

**PARLIAMENT OF KENYA**



**PARLIAMENTARY SERVICE COMMISSION**

**ELEVENTH PARLIAMENT**

## **Concept Note**

# **Formation of a Parliamentary Caucus on Evidence-Informed Oversight and Decision-making**

2015

# Executive Summary

Parliament plays a critical role in oversight over the working of the Executive alongside other roles like the making of the budget in line with Article 221 of the Constitution. Commitment by the Government to improve financial management of public resources following the enactment of the Public Finance Management (PFM) Act of 2012 is indeed evident. Article 38(1) (b) (v) of the Act indicates a significant shift from line budgeting to Programme Based Budgeting in terms of implementation, indicating attempts by the Government to increase efficiency in resource allocation by linking programme performance to budget allocation. Parliament and most importantly Committees of the House) will be compelled to adjust how they engage with various Government Ministries during oversight of their activities and also while interrogating the budget proposals. It is also imperative for Parliamentarians and their staffs to have the capacity to access, appraise, and utilize evidence from government ministries and other organizations as well as online evidence sources to inform their resource allocation, oversight, and legislative decisions. Failure to enhance evidence-informed oversight and decision-making is likely to increase the likelihood of not achieving the intended purpose for which reforms in Public Finance Management were intended. Given the foregoing, there is need to increase the interest of Parliamentarians as policy-makers to appreciate the use of evidence in undertaking oversight and in the process of making policy decisions.

This concept note therefore proposes the formation of the Parliamentary Caucus on Evidence-Informed Oversight and Decision-making, an informal network whose membership will comprise of Members of both the National Assembly and the Senate who are committed to promoting responsible governance through evidence-informed oversight. The Caucus is unique in terms of its goal and expected deliverables as it will provide a structured platform to enable parliamentarians share experiences and work together to promote an evidence-informed culture in their work.

To achieve its objective the Caucus will utilize strategies including advocacy to strengthen the technical capacity of Parliamentarians and Parliamentary Committees in accessing and using evidence in their work, and legislation to encourage public investment in programmes that are proved to be cost-effective. Members of Parliament and more so Committees will be sensitized on the ways to engage the Executive in a bid to access the requisite evidence and data that is likely to inform their policy decisions.

The broad benefits for the buy-in by Members of Parliament as key policy-makers on the use of evidence during oversight and decision-making is humongous. First, **there will be reduced wasteful spending by the Government and even Members of Parliament themselves at Constituency level.** What does this mean? This means that by Members of Parliament utilizing evidence during the oversight of Ministerial and constituency programmes' outcomes particularly in the wake of devolution is likely to inform budget choices and thereby eliminate ineffective programmes and enhance freeing up of resources for other uses.

Two, **this is likely to compel Government Ministries to become more creative and innovative** when developing programmes, ensuring that they adopt high impact interventions that are likely to deliver better outcomes to Kenyans at reduced costs (Value for Money). It has been observed that Government programmes are either not well thought out for their potential impact, overpriced and rarely consultative. For Parliament to detect these, Parliamentarians ought to appreciate and utilize facts and evidence in oversight and decision-making.

**Lastly, the Caucus will strengthen accountability while enhancing the oversight role of Parliament.** Increased demand and use of evidence and data from government ministries will strengthen collection and reporting of data on programme implementation and outcomes and will in turn make the work of Parliament (and Committees in particular) easier in terms of oversight of their respective Ministries and Constituency programmes and projects. This will also go a long way in enhancing capacity of Parliamentarian's critical role of representing the citizens at the August house.

## 1.0 Background

1. The National and County Governments make budgets and policy choices daily and annually and as such these have long term effects on their fiscal distributional effects such as poverty reduction and other outcomes delivered to the Kenyan people. Recognition is growing that policy-makers, can achieve substantially better results by using rigorous evidence to inform the decisions they make, thereby enabling Governments to select, fund and operate effective public programmes that are more inclusive, strategic and economical.
2. The role of the Kenyan Parliament as provided in the Constitution in Article 94, 95 and 96 is to legislate, oversight over national revenue and expenditure and represent, among other functions. Further, Article 221 bestows upon Parliament the role of making the Budget, a role that for a long time has been the preserve of the Executive. To this end the Legislature plays a critical role in the wellbeing of the Kenyan people and, as such, their technical capacity to perform these roles ought to be enhanced.
3. Support is growing worldwide for use of evidence to inform policy and budget decisions and further guide the implementation of programmes. Nationally, this is pronounced following the passage of the Public Finance Management Act 2012 which compels both National and County Governments to present their budgets in a programme based format. This new paradigm shift in Public Finance Management requires that resources allocated to any specific programme be commensurate with results.

## 2.0 What is Evidence-Based Policy-Making?

4. Evidence-based policy-making according to the United Nations refers to a policy process that helps planners make informed decisions by putting the best available evidence at the centre of all policy processes. Here, evidence may include information produced by integrated monitoring and evaluation systems, academic or legislative research, historical experience and 'good practice' among others.
5. It is therefore imperative to note that this is in contrast with opinion-based policy, which heavily relies on either selective use of evidence or untested subject views of individual or groups, often inspired by ideological standpoints, prejudices or speculative conjecture. In numerous occasions, Members of Parliament by virtue of them being politicians tend to apply the latter even where evidence is quite compelling.

