and welcomed them again to the forum thanking each and one of them for making time for this important assignment.

2.2 Word from the Ministry of Devolution and Planning

Angeline Awino Hongo from the ministry made some opening remarks. She stated that the ministry was pleased to participate in the retreat and that they were willing to join efforts to support the process. She stated that the process was very important for both levels of government since these two governments are expected to work together as they level to drive the country's agenda.

She stated that the Constitution has given the National Government the role of setting policies, norms and standards so that even county governments can institute their instruments of operation and ensure harmony. She added that if the counties were left alone to formulate their independent policies, norms and standards the result would be anarchy and disjointedness across the 47 counties.

She said that the Ministry of Devolution appreciates the role taken by the CoG to initiate the process of putting in place a framework which is inharmonious with the national guidelines, standards and policies. She added that the instruments to be prepared will, therefore, work together in ensuring service delivery for the Kenyans.

She expressed optimism that by the end of the two days the participants would deliver a document or draft guidelines which were the objective of the retreat.

2.3 Word from PwC Partner

Simon from PwC Kenya said that it was an honour to be part of the team that was reviewing these guidelines and the task at hand was very important.

He mentioned that PwC was working with the participants and various stakeholders and partners as a facilitator and that they were pleased to be involved in the process. He hoped that the guidelines will go a long way in enabling the county governments to deliver to their mandate and thereby result in growth across the country; hence countrywide economic development.

Presentation Content

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3.1 Guideline Review Road Map

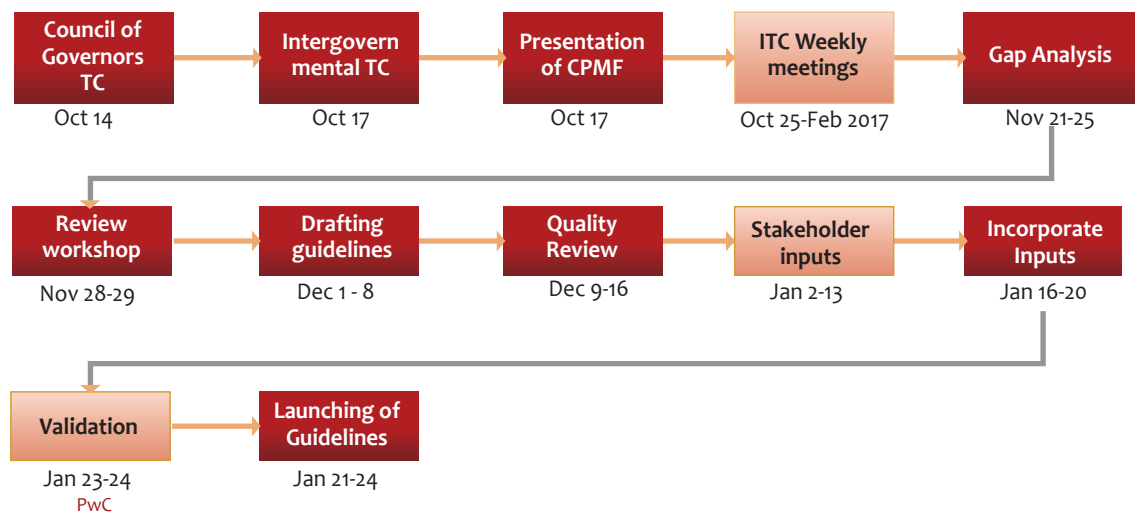
Jeremiah Nyambane, also from PwC Kenya, took the participants through the road map, highlighting the milestones achieved so far in the process towards reviewing the guidelines. He mentioned that the process started with the formation of the Council of Governors Technical Committee who signed off the deliverables expected from them as recommended by the consultant. This was followed by the formation of the Inter-governmental task Force, and presentation of the County Performance Management Framework. From then weekly meetings dependent on needs were held until February 2016. He mentioned that the work of the committees was to oversee the entire process.

He mentioned that the immediate past milestone was the Gap Analysis and the results were to be presented during the forum and thereafter the Technical Working Groups would review the guidelines, which was the then milestone.

He stated that between December 1 and 8, 2016, the Technical Working groups would draft the reviewed guidelines. PwC was to conduct a quality review of the guidelines reviewed and thereafter CoG was to share the guidelines with the relevant stakeholders for their input. The next milestone would see the incorporation of the stakeholders' input into the guidelines, followed by a two days' validation retreat.

Below is a chart demonstrating the milestones discussed above.

Review and Alignment of Existing Guidelines Roundmap



3.2 Gap Analysis Report

Dr Bagaka from PwC Kenya facilitated this session. He started by requesting all the participants to state their expectations from the forum. After receiving expectations from all the participants, he confirmed that all the expectations talked to harmonizing the guidelines.

