



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

Telegraphic Address  
Telephone: +254-20-2227436  
When replying please quote

**STATE HOUSE  
P.O. Box 40530-00100  
Nairobi, Kenya**

Ref. No. .... **OP/CAB 6/1** .....  
and date

..... **15 November**., 20..**23**.....

**The Solicitor General**

**Principal Secretaries with  
Regulatory Authorities in their State Departments**

*(with sufficient copies to Chairs of all Boards/Councils and Chief Executive Officers of all Regulatory Authorities and Agencies)*

**RE FURTHER DIRECTIONS FOR THE URGENT REVITALISATION OF  
REGULATORY AUTHORITIES UNDER YOUR WARD TO ENHANCE THE  
VISIBILITY OF THE EXECUTION OF THEIR MANDATE AS KEEPERS AND  
ENFORCERS OF NORMS AND STANDARDS**

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Circular No. OP/CAB.6/2 of 13 September 2023 by the Chief of Staff and Head of Public Service (COS & HOPS) attached herewith refers.

Following the consultative meeting held on Thursday, 21 September, 2023 at the Kenya School of Government with yourselves and the regulatory authorities and agencies under your ward, you are hereby advised to familiarise yourselves with the comprehensive Report arising from an analysis of the Self-Assessment Tool that was administered on the regulatory authorities and agencies. The Report of the Self-Assessment Survey can be retrieved in the downloads section of COS & HOPS' website at <https://www.headofpublicservice.go.ke/downloads> titled 'Analysis Report Regulatory Authorities and Agencies Self-Assessment Survey'

Notably, the revitalisation of regulatory authorities and agencies to perform at optimal and robust levels is key to His Excellency the President's agenda to ensure quality service delivery to all Kenyans regardless of where they live and work. For this reason, regulatory authorities and agencies are key to the achievement of the President's agenda given their mandate to set and enforce norms and standards for both the quality and quantity of goods and services. Clearly, regulatory authorities and agencies, through their various enforcement mechanisms and sanctions, play an important role in moulding the behaviour of the public to that required, to ensure the successful

attainment and maintenance of the set norms and standards. Indeed, the public are a necessary cog in the compliance wheel.

**Thus, you are directed as follows:**

1. To take charge of the revitalisation of the regulatory authorities and agencies under your ward, details of which can be found in the downloads section of COS & HOPS Website titled 'A list of Regulatory Authorities & Agencies per State Department.' This is part of your role as the accounting officer.
2. To set up a **standing committee** of senior officers in your State Department who will be the vanguards of the above referenced revitalisation agenda. As a starting point, the committee will need to review, understand and internalise the Report and the essence of the questions that were asked in the Self-Assessment Tool. The committee must then undertake the same review with the leadership of each regulatory authority and agency under your ward **by Friday, 2 February, 2024**. In this regard, you are directed to submit the names and personal numbers of the standing committee you appoint for this purpose to this Office **by Thursday, 7 December 2023**.
3. Upon the expiry of the above stated period, you are required to submit a soft copy report in table form to this Office **by Friday, 9 February, 2024** via the following electronic mail address - [\*\*alrcoffice@headofpublicservice.go.ke\*\*](mailto:alrcoffice@headofpublicservice.go.ke). Ensure to capture the following information in your report:
  - i. All the regulatory authorities and agencies that your standing committee met with, including any that they failed to meet with. You are further required to furnish this office with the action that your office will have taken against any regulatory authority/agency that failed to meet with your standing committee;
  - ii. Your assessment of the effectiveness of the regulatory tools and methods deployed by each of the regulatory authorities and agencies under your ward to ensure adherence to the norms and standards they set out and superintend over;
  - iii. Instances of administrative action taken by each of the regulatory authorities and agencies against non-compliant institutions and persons during the above stated period in question;
  - iv. The challenges expressed by each of the regulatory authorities and agencies that hinder the optimal and visible execution of their mandate;
  - v. The solutions arrived at for each challenge above and the time frame within which both the regulatory authorities/agencies and your Office will implement the solutions;
  - vi. Any challenges/reasons for where your Office is unable to proffer a solution and for which you require assistance from this Office; and
  - vii. Any further steps taken by your Office to enhance the visibility of each of the regulatory authorities/agencies under your ward as key agents of the change outlined in the Kenya Kwanza Bottom-Up Transformation Agenda.



