



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

**VIRTUAL MEETING WITH THE STANDING COMMITTEES ON
THE REVITALISATION AND RE-ENERGISATION OF
REGULATORY AUTHORITIES AND AGENCIES**

THEME:

**REINFORCEMENT OF KEY MESSAGES FROM THE CHIEF OF STAFF AND
HEAD OF THE PUBLIC SERVICE ON THE OPTIMAL EXECUTION OF
REGULATORY MANDATES, AND THE SUBMISSION AND ANALYSIS OF THE
SECOND BI-ANNUAL REPORTS TO BE SUBMITTED BY 31ST MARCH 2025**

ON

20 FEBRUARY 2025

BRIEF ON THE REVITALISATION AND RE-ENERGISATION OF REGULATORY AUTHORITIES AND AGENCIES (RAAs) AND THE ROLE OF THE STANDING COMMITTEES

A. Background

Regulatory Authorities and Agencies (RAAs) essentially set norms and standards and superintend the implementing agencies and members of the public relevant to their mandate, to ensure adherence to the norms, standards and behaviour expected.

The mandate of regulators extend beyond mere enforcement; it encompasses the delicate balance between **ensuring compliance with established norms, standards, and expected behaviors**, and **fostering an environment conducive to individuals and entities that they superintend, to thrive and flourishing**.

B. Revitalisation and Re-Energisation of RAAs Campaign

On 27 July 2023, the Office of the Chief of Staff and Head of the Public Service commissioned a self-assessment survey of all RAAs on the performance of the respective core regulatory mandates. The survey highlighted the imperatives that affect the performance of RAAs and provided an evidence base for the steps required to ensure optimal performance of their core mandates thus leading to enhanced levels in the **quality and quantity** of service delivery to Kenyans.

The Revitalisation and Re-energisation of RAAs 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, RAAs 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. Evidently, the RAAs, 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.

The Campaign was initiated to strengthen the role and capacity of RAAs and particularly to:

- i. Address the inertia in the performance of mandates by regulatory authorities and agencies thereby affecting the **quality, quantity** and **timeous-ness** of service delivery;
- ii. Ensure that all the RAAs focus their efforts at delivering on their respective mandates visibly;
- iii. Rollout of an accountability and performance improvement mechanism for RAAs;
- iv. Enhance Monitoring, Evaluation and Reporting; and
- v. Assess the impact of the campaign on service delivery to Kenyans.

C. The Key Actors in the Revitalisation and Re-energisation of RAAs Campaign

1 Office of the Chief of Staff and Head of the Public Service;

39 Principal Secretaries each heading a State Department that has Regulatory Authorities and Agencies under its ward as outlined in the Executive Order No. 2 of 2023;

39 Standing Committees on the Revitalization and Re-energization of Regulatory Authorities and Agencies in each State Department and chaired by a senior officer designated by the respective Principal Secretary; and

126 Regulatory Authorities and Agencies (State Corporations and the Semi-Autonomous Government Agencies falling under the 39 State Departments)

each headed by a Chief Executive Officer who is answerable to their respective Principal Secretary;



The 125 Regulatory Authorities and Agencies superintend over implementing agencies with:

- a) National coverage with respect to the area of the regulator's jurisdiction
- b) Sectoral coverage with respect to the area of the regulator's jurisdiction

D. Standing Committees on the Revitalisation and Re-Energisation of Regulatory Authorities and Agencies

The Office of the Chief of Staff and Head of the Public Service, *vide* Circular Ref No. OP/CAB 6/1 dated 15 November 2023 issued a directive to Principal Secretaries to appoint Standing Committees for the **urgent** Revitalisation and Re-Energisation of RAAs under their ward to enhance the visibility of the execution of the mandate as keepers and enforcers of norms and standards.

Terms of Reference for the Standing Committees

- a) Be the vanguards of the Revitalisation and Re-energisation of the RAAs campaign under your respective State Department;
- b) Review, understand and internalise the Reports from the RAAs and the essence of the questions that were asked in the **Self-Assessment Tool**;
- c) Undertake a **similar review** of the Self-Assessment Tool with the leadership of each RAA under your ward;
- d) **Assess the effectiveness** of the regulatory tools and methods deployed by each of the regulators under your State Department to ensure adherence to the norms and standards they set out and superintend over;
- e) Assess the instances of **administrative action** taken by each of the RAAs against non-compliance institutions and persons they superintend;

- f) **Address the challenges expressed** by each of the RAAs that hinder their optimal and visible execution of their mandate;
- g) **Escalate any challenge/reasons** for where your Office is unable to proffer a solution and for which you require assistance from this Office;
- h) Take any **further steps and interventions** from your Office to enhance the visibility of each of the RAAs under your State Department as key agents of the change outlined in the Kenya Kwanza Bottom-Up Economic Transformation Agenda;
- i) Ensure that each RAA undertakes a **rapid assessment** of all factors on the ground and in the existing regulatory framework that are likely to affect negatively and even ominously, the lives, livelihoods, property, business and quality of goods and services delivered to Kenyans;
- j) Ensure that each RAA under your State Department take **immediate corrective, preventive and sustainable action to ameliorate the negative consequences**;
- k) Submit a report to the Head of Public Service capturing all the above.