Dr Bagaka mentioned that since the country was four years into devolved government, the participants had experience with devolvement and could give input, drawing from the experiences over the period. He mentioned that the output of the retreat was to develop some instructional materials that were not prescriptive and supervisory but those that give the counties the direction.

3.2.1 Criteria for Gap Analysis

He highlighted that the analysis took three areas of analysis which include: -

- ❖ Legal criteria
- ❖ Substantive criteria
- ❖ Administrative criteria

The key parameters used in the Gap Analysis were:

- ❖ Adherence to the constitution and legal requirements: The guidelines must be anchored to some approved legal requirements and policy provisions.
- ❖ Organization and structure of guidelines: Chapter outline and language – What are the key components that a guideline must-have? There is a need to have a clear outline of chapters and sections.
- ❖ Presentation of critical components of guidelines.
- ❖ Specification of critical information needs to ensure compliance.
- ❖ Apportioning of responsibility to a specific office/officer: The person being identified must not be a generic person. When something is too generic then it might not be implemented. Responsibility must be apportioned responsibly and be specific.
- ❖ An outline of a timeline/schedule of events with specific dates. This was found to be missing in some guidelines.
- ❖ Reporting – frequency, types of reports and mechanism for feedback identified: There is a need to agree on the most effective reporting mechanism. The reporting mechanism should be highlighted. The participants were encouraged to come up with the outline when they go into their groups.
- ❖ Linkages with other counting planning process established: There are too many jargons around the linkages in the current guidelines.
- ❖ Clearly outlined mechanism for implementation.

Dr Bagaka highlighted the constitutional provisions of devolution below:

- ❖ Article 6 (2) which provides that “the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations based on consultation and cooperation”;
- ❖ Article 186 (1) Exclusive function as set out on the Fourth Schedule. (2) Concurrent functions- those functions that are performed by both levels of government, and (3) Residual function – functions not assigned to any level of government – these nationally belong to the national government.

When drafting the guidelines, it is important to look at what function is in consideration so that the guidelines drafted are in line with the level in which the particular function lies.

For concurrent functions, however, the setting of standards, guidelines or norms must adhere to the principle of mutual consultation and concurrence for purposes of promoting uniformity across the nation.

The setting of guidelines, norms and standards for residual functions remain the province of the national government.

- ❖ Article 189 (1) (c) which provides that government at either level shall liaise with government at the other level to exchange information, coordinate policies, and administration and enhancing capacity

He also mentioned that the main objective of reviewing the existing guidelines was to develop norms and standards that are uniform and enhance the administrative capacity of the county governments and in line with the Fourth Schedule and the law provisioned.

3.2.2 Gap Analysis – Constitutional and legal criteria

Following the above constitutional context, the following criteria shall apply in the review of guidelines, handbooks, manuals or policies jointly developed by both levels of government:

- ❖ The constitutional functional demarcations as specified in the Fourth Schedule are not violated, that is, guidelines clarify/eliminate potential for functional conflicts;
- ❖ The guidelines, standards, and norms do not unilaterally and unduly assign supervisory or oversight role to an organ/agency/institution that is not mandated by law;
- ❖ The guidelines, standards and norms are aligned to applicable legislation;
- ❖ The guidelines promote values and principles mentioned in Articles 10 & 232 of the Constitution; and
- ❖ The guidelines, standards and norms are aligned to approved policies.
- ❖ The participants need to ask the following questions as they review the guidelines:
 - ❖ Are the guidelines anchored to constitutional, legal and policy parameters?
 - ❖ What are the specifics of the guidelines?
 - ❖ What are the proposed administrative, human resources, and financial resources required to implement the guidelines?
 - ❖ What implementation (linkages) structure is proposed in the guidelines?
 - ❖ What reporting requirements are proposed in the guidelines?

3.2.3 Gap Analysis – Substantive Criteria

- ❖ The draft language of the guidelines is active. That is, the guidelines have been written in a simple and implementable language.
- ❖ The guidelines are practicable/ pragmatic under the prevailing operational circumstances of county governments.

3.2.4 Gap Analysis – Administrative Criteria

- ❖ Guidelines specify linkages between agencies of either level of government, nature and requirements/expectations of those requirements.
- ❖ Guidelines do not constitute an unfunded mandate from either level of government. That is, a resourcing mechanism is identified especially for concurrent functions.
- ❖ Guidelines identify the reporting requirements, that is, frequency of reporting and types of reports required.
- ❖ Guidelines specify performance measurement criteria with clearly identified indicators that are specifically aligned functional divisions of either level of government.
- ❖ Guidelines identify an implementation plan and the role of each stakeholder.
- ❖ Guidelines specify the administrative capacity required, that is, will the implementation of the guidelines require the creation of an office/bureaucracy or will it require anchoring to an existing administrative structure and with what cost?
- ❖ Guidelines should specify the roles and responsibilities of different actors in the national and county governments and other stakeholders.
- ❖ Guidelines identify/specify or are linked to other planning/budgeting or administrative processes. How do you develop a county plan for unfunded mandates?
- ❖ Guidelines specify a mechanism for addressing shortfalls or non-compliance and remedial actions. The best mechanism to ensure compliance should be considered.
- ❖ Guidelines specify a mechanism for channelling/mobilizing external/donor support to promote administrative capacity and compliance.
- ❖ Guidelines promote peer-to-peer learning and knowledge management. What are the provisions for the different counties to learn from each other and allow for knowledge and good practice sharing?

