



CS INTERMEDIATE LEVEL

PUBLIC SECTOR GOVERNANCE, POLICY AND ADMINISTRATION

THURSDAY: 8 December 2022. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Do NOT write anything on this paper.

QUESTION ONE

- (a) Inspection and Acceptance Committee established by the Public Procurement and Asset Disposal Act, 2015 is mandated to perform certain functions.

Summarise **FIVE** of these functions. (5 marks)

- (b) As a senior public administrator in your country, explain to junior officers in your department, **FIVE** similarities between public administration and private administration as stipulated by Henri Fayol. (5 marks)

- (c) Analyse the criteria used by the County Public Service Board (CPSB) in establishing a public office at the Counties. (10 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Examine **FOUR** grounds for judicial review in your Country. (4 marks)

- (b) Explain **THREE** features of a good dispute resolution mechanism that may be used in public institutions. (6 marks)

- (c) Public enterprises are distinct from private entities due to their unique characteristics.

Assess **FIVE** of these characteristics. (10 marks)

(Total: 20 marks)

QUESTION THREE

- (a) The governor of Mzalendo County is guided by certain criteria to ensure residents participate fully during development of the County policies.

With reference to the above statement, state **FIVE** criteria. (5 marks)

- (b) Examine **FIVE** roles of public administration in the modern world. (5 marks)

- (c) Juma Boka, the County Commissioner of Heko County has helped develop a policy to curb cattle rustling in the county.

Explain **FIVE** factors that should be considered in the implementation of this policy. (10 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Examine **FIVE** guiding principles of leadership and integrity as stipulated in the Constitution of your Country. (5 marks)

- (b) The rational planning model is a model of the planning process that involves a number of rational actions.

Identify these actions. (5 marks)

- (c) Maji Pevu, a State Corporation, embraces benchmarking as the tool for measuring the areas of improvement during policy making.

Explain **FIVE** challenges associated with this tool. (10 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) Explain **SIX** responsibilities of the Parliamentary Budgetary Office in your Country. (6 marks)
- (b) In stakeholder analysis, you can map out your stakeholders and classify them on a Power/Interest Grid.
Identify **FOUR** types of stakeholders in this grid. (4 marks)
- (c) Explain **FIVE** legal provisions that govern the appointment of a member to a County Public Service Board. (10 marks)

(Total: 20 marks)

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QUESTION ONE

(a) Inspection and Acceptance Committee established by the Public Procurement and Asset Disposal Act, 2015 is mandated to perform certain functions. Summarise FIVE of these functions. (5 marks)

- **Quality Assurance:** The committee ensures that procured goods, services, and works meet the required quality standards and specifications as outlined in the procurement documents. This helps to prevent the acquisition of substandard or faulty items.
- **Compliance Verification:** The committee verifies that the procurement process adheres to the legal and procedural requirements outlined in the Public Procurement and Asset Disposal Act, 2015. This includes ensuring fairness, transparency, and accountability throughout the procurement cycle.
- **Inspection of Goods and Services:** The committee conducts physical inspections of procured goods and services to confirm that they match the specifications stated in the procurement documents. This step helps to identify any discrepancies or deviations.
- **Acceptance and Rejection:** Based on the inspection and verification, the committee has the authority to accept or reject delivered goods, services, or works. This decision is made in alignment with the predefined criteria and quality standards.
- **Documentation and Reporting:** The committee maintains detailed records of their inspections, findings, and decisions. This documentation serves as an essential reference for auditing, transparency, and accountability purposes. The committee also produces reports on their activities and outcomes to inform relevant stakeholders.

(b) As a senior public administrator in your country, explain to junior officers in your department, FIVE similarities between public administration and private administration as stipulated by Henri Fayol. (5 marks)

- **Division of Labor:** Fayol emphasized the importance of dividing work into specialized tasks to improve efficiency. This principle is applicable in both public and private sectors. In both cases, dividing tasks among individuals with specific skills and expertise can lead to increased productivity and better utilization of resources.
- **Authority and Responsibility:** Fayol highlighted the need for a clear chain of command and the delegation of authority along with corresponding responsibility. This principle holds true for both public and private organizations. A clear hierarchy helps in maintaining order, making decisions, and ensuring accountability.
- **Unity of Command:** Fayol stressed that employees should receive instructions from only one superior to avoid confusion and conflicting directives. This principle is relevant in both sectors, as it helps in maintaining clarity of communication and preventing conflicting priorities.
- **Scalar Chain:** According to Fayol, there should be a defined hierarchy of authority from top to bottom in an organization. This principle is shared by both public and private administration, as it establishes a formal structure that facilitates communication, decision-making, and coordination.
- **Discipline:** Fayol highlighted the need for discipline in both sectors. In public and private organizations, maintaining order, enforcing rules and regulations, and

ensuring that employees adhere to established norms are critical for achieving organizational goals and maintaining a positive work environment.