The Contact Person for this exercise from my Office is: -

**Dr. Linda Musumba**  
**Head - Audit, Legal and Regulatory Compliance**  
**Tel. No. 020 2227411 Extn. 22078**

**Email Address: [alrcoffice@headofpublicservice.go.ke](mailto:alrcoffice@headofpublicservice.go.ke)**

You are advised to contact Dr. Linda Musumba if you have any questions regarding this directive or any other aspect of this communication.

Your speed and precision on this assignment will be imperative towards the achievement of the stated goals of this Office.



**FELIX K. KOSKEI**  
**CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE**

**Copy to: The Hon. Attorney-General**  
**The respective Cabinet Secretaries**  
**Controller of Budget**  
**Chair of Council of Governors (for information only)**



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Ref. No **OP/CAB 6/2**  
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and date

**13 September, 2023**  
....., 20.....

**Hon. Solicitor General**

**All Principal Secretaries/Accounting Officers**

**All Chairpersons of State Corporations**

**All Chief Executive Officers of State Corporations**

**RE: CONSULTATIVE ENGAGEMENT FORUM TO BE HELD ON THURSDAY,  
21 SEPTEMBER 2023 AT THE KENYA SCHOOL OF GOVERNMENT**

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This Office has scheduled a Consultative Forum that will be held on **Thursday, 21<sup>st</sup> September 2023**, at the **Kenya School of Government from 8:30 am** concerning the following:

- i. Implementation of the Zero Fault Audit Regime for the Financial Year 2023/2024;
- ii. Launch of the Public Service Exemplary Leaders - Stellar Performance Awards Scheme (PSEL-SPAS);
- iii. The Extent of the Visibility of Regulatory Authorities in Kenya as Key Agents of the Change outlined in the Kenya Kwanza Bottom-Up Transformation Agenda;

The forum is expected to align this Administration's aspirations and expectations with your respective roles, and deliver with clarity, the performance standards that you will be expected to drive. All the above referenced Officers will be required to attend the first session in the morning. In the second Session to be held in the afternoon, only the above referenced Officers who superintend the Regulatory Authorities/Agencies will be required to attend to assess performance and secure interventions and strategies towards ensuring the optimal performance of such entities..

Thus, in light of the importance of the above stated agenda, your personal attendance, including that of the Chairpersons of Audit Committees and Heads of Internal Audit within your respective portfolios as indicated above is imperative.

Enclosed herewith is the Concept Note for the said consultative forum for your information.

Prior registration to attend this event will be required, the details of which will be available on the Meetings Link on the Chief of Staff and Head of Public Service's Website at [www.headofpublicservice.go.ke](http://www.headofpublicservice.go.ke) from Tuesday, 19 September, 2023.



**FELIX K. KOSKEI**

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

**Copy to: The Hon. Attorney-General**  
**All Cabinet Secretaries**  
**Chief of Staff, Office of the Deputy President**  
**Chief of Staff, Office of the Prime Cabinet Secretary**  
**Secretary/CEO, State Corporations Advisory Committee**  
**Ag. Inspector General (Corporations)**



## CONCEPT NOTE

**MEETING WITH THE CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE ON THURSDAY, 21 SEPTEMBER, 2023 AT KENYA SCHOOL OF GOVERNMENT CONCERNING:**

- i. Implementation of the Zero Fault Audit Regime for the Financial Year 2023/2024;**
- ii. Launch of the Public Service Exemplary Leaders - Stellar Performance Awards Scheme (PSEL-SPAS);**
- iii. The Extent of the Visibility of Regulatory Authorities in Kenya as Key Agents of the Change outlined in the Kenya Kwanza Bottom-Up Transformation Agenda;**