3.2.5 Plenary Discussions – Gap Analysis

Below are questions asked by the participant and the responses:

Question	Response
The guidelines are not five but seven, the Technical Working Groups will need to be updated on which areas they will be reviewing.	Dr Bagaka responded that the urban planning guidelines were recently published and that this will be incorporated later.
One of the participants stated that: “We are aware that the National Government is supposed to support the County Government in setting up their institutions, and that some of the guidelines were to assist the county governments to move to the next step.	The latest document was the revised PC of June 2016 that had been agreed upon by the county governments and these guidelines were very clear.
What does it mean by “not to constitute the unfunded mandate”, there is a need to have this elaborated further?	If you plan for the unfunded mandate, then that mandate will not be implemented since there are no funds to execute. This then means that the staff performance cannot be effectively evaluated based on these unfunded plans that have been incorporated into the plans.
The County Government PC were not clear on the staff performance management system, the clause “these guidelines might be used by the county government” kept coming up, is it not time to adopt these guidelines?	There exists a delegation instrument that delegates these function to the county, but the clause here says, they might be adopted.
How will the three functions have guidelines, especially umbrella functions where they are being delivered at the county level but are national?	In the implementation, there is a need to have the umbrella norms and policies talk to each other and be consistent. There are some areas where the National Government will need to dictate on what needs to be done in specific areas, and this will be following the set out legal, policy and constitutional provisions.
Do we exclude and include the unfunded mandate when funding is availed? And if so, how many times will the guidelines be reviewed?	We do not need to have guidelines that cannot be implemented due to funding. The group with this thematic area needs to give recommendations in the group discussions.
One participant noted that it might not be possible to review the guideline within the time provided.	Dr Bagaka encouraged the participants to strive to achieve the best that they could in the two days.
How many policies have been completed and ready for adoption.	The Fourth Schedule draws these categories and the lists within the categories.
Is there a county that has adopted this framework? What is their experience?	The document is there but the implementation is poor. If we have time the PwC team will give a case study of Bungoma County on what they have done.
Recommendations/ Resolutions	
<ul style="list-style-type: none"> The National Government needs to develop laws to work as guidelines, standards, and norms. 	

3.3 Group Assignments

The participants were divided into three groups to review the current guidelines. Below are the presentations done by different groups.

3.3.1 Review of County Integrated Monitoring and Evaluation System - CIMES - Group Presentation

Under the three categories the group reviewing the CIMES guidelines gave the following recommendations

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
Constitutional and Legal Criteria	CIMES is anchored within the Constitution. However, there is a lack of a policy.	<ul style="list-style-type: none"> • Need to expedite finalization of the NIMES policy. • Encourage counties to develop M&E policy and anchor these policies to the National policy documents
	Background part of the document does not refer to the legal instruments.	<ul style="list-style-type: none"> • Amend the background part of the document to refer to the legal framework including national, regional and international conventions and instruments.
	The document does not outline all the reporting structures from the smallest unit of reporting.	<ul style="list-style-type: none"> • The guidelines should clearly outline the reporting structure from the lowest level in the county. For example, for urban settings, the lowest level is the ward while for rural it is the village.
	The document promotes values and principles mentioned in Articles 10 & 230. However, it should as well capture the specific sections of the Article. i.e. Article 10(2)c, 232(1)b, c and f.	<ul style="list-style-type: none"> • The document to cite Article 10(2) c and 232(1) b, c, f.
Substantive Criteria	The document has a section on definition of terms which appears on the first section of the document.	<ul style="list-style-type: none"> • The definition of terms to be at the glossary and have very clear and easy to understand definitions for ease of understanding for the user. • The guidelines to borrow from performance contradicting guidelines and public participation. • The guidelines should provide continuous feedback mechanisms.