## 3.0 Rationale for the Formation of the Caucus

6. Given the vital role that Parliament plays in representation, legislation, resource allocation, and oversight, it is vital that Parliamentarians put facts and evidence at the centre of their decision-making processes if Parliament is to have its desired impact in Kenya's development.

### 3.1 What does the Caucus Seek to Address?

7. It is a fact that the policy-making process is inherently political and in most cases there exist some tension between politics and knowledge in shaping policies. The need to advocate for elimination of 'opinion-based policy' cannot be overemphasized. The risk of the contrary scenario is costly, wasteful and diminishes outcomes of policy, programmes and interventions.

8. There exist instances where Parliament has made policy decisions that have not been backed by evidence. A good example is the recent passage of a motion by the National Assembly to reverse the Government policy on the ranking of schools. It would have been important for Parliament to proceed with caution and from an informed perspective. Parliament through the relevant Committee ought to have engaged the relevant Ministry. To utilize evidence in making the decision the Committee ought to have engaged the relevant Ministry by requesting for relevant studies where this has worked, lessons learned, and challenges, to support the said policy with evidence of outcomes.
9. Additionally, it is relatively unclear how House Committees and Members of Parliament engage the various Ministries in so far as policy matters are concerned. These also cascade to making decisions on which particular projects to undertake at constituency level through the CDF Fund. With the implementation of Programme budgets, scrutiny of government decisions and programmes will require a more organized and standardized format. Using evidence to scrutinize the budget and its programmes while making policy decisions will therefore address the existing challenge where Parliament and Parliamentarians are in certain occasions expected to act as 'rubberstamps' for Government policies and programmes. More so where Parliament and Parliamentarians need to advocate for increase of investments, there should be a rationale backed by evidence to increase impact of the intervention(s).

## 3.2 The Rationale

### 3.2.1 The Implementation of the Programme Based Budget

10. Given the paradigm shift in the management of public finances following the introduction of programme-based budgeting, it is imperative that decisions made by the two Houses are evidence-informed. A quick review of the current system indicates that more often than not the Legislature's decisions on the various targets as detailed in many policy documents including the Budget Policy Statement (BPS) require solid evidence for justification. The problem sometimes is compounded by the lack of adequate time for Committees to fully interact with the budget proposals. As a result, Committees often rush to make decisions without subjecting the decisions to some kind of an assessment in lieu of the existing information. There is therefore need for a dedicated forum to push for the institutionalization of use of evidence by Parliamentarians.

### 3.2.2 Parliament and the Budget Process

11. The role of Parliament in the budget process cannot be overemphasized. In the new Constitutional dispensation, the legislature has been given a key role in shaping the policy discourse by participating in determining three main realms in public finance management, namely, affordability, prioritization and value for money. These tenets are well expounded in the PFM Act, 2012. The Act requires that all budgets presented to the National Parliament and County Assemblies be Programme-Based. What does this mean to the Members of Parliament who undertake oversight and budget scrutiny? In the process of scrutinizing budget proposals from Ministries, Departments and Agencies (MDAs), members are expected to systematically and continuously review available evidence on the effectiveness of public programmes while identifying potential returns on investment.
12. This will provide them with the requisite justification to allocate certain resources towards the requests proposed from an informed point of view. More importantly, in the process of Parliament interrogating the budget, Members will be expected to incorporate evidence of programme effectiveness into budget and policy decisions, giving funding priority to those that deliver high return on investment of public funds.
13. It is important to note that, Committees of the House play a critical role in oversight over Government implementation of programmes and budgets as appropriated by Parliament. Respective Departmental Committees of Parliament are expected to ensure that programmes as envisioned by respective Ministries are effectively delivered and are faithful to their intended design. In addition, in the process of the Committees undertaking oversight on respective Ministries within their purview, it is expected that outcome monitoring of programmes will be critical. This means that the Committees will need to have a clear mandate to ask for

regular reports of performance and data on programmes from the Ministries they are overseeing. This will assist Members of Parliament in making future decisions of those particular programmes.

### 3.2.3 Building Institutions that Provide Evidence to Parliament

14. There is need to strengthen and build capacity of public institutions mandated to provide the requisite evidence required by Parliamentarians. These data include hard data (research, evaluations); analytical arguments (these put the hard data into a wider perspective) and evidence that give the opinion of the beneficiaries. The public institutions include the Kenya National Bureau of Statistics (KNBS), Parliamentary Research Service (PRS), Parliamentary Budget Office (PBO), Public universities, and other research organizations.
15. With the foregoing significant role and responsibility bestowed upon Members of Parliament and the transformation in the architecture of the budget-making process, there is need to change the way the legislature undertakes its oversight and makes policy decisions. There is definitely the need for a platform within the Legislature that will champion for use of evidence in informing oversight and policy-making. Additionally this informal outfit will, in addition to advocating for evidence-informed policy-making, sensitize Members of Parliament on evidence-informed policy-making to ensure their buy-in. The outfit is also expected to put in place strategies to ensure the strong demand for evidence by Parliamentarians is matched with a good supply of appropriate evidence.