### **Background**

The referenced meeting has been called by the Chief of Staff and Head of Public Service (COS&HOPS) to *inform, sensitise and educate* the various Officials concerned with the execution and delivery of the referenced items that are expounded below:-

- i. Implementation of the Zero Fault Audit Regime for the Financial Year 2023/2024;**

In his Circular issued to ALL MDAs and dated 25 July, 2023, COS&HOPS stated that,

Audit queries and issues form the basis, or lay the basis, for vices that undermine the objectives of government to be a responsive, responsible, efficient and effective custodian and manager of public resources. In fact, the conditions that promote corruption and its disastrous effects are fomented through the failure to avoid audit queries and/or close them off, and worse repeat the same mistakes.

The above statement was buttressed by the results of a Survey that was conducted amongst MDAs and revealed the following three key things, that:

- i. less than 30% of audit issues arising from the Audit Reports of FY2021/22 and 2022/23 have been fully addressed;**
- ii. the Types of Audit Queries arising from the aforesaid Auditor General's reports were avoidable in the first place and recurred in many cases;**
- iii. entities that had (completely Unqualified) Audit Reports for the FY2021/22 most often had Clean Reports for the following Financial Year 2022/23.**

In response to the above, COS&HOPS articulated His Excellency the President's wish for this Financial Year 2023/24 to set an enduring example of the possibility for government to work efficiently and effectively in accordance with all accounting and auditing standards. Thus the Launch of the Zero Fault Audit Financial Year 2023/24.

Through the referenced meeting with the concerned duty bearers, COS&HOPS intends to canvas the key issues, components and attendant action points of the Zero Fault Audit Financial Year 2023/2024 in order to ensure a clearer understanding, uniformity in response and best results.

Prepared by the Office of Chief of Staff and Head of Public Service – 13 September 2023

**ii. Launch of the Public Service Exemplary Leaders - Stellar Performance Awards Scheme (PSEL-SPAS);**

It is the Kenya Kwanza Administration's intention to transform the public service into a highly performing, efficient and effective entity towards the provision of quality service delivery to all citizens. As part of various initiatives aimed at motivating the leadership of MDAs to perform their duties to the highest standards so as to achieve the stated vision, the Presidency wishes to launch the Public Service Exemplary Leaders - Stellar Performance Awards Scheme (PSEL-SPAS) whose criteria is curated from key parameters required of MDAs in Kenya's Public Service Sector. During the referenced Meeting, the PSEL-SPAS Awards will be launched including the criteria for selecting the winning Principal Secretary(s) and Chief Executive Officer(s) who comprise the top leadership of State Departments and Agencies respectively. Indeed the rewards for the winning leader(s) and their entire Teams will also be unveiled. The race towards winning across the bands of this prestigious award scheme shall commence then.

**iii. The Extent of the Visibility of Regulatory Authorities in Kenya as Key Agents of the Change outlined in the Kenya Kwanza Bottom-Up Transformation Agenda;**

The Revised Executive Order No. 1 of 2023 provides for 122 Regulatory Authorities and Agencies spread across 38 State Departments. Although the said Authorities and Agencies are established under various legal instruments, the bottom line is that they essentially set norms and standards and superintend the implementing agencies to ensure adherence to the norms, standards and behavior expected. Naturally, this makes Regulatory Authorities and Agencies to be key agents for the change required to achieve the Vision of the Kenya Kwanza Administration for a better Kenya as espoused through its Bottom-Up Transformation Agenda. In furtherance of raising the capacity of these entities to carry out their role effectively, COS&HOPS recently carried out a study of the nature and status of performance of the regulatory authorities and agencies in Kenya. In this regard, an analysis of the results of the Study will be disseminated during the referenced Meeting in addition to COS&HOPS giving direction on the course of action his Office will take to ensure optimal performance by all Regulatory Authorities and Agencies forthwith.

.....The End.....