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
		<ul style="list-style-type: none"> The guidelines should promote national cohesion and enhanced harmonious relations. These can be mentioned in the guiding principle. The structure can borrow from the PFM Act.
	The reporting structure is congested.	<ul style="list-style-type: none"> Summarize the structure. The structure should not include the internal mechanisms of reporting within the county.
	On the issue of an unfunded mandate from either level of government.	<ul style="list-style-type: none"> Unbundle concurrent functions.
Administration Criteria	CIMES does not have a reporting template.	<ul style="list-style-type: none"> The guidelines should have a reporting template. The template should be sector and service-based, including indicators. The template should have performance measures, indicators, etc. Use national indicator handbook to domesticate these at the county level. There could be a generic indicator that cut across board and counties can then apply indicators that apply to their counties. Programs and projects should have various plans set at the planning stages and identified by the planning teams.
		<ul style="list-style-type: none"> The implementing structure should specify the roles of each stakeholder

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
		<ul style="list-style-type: none"> The guidelines should provide for the establishment of the M&E unit at the county level. This unit to be headed by a director M&E who should work together with M&E officers from the different departments in the county. There should an M&E County Assembly committee.
		<ul style="list-style-type: none"> Guidelines should require counties to provide incentives on performance (based on M&E reports).
		<ul style="list-style-type: none"> The guidelines should require counties to have a budget line on M&E. Funding to departments should be tied on performance.
	Peer-to-peer learning	<ul style="list-style-type: none"> Counties should make instruments used in M&E available online for others to learn. There should be multiple ways of sharing information and also provision for a mechanism for the users and stakeholders to provide feedback on M&E. A devolution conference can be used to share such information. M&E week should be celebrated in different counties each year.

There was a lack of consensus in reporting due to the following emanating issues:

- ❖ The Monitoring and Evaluation Department (MED) is the technical arm that is supposed to guide both National Government and counties in M&E, hence should be receiving county reports.
- ❖ Counties should share reports with MoDP as this will help in the preparation of the Annual Progress Report to inform the State of the Nation address by the President.
- ❖ MED is supposed to check standards.
- ❖ Counties should report directly to the legally mandated institutions e.g. County Assembly, CoG, and the inter-governmental summit.

3.3.2 CIMES Group Presentation Plenary Session

Below are the questions that the participants asked the group presenting and the respective responses:

Question	Response
What is the place of incentives in Performance Management?	The issue of incentives is not on money only.
Does that mean that the department that performs well is funded more?	In performance, work plan funding is an obligation for management, and funding is based on the plans laid down. The document has a financing part, based on expected allocation using previous years, or historical content and not how a department performed.
Is the incentive a positive or negative incentives? Or are we starting to do it with the counties?	Incentives can be recognized by the Governor, and that could motivate the officers to perform better in the next period.
How can we have the governors compelled to do what is expected and have equal treatment of the CECs?	This question was not responded to.
Recommendations/ Resolutions	
<ul style="list-style-type: none"> • There is a need to spend more time on reporting. The Inter-governmental relations Act has provided for the Summit to evaluate the performance. There is a need to find linkages between what the counties and National Government are doing and how these two levels will report to the Summit to take cognizant of the Act. 	

3.3.3 Review of County Integrated Development Plans (CIDP) - Group Presentation

Under the three criteria the group reviewing the CIDP guidelines gave the following recommendations:

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
Constitutional and legal criteria	Page four-paragraph three, last sentence: 'Indeed the law requires that all budgets shall be based on these plans and no budget funds will be provided to a county unless they are part of the plan.' This contradicts the law where a County Government does not get funding from National Government based on plans but county appropriation is what is based on county plans.	Delete after plans and to read as <ul style="list-style-type: none"> 'Indeed the law requires that all budgets shall be based on these plans.'
	Forward is based on the County Governments Act and not included the PFM Act and other substantial acts.	<ul style="list-style-type: none"> Guidelines need to bridge the gap between the CGA and PFM Act and Inter-governmental relations Act.
	Background and legislation, not comprehensive page six	<ul style="list-style-type: none"> Review this to capture all legislation guiding planning including PPP, replace the Transitional Act with the Inter-governmental Relations Act.
	Page six-paragraph one: 'In addition, all planning is expected to be inspired by the Kenya Vision 2030 and be aligned to the second Medium Term Plan of Kenya Vision 2030'.	If counties are expected to align into the MTP, there is a need to qualify this for their input from conceptualization to implementation. It should, therefore, should read <ul style="list-style-type: none"> '...all planning is expected to be inspired by the Kenya Vision 2030 and the Medium Term Plan prepared through consultation with county governments'
Substantive Criteria	The cover page is limited authorship to the National Government.	<ul style="list-style-type: none"> Reference should be made to the public participation guidelines format. Review references should include CoG.
	Page four paragraph three makes the guidelines to be bound to a specific time. 'The Ministry of Devolution and Planning is in the process of finalizing the preparation of the second Medium Term Plan of Kenya Vision 2030 covering the period 2013-18	The language needs to be active and futuristic and general and should, therefore, read as: <ul style="list-style-type: none"> 'The Ministry of Devolution and Planning and county governments in the preparation of the Medium Term Plan of Kenya'.