The Standing Committees have been established in all State Departments and now serve as a vehicle through which the Campaign for the Revitalisation and Re-energisation of RAAs has gained traction.

E. Submission of Bi-annual Reports by RAAs and Standing Committees

The Chief of Staff and Head of Public Service *vide* Circular Ref No. OP/CAB 6/1 dated **27 May 2024** directed the Submission of Bi-annual Reports by each of the 125 RAAs to their relevant Standing Committee on the Revitalisation and Re-energisation of RAAs in the State Departments, with a copy to his Office on the following dates:

- i. **Thursday, 31 October 2024; and**
- ii. **Monday, 31 March 2025.**

Further, **Standing Committees** on the Revitalisation and Re-energisation of RAA were directed to **submit Analytical Reports** of the RAAs under their ward to COS&HOPS by:

- i. Monday, 11 November 2024; and**
- ii. Wednesday, 9 April 2025.**

An analysis of the responses from this tool will provide an evidence base for the Office of COS&HOPS to work together with Principal Secretaries; Standing Committees on the Revitalisation and Re-energisation of RAAs; and all other relevant stakeholders to ensure optimal performance by RAAs in the execution of their core mandates. This is in line with the Kenya Kwanza Government's prioritization of its responsiveness to the needs of the public in a transparent and accountable manner in accordance with the Bottom-up Economic Transformation Agenda (BETA).

F. The Annual Regulatory Authorities and Agencies Conference

i. The Inaugural RAAs Conference

The inaugural Regulatory Authorities and Agencies Conference, held on 11 – 12 April 2024 outlined the Administration's expectations clearly, and reinforced the performance standards expected of RAAs in order to achieve optimal performance in the execution of their mandates. In addition, the Conference headlined the urgency for actions required of RAAs as key agents of the change envisioned under the Bottom-Up Economic Transformation Agenda (BETA).

During this Inaugural Conference, the Chief of Staff and Head of Public Service made several directives, key among which was for RAAs to: get back to real work; make recommendation for amendments where the law creates challenges; synergize to avoid overlaps; prioritize preventive strategies; manage corruption risks; build capacity of the technical compliance officers; review organizational structures, utilize the limited resources effectively and leverage on technology to implement their mandate.

ii. The 2nd Annual Regulatory Authorities and Agencies Conference

The 2nd Annual RAA Conference, whose theme is '**The Urgent Fortification of the Responsiveness by Regulators to the Campaign on the Revitalisation and Re-energisation of Regulatory Authorities and Agencies,**' is scheduled to be held on **Monday, 28 – Wednesday, 30 April 2025.**

The Conference will provide opportunity for RAAs to share their experiences and best practices gained during the implementation of their regulatory mandate since the Inaugural Revitalisation and Re-energisation of RAAs Conference in April 2024. The vibrant exchanges anticipated between all the participants to the Conference is expected to elevate the performance of the RAAs and hence the quality of service delivery to Kenyans.

In addition, the Conference will highlight the performance of all the RAAs following a comprehensive analysis of the **Bi-annual Reports** received from the RAAs in October 2024, with the second set of Bi-annual Reports expected to be submitted by 31st March 2025. Furthermore, the analytical reports provided to this Office by the Standing Committees for the Revitalisation and Re-energisation of RAAs, located in the respective State Departments, will also be reviewed.

G. COS&HOPS Expectations from the Standing Committees

The Office of Chief of Staff and Head of the Public Service expects the following from the Standing Committees:

- a. Scrutiny of the details pertaining to the figures in the reporting tool for each RAA under your State Department;
- b. Submission of the second Analytical Reports to COS&HOPS by **Wednesday, 9 April 2025;**

- c. Indication of the **frequency** of meetings and engagements with the respective RAAs;
- d. Instances of **interventions** made by the Standing Committees/State Departments to assist RAAs in executing their core mandates and addressing challenges hindering optimal performance; and
- e. Challenges/issues that require administrative assistance and have been **escalated** to COS&HOPS.

H. Conclusion

The Standing Committees are required to respond proactively by holding regular meetings with their regulatory bodies and addressing their terms of reference. This commitment will become more visible through **public feedback** on the delivery of quality services to Kenyans, both **qualitatively, quantitatively**, and in a **timely manner**. Complacency is not an option, and the momentum to revitalise and re-energise Regulatory Authorities and Agencies must be sustained.