## 3.3 The Caucus

16. Stemming from the foregoing context the broad Goal of the Caucus is to advocate for the buy-in of use of evidence during oversight and decision-making among the Members of Parliament and other arms of Government.

### 3.3.1 Specific Objectives

17. The Specific objectives of the Caucus include: To
  - a. Sensitize Members of Parliament on the importance of using evidence in oversight and policy decisions and how these can be done
  - b. Promote the utilization of evidence by House Committees' Members during oversight of respective Government Ministries and programmes
  - c. Advocate for and facilitate the strengthening capacity of key public institutions to provide the requisite evidence as well as the capacity of Parliament to access and use evidence in its work.
  - d. Advocate for a shift from Traditional Monitoring and Evaluation to Result-Based Monitoring and Evaluation by the Ministries
  - e. Promote evidence-based engagement with the public (for example groups that bring petitions) and parliament
  - f. Promote increased use of the research department by Parliamentarians in order to access information for evidence-informed decision-making

### 3.3.2 The Strategies

18. To achieve the foregoing specific objectives, the Caucus will utilize the following broad strategies and specific activities:
  - a. Workshops and retreat forums for Members and House Committees
  - b. Introduce legislative proposals and legislative amendments to statutes
  - c. Lobby for budgetary allocation to Parliament and other sectors likely to influence the use of evidence
  - d. Lobby to transform the way House Committees engage with the implementing Ministries
  - e. Engage the Executive arm of Government
  - f. Engage with the Parliament Administration

19. The table below summarizes some of the strategies and specific activities:

No.	Strategy	Specific Activities
1.	<b>Workshop and Retreats</b>	1. Sensitizing Members on the following among others: <ul style="list-style-type: none"> <li>■ Why evidence-informed policies and decisions are superior to opinion-based ones</li> <li>■ Practical ways to use evidence during oversight within Committees</li> </ul>
2.	<b>Introduce Legislation</b>	1. Enact legislations: <ul style="list-style-type: none"> <li>■ Requiring Ministries to regularly report on programme outcomes and evaluations and the use of standard format and report</li> <li>■ Incorporate quality implementation standards for programmes across Ministries in statute</li> </ul>
3.	<b>Lobby</b>	1. Lobbying Members to increase budgetary allocation to institutions and agencies charged with providing public data and information e.g. KNBS, Government think tanks etc 2. Lobby for Departmental Committees to request performance data at relevant Committee hearings
4.	<b>Engagement with Executive</b>	1. Engage with the Executive to: <ul style="list-style-type: none"> <li>■ Require Ministries to regularly report on programme outcomes and evaluations and to use standard format for reports</li> <li>■ Include relevant studies in budget hearings and Committee meetings</li> <li>■ Direct agencies to support budget requests with evidence of outcomes</li> <li>■ Require simplified evidence-based requests to include clear, concise and verifiable information about programme results</li> <li>■ Require Ministry budget requests to include cost-benefit information where applicable</li> </ul>
5.	<b>Engagement with Parliament Administration</b>	1. Engage with PSC to: <ul style="list-style-type: none"> <li>■ Emphasize the importance of building internal capacity to faithfully implement evidence-informed oversight and decision-making by Parliamentarians e.g. research staff to conduct Cost-Benefit Analyses, develop performance measures and benchmarks for programmes</li> <li>■ Provide resources on training and technical support</li> </ul>

### 3.3.3 Expected Outcomes

20. The following outcomes will be long term, and continuous:
  - a. Increased use of evidence (integrated monitoring and evaluation systems, academic or legislative research, historical experience etc) by Members of Parliament
  - b. Increased supply of requisite robust evidence by the relevant institutions and Parliamentary offices mandated to provide the evidence (data and information)
  - c. Developed structure for Parliament oversight
  - d. Increase numbers of champions of evidence informed oversight and decision-making in the legislature

### 3.3.4 The Membership

21. The Caucus is bipartisan and open to Members of either House.

### 3.3.5 The Target Group

22. The Caucus seeks to work very closely with the following groups of people among others:
  - a. Members of Parliament
  - b. Committees of both Houses
  - c. Government Ministries and Agencies
  - d. Staff of Parliament

## 4.0 Financial Implications

23. The implementation of this concept paper will result in additional resources to Parliament. However the Caucus intends to network and collaborate with other like-minded organizations for example; African Institute for Development Policy (AFIDEP). Some other notable collaborating organizations are United Nations WOMEN (UN WOMEN), Kenya Women Parliamentarians (KEWOPA). The Parliamentary Caucus on Evidence-Informed Oversight and Decision-making is supported by AFIDEP.