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
	The forward concentrates more on formatting but should speak more to 'how-to', i.e. beyond format, this should include the 'how to'.	<ul style="list-style-type: none"> It should describe the framework and rationale of the CIDP and how it feeds into the performance management framework. This should also be incorporated in all the seven guidelines as an annexe.
	The document is repetitive.	<ul style="list-style-type: none"> Repetition needs to be purged and thereby result in a much lighter document.
	Need to incorporate a county planning and budgeting framework in public service on page seven.	<ul style="list-style-type: none"> Borrow the structure given in the county public participation guidelines.
	<p>On page nine, the attributes do not work as they are not attributed.</p> <ol style="list-style-type: none"> 'comprehensive' is not practicable and cannot possibly be financed in addressing 'issues that affect the livelihoods of people. 'performance analysis' development vision and mission strategic presentation M&E Based on programs 	<p>Should be inclusive in terms of stakeholders and all other plans (national, donor)</p> <ul style="list-style-type: none"> Analytical Delete bullet c Strategic to replace the strategic presentation Use "Measurable attribute" instead of M&E CIDP should be outcome-oriented, PFM Act, and Performance-Based Budgeting Process (PBB).
	CIDP chapter outline page nine does not speak to the CIDP checklist as provided for in the PFM Act – there is a disconnect here.	<ul style="list-style-type: none"> It should reflect the outline as provided for by Article 126 of the PFM Act on county governments to prepare a development plan that includes programs, payments, capital developments, and county response to economic changes.
	Repetition of chapters two and three. Chapter two gives the outline while chapter three gives the content.	<ul style="list-style-type: none"> Collapse these two chapters into one comprehensive chapter.
	Section 1.5 on page eight is repetitive of the content table.	<ul style="list-style-type: none"> Remove this paragraph since there is a table of content to serve this purpose.
	Guidelines do not address 'who is responsible'; is there a county planning unit?	<ul style="list-style-type: none"> Description of the planning unit and coordination should be in the main body.

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
		<ul style="list-style-type: none"> Incorporate the planning framework in the county public service delivery into the annexe. This will help tell who is responsible for a particular attribute.
	<p>The guidelines do not address the aspect of public input in planning. What is the process of escalating from the village (village administrator) to the CE level? How are projects identified? Appraised? Selected?</p>	<ul style="list-style-type: none"> Review three citizen engagement aspects. Refer to the World Bank participatory budgeting methodology Refer to the Concern Worldwide 'community conversations' model Refer to public participation guidelines by MODP This should be included in the structure as a chapter, before SWOT analysis.
	<p>Guidelines do not address the significance of ADP and the process of reviewing the CIDP through the ADP.</p>	<ul style="list-style-type: none"> ADP should be interpreted as a one-year review of the CIDP. The MTEF three year plan is the linkage between the CIDP and ADP. This should be incorporated into the amendments of the CGA.
	<p>Remove 'chapters' within chapters as it generates confusion.</p>	<ul style="list-style-type: none"> Use good document flow of the booklet and use sections.
Administrative Criteria	<p>Repetition on 2.2 and chapter three on page nine and 12.</p>	<ul style="list-style-type: none"> Rationalize CIDP chapter outlines and chapter three.
	<p>Chapter one and two.</p>	<ul style="list-style-type: none"> The document should give the framework on how the CIDP should be developed and written. County fact sheets /profile should be done by the county henceforth as we await the new bill on county statistics, 2016.
	<p>Chapter four: Linkages with other plans.</p>	<ul style="list-style-type: none"> In the issue of alignment, it is important to replace the MDGs with international obligations What does alignment mean? What do does mainstreaming mean? In instances of ambiguous words, we can define them to ensure uniformity and clarity on what

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
		they mean in that particular context.
	There is a lack of logical flow of chapters. Chapter two in itself is misplaced. The situation analysis in this chapter i.e. Challenges and strategies should inform priorities and programs addressed in chapter seven (page 18) followed with chapter eight on M&E	<ul style="list-style-type: none"> • Harmonize Chapter two on strategies and chapter seven on priorities. • Retitle chapter seven to “implementation matrix’ as opposed to ‘county development priority programs and projects and chapter eight from M&E to ‘M&E and Reporting’.
Format	Chapter two should remove SWOT and strategic thrusts and create that into chapter four	
	Stakeholder mapping is captured in page 18 is not coming out as strongly given it is an integral aspect to planning.	<ul style="list-style-type: none"> • Include this as a chapter after the SWOT analysis chapter.
	Chapter three on spatial planning. Seeing that each sector has its own, how do we bring in these things without making the CIDP too big	<ul style="list-style-type: none"> • There is a need to review the framework of what makes up spatial plans and see what aspects can be incorporated into the CIDP.
	On pages 11 – 16 use of word ‘chapters’ within the main chapter of chapter three is confusing and does not link into the main chapter.	<ul style="list-style-type: none"> • This should not be in ‘chapters’ but sections of the main chapter three of the ‘structure of the CIDP.

The first quarter runs from July to September and would be assessed in October. This a highly diagnostic level where red flags on performance can be identified and corrective measures put in place at an early stage.

3.3.4 CIPD Group Presentation Plenary Session

Under the three criteria the group reviewing Below are the questions that the participants asked the group presenting and the respective responses:

Question	Response
We do not need to have a chapter for the public participation but just a paragraph.	This is not duplication, this has also not yet been concluded and will be decided upon. The stakeholder engagement is core; this is the main document, and there need not be any elimination of any area that needs focus.
The use of the word aligning seems not to be very clear, but use the words alignment.	
How do the ADP fit into the MTEF/CFSP?	If items are picked from the Vision, then the MTP is also covered since the MTPs content comes from Vision 2030. When the MTP is being developed, then the counties should be involved.
Where is the CIPD planning anchored?	It is anchored under planning; in the PFM Act. The CEC member responsible for planning shall be responsible for developing the planning.
Recommendations/ Resolutions	
<ul style="list-style-type: none"> ● The place of MTP and MTEF need to be thought through and how they will be implemented. 	
<ul style="list-style-type: none"> ● The MTPs need to be developed in consultation with the counties. 	
<ul style="list-style-type: none"> ● There is a need to look at the incentives from a futuristic perspective. 	

3.3.5 Review of Performance Contracting Guidelines for County Governments - Group Presentation

Under the three categories the group reviewing the CIMES guidelines gave the following recommendations:

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
Constitutional and legal Criteria	<p>Introduction</p> <p>The preamble is convoluted and does not add value. There is need to merge the preamble and the introduction and summarizing to cover provisions of Section 47 of the county governments Act on and Section 59 of CGA, Article 174 and 175 (b) of the Constitution, Article 46 I a & b.</p> <p>There is a need to relook at the National Values and Principles Act. All MDAS and counties should review their service charter. With the advent of devolution, mandates have changed.</p> <p>The national performance management framework is not documented/provided for in the law.</p>	<ul style="list-style-type: none"> Counties should have a service delivery unit within the Office of the Governor upon which the PC secretariat will be placed.
Substantive Criteria	<p>Cover Page</p> <p>There are some reference errors on this page.</p> <p>The word Governor is misspelt.</p> <p>The introduction statement on page eight only covers 19 counties that the performance contracting department division supported to implement support.</p>	<ul style="list-style-type: none"> Correct the spelling of the word "Governor". Remove the phrase 'prepared by PC'. This statement should be deleted as all counties should be covered. The title of the guidelines needs to be renamed.
	<p>Validity of Guidelines</p> <p>The guidelines are currently reviewed every year. There is a need for more general guidelines that should be reviewed after several years. The guidelines should allow the incorporation of lessons learned from one cycle to another.</p>	<ul style="list-style-type: none"> Instead of using edition, the copyright sign is used instead. The guidelines should ensure quarterly evaluations by independent experts.

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
	<p>The layout of the Guidelines</p> <p>The logo should be changed, the coat of arms of the Republic should not bear the name of the Council of Governors.</p>	
	<p>Vision, Mission and Strategic Objectives</p> <p>1.1 The Vision and Mission should be derived from the CIDP for the County Performance Contract.</p> <p>Departmental PC team should develop its Vision and Mission, pegged on their mandate but aligned to the CIDP. The department should have its strategic plan that incorporates all other programs in the County.</p> <p>1.2 These outline the responsibilities of the “Actor” (CEC, Chief Officer, Director, Ward Administrators etc.)</p> <p>Paragraph two: This part should also require county departments headed by CECMs and other county agencies to identify their Vision and Mission and strategic objective which should be aligned to their CIDPS.</p>	<ul style="list-style-type: none"> • Definitions and acronyms should appear at the end of the guidelines. • Signoff process of the contracts should be made clear. <p>The Governor should sign with the County Secretary and CECs.</p> <p>CEC should sign with the Chief Officer.</p> <p>The Chief Officer to sign with Directors.</p> <p>The County Secretary should sign with sub-counties etc.</p>
	<p>Evaluation criteria</p> <p>It currently has seven components.</p> <p>Adopt the criteria as approved in the County Performance Management framework of August 2016; the four components of Governance, Finance and Stewardship, Institutional Transformation and Operations and Service Delivery</p> <p>Assigning of weights</p> <p>There is a need to assess the weight and guide counties on what they should consider in assigning weights. Simplify the formula for ease of computation; currently, it is very scientific and county governments find it hard to implement.</p>	<ul style="list-style-type: none"> • The weights should not be prescriptive. Counties should have the leeway to assign weights appropriately. More weight should be assigned to the core mandate areas.

Criteria	GAPS (As per the gap analysis report and group inputs)	Recommendations
	<p>Structure of the document</p> <p>There is a need to reorganize and restructure the document. Currently, most of the guidelines (instructions) are found in the annexes instead of being in the main guidelines. The document should not be more than 20 pages.</p>	<ul style="list-style-type: none"> • The preamble and introduction should be merged. • Definitions should be added in the glossary. • All instructions should be under one section and should be clearly stated and have the theoretical content removed.
	<p>Reporting to National level</p> <p>There is a need to develop a structure to enhance sharing information rather than a framework that appears to be supervisory. Reports should be submitted to the Service Delivery Unit which will then forward to the relevant agencies where applicable.</p> <p>There should be an emphasis on reporting on outcomes and indicators.</p> <p>There is a need to adopt a dashboard to track performance. The performance contracting cycle has not embraced quarterly evaluations. These reports should be consumed by the departments to inform the performance of subsequent quarters.</p> <p>Implementation of the PC should commence by July 1 at the beginning of the Financial Year. This means negotiations and vetting should be completed by June 30 of the previous Financial Year.</p>	<ul style="list-style-type: none"> • A column should be created under the reporting table to assign responsibilities; county departments should only extract what is relevant to them when developing departmental performance contracts. • Establish two types of reports; sector reports and consolidated report.

The first quarter runs from July to September and would be assessed in October. This a highly diagnostic level where red flags on performance can be identified and corrective measures put in place at an early stage.

3.3.6 CIMES Group Presentation Plenary Session

Below are the questions that the participants asked the group presenting and the respective responses:

Question	Response
Each department having a strategic plan will mean too many strategic plans. Hence, there should be one county strategic plan, with the departments following and implementing strategic objectives.	<p>The counties need to come out to define themselves and come up with their strategic plans for purposes of focus.</p> <p>Each department should have individual strategic plans which are institutional.</p> <p>The CIPD will be their strategic direction and every ministry will have a strategic plan.</p> <p>There is a need for clear guidelines instructing the counties and removing the vagueness of operating guidelines.</p>
Should this unit be domiciled at the Public Service, Office of the government or where in particular?	<p>The Governor is better placed to drive the process. He should have a mechanism to whip his people and drive performance in his/her departments.</p> <p>Some counties have established this and are running with it.</p>
Can we have M&E measure the delivery, and that the measurement should not be against the exhaustion of the budget allocation? The result should be moving from output to outcome level.	Measurement on this will be outcome-based and not output. The group has put this into consideration.
It is important to have the CoG have all the governors come together and have the document disseminated to the relevant teams.	There is a session where the stakeholders will come together and cascade the information to the stakeholders.
Is the team ready and charged to review these guidelines?	The team is very ready and available if facilitated. The road map has some dates between December 1 and 7. The team of participants will sit and agree on the time they can convene and review the guidelines.
Recommendations/ Resolutions	
<ul style="list-style-type: none"> Establishing units: We are establishing the Service Delivery Unit (SDU), and this will need to have people anchored at the county. We, however, need to be careful not to create so many units that cannot be anchored anywhere. 	
<ul style="list-style-type: none"> Composition of the delivery unit: The group needs to come up with the members of the delivery unit and a definition of where it should be. Can committee members be comprising of maybe all the CECs? Who else can be incorporated in these committees? 	
<ul style="list-style-type: none"> At the county level, each CEC should be backed by their strategic plan for their department. 	

3.4 Review of Public Participation

3.4.1 Group One Presentation – Public Participation Review

This group felt that the document had just been launched a year and was probably too early to be reviewed. The counties were piloting it and could give useful feedback for its review.

This team pointed out that the document has used instructional language which is good.

ISSUE	RECOMMENDATION
20	<ul style="list-style-type: none">• Identify (problematic Issue).• Formulate policy/legislation.• Develop programs to address policy concerns.• Develop projects to be undertaken under the program.• Need to emphasize the bottom-up approach to planning.
Legitimizing the decision-making process.	<ul style="list-style-type: none">• Quote relevant legislation like the Constitution of Kenya 2010 and the County Governments Act 2012• Section 21 and 22: There is a lot of repetition which could be done away with.• Section 23: Public participation is required for development planning and budgetary process.
Table 2.1	<ul style="list-style-type: none">• Under 'Obligation of duty bearer', before public participation insert;<ul style="list-style-type: none">- Mobilization of communities- Needs assessment

3.4.2 Group Two - Presentation – Public Participation Review

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"> Group two reviewed the section on the collection of information section 2.3 and to connect it to the guidelines. (Refer to page 26). It also identified and reviewed information to be expunged or placed at the appendices 	
Definition of terms	This should move to the appendix.
2.3.1	<p>2.3.1 Explanation and details of the memorandum should move to the appendix.</p> <p>Guidelines should provide for documents to be shared at least two days to the forum for the public to interrogate and meaningfully engage.</p> <p>There shall be a notification to the public to submit memoranda emanating from PP fora within a week after the fora.</p>
Communication to the public	County governments should embrace the USSD SMS platform for public participation.
66	66 bullets one and two read like manuals- Guidelines should remain with the bullets and explanations should go to the appendix.
<ul style="list-style-type: none"> Review sections 3.1 and 3.2 on planning and financing for public participation and connects the section to the guidelines. Recommend information that is to be reviewed or expunged. 	
3.1. 69	This should be expunged.
70	The first sentence should be expunged.
71 and 72	These two may confuse and they should be expunged.
3.2.1 74 and 75	This should be reviewed.
76 and 78	This should be expunged.
77	To be reviewed to give instructions instead of options.
79	This to go to Appendix.
80	Option two should be moved to where option one is (under 77) and be in two parts.
3.2.2 81.2	<p>The sentence should be reviewed to read “this is the body with the mandate to...”</p> <p>Need to clarify the roles and linkages and reporting structures for the coordinator and the CBEF.</p>
84	This should be more informative than instructional. The CRA guidelines should be extracted and annexed to the guidelines (Updated version).

3.4.3 Group One Presentation – Public Participation Review

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"> • Group three reviewed section 3.4 on communication and access to public information and recommend the content and areas that need to be retained and expunged. (Refer to page 35) 	
<p>Section 97. The county should have designated offices for providing access to information and any county legislation on access to information should mirror national legislation.</p>	<p>It is good to refer to the specific national legislation in force or existing public participation laws.</p>
<p>Section 98.</p>	<p>Should be summarized and incorporated in section 97.</p>
<p>Section 99. On the choice of medium</p> <p>County governments should be in constant communication with their residents in a language the residents understand and at the very least in English and Kiswahili.</p>	<p>There is a need for amending CGA to reflect this section to reduce the issue of costs.</p> <p>There is need to reword the statement to ensure inclusivity of the language. “The official communication is English and Kiswahili but the CG can use any other language that the residents can understand”.</p> <p>Remove the medium list used and we may quote the existing public participation laws.</p>
<p>Section 100</p>	<p>Change from “should” to “shall”.</p> <p>Refer to paragraph 70 on funding.</p>
<p>The general area of concern</p>	<p>Section 70 on funding.</p>
<p>Section 109 on e-participation</p>	<p>This should be summarized and included in section 97 as it is repetition</p>
<p>PART 4</p>	
<p>Section 118 & 119</p>	<p>This should be combined and the aspect that should come out clearly on how to deal with feedback from the public i.e. both positive and negative.</p> <p>Should change public participation in public service in section 119.</p>
<p>Structure of PART 4</p>	<p>Is the part talking only on redress of public participation or general feedback from the public? The plenary to discuss this.</p> <p>Definition (Section 118.119).</p> <p>Principles.</p> <p>Structure of receiving feedback.</p> <p>Structure of responding to feedback.</p> <p>The redress mechanisms.</p>
<p>Section 123</p>	<p>That is not redressed.</p>

Issues Arising

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- ❖ The guideline review was not conducted due to insufficient time. Only the identification of gaps in the existing guidelines and relevant recommendations was done.
- ❖ The Technical Working Groups also felt that the areas with the identified gaps needed to be first communicated to the guideline owners for approvals before any reviews are made.

After the relevant approvals were issued then the Technical Working Groups were to convene again and draft the new guidelines.

The Budget thematic area was not reviewed since the guideline owners were not present at the retreat.

List of Participants

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Below is a list of the participants present for the guidelines review retreat held at the Great Rift Valley Lodge, Naivasha on November 28 and 29, 2016:

NO.	NAME	COUNTY / INSTITUTION OF WORK	DESIGNATION
1	LENAH MULYUNGI	CoG	Program Assistant
2	JOSEPH KYALO MALONZA	MoDP	Economist
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7	DAVID ODHIAMBO TAMBO	MoDP	Ag. Deputy Director
8	THUKU MUTHIMU STEPHEN	KENYA SCHOOL OF GOVERNMENT	P. Lecturer
9	DR. JOSEPH KIPKIRUI MUTAI	KERICHO	Director Administration
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12	SAMUEL M. MUTISYA	CoG	Monitoring and Evaluation Officer
13	ANGELA KABIRU		
14	OBUYA BAGAKA	PwC	Consultant
15	GILBERT KIMUTAI EGO	PwC	Consultant
16	KAMANGU GACHURU	Kenya School of Government	Lecturer
17	ELIZABETH MUENI NDELEVA	AHADI	Consultant
18	ROSEMARY WANGECHI IRUNGU	CoG	Citizen Engager
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27	MARY MWONGELI NDETO	MoPYSG	Director
28	MAUREEN C.	AHADI	
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