(c) Analyse the criteria used by the County Public Service Board (CPSB) in establishing a public office at the Counties. (10 marks)

- **Need and Justification:** The CPSB assesses whether there is a genuine need for the new public office based on the county's development plans, service gaps, and changing circumstances. The office's establishment should address specific challenges or demands that cannot be adequately met by existing structures.
- **Service Delivery Improvement:** The CPSB considers whether the new public office will enhance service delivery to the county's residents. This involves evaluating how the office's functions align with the county's development goals, and how it will contribute to improving the quality and efficiency of public services.
- **Legal and Regulatory Compliance:** The CPSB ensures that the establishment of the new public office adheres to relevant laws, regulations, and administrative procedures. This includes complying with the constitution, statutes, and any other legal frameworks governing public administration at the county level.
- **Budgetary Implications:** The CPSB assesses the financial implications of establishing the new public office. This involves estimating the budget required for salaries, administrative expenses, infrastructure, equipment, and any other resources necessary for the office to operate effectively.
- **Organizational Structure:** The CPSB designs an appropriate organizational structure for the new office, considering factors such as reporting lines, staffing levels, and positions required to carry out its functions. This structure should align with the county's overall administrative framework.

QUESTION TWO

(a) Examine FOUR grounds for judicial review in your Country. (4 marks)

- **Ultra Vires:** This ground involves reviewing whether a decision or action taken by a public authority exceeds the scope of its legal authority. If a decision goes beyond the powers granted to the authority by law, it can be deemed "ultra vires" or beyond its legal authority and can be subject to judicial review.
- **Error of Law:** Judicial review can be sought if a decision-maker commits an error of law in reaching their decision. This occurs when the decision-maker misunderstands, misinterprets, or misapplies the relevant legal principles or statutes, resulting in a decision that is not legally valid.
- **Procedural Impropriety:** This ground involves reviewing whether the decision-making process followed by a public authority adhered to the prescribed legal procedures. If the authority fails to follow the required procedures, such as giving parties a fair opportunity to be heard or failing to consider relevant evidence, the decision may be subject to review.

- **Unreasonableness or Irrationality:** Judicial review can be pursued if a decision made by a public authority is so unreasonable that no reasonable authority would have come to the same conclusion. This ground, often referred to as "Wednesbury unreasonableness" or "irrationality," requires that the decision is not just a matter of differing opinions but is clearly and demonstrably irrational.

(b) Explain THREE features of a good dispute resolution mechanism that may be used in public institutions. (6 marks)

- **Impartiality and Neutrality:** A strong dispute resolution mechanism should be impartial and neutral, ensuring that the process is not biased in favor of any party. This means that the individuals responsible for overseeing the resolution process should not have any personal interest or stake in the outcome of the dispute. Impartiality instills confidence in the process and encourages parties to participate in good faith, knowing that their concerns will be addressed fairly.
- **Transparency and Accountability:** Transparency is crucial in any dispute resolution mechanism, especially within public institutions. The process should be conducted openly and the decisions made should be well-documented and communicated to all relevant parties. This transparency helps prevent any perception of hidden agendas or favoritism. Additionally, accountability ensures that those responsible for making decisions are answerable for their actions, promoting a sense of responsibility and professionalism in the resolution process.
- **Accessibility and Timeliness:** A good dispute resolution mechanism should be accessible to all parties involved. This means that the process should be straightforward, and the requirements for initiating the process should not create unnecessary barriers. Furthermore, the mechanism should operate in a timely manner. Delays in resolving disputes can exacerbate tensions and harm relationships, so an efficient process that addresses issues promptly is essential for maintaining a positive work environment and preventing disputes from escalating.

(c) Public enterprises are distinct from private entities due to their unique characteristics. Assess FIVE of these characteristics. (10 marks)

- **Public Ownership and Control:** The most fundamental distinction is that public enterprises are owned and controlled by the government or public authority. This ownership often leads to a primary focus on serving public interests and achieving policy objectives, whereas private entities are primarily driven by profit motives.
- **Social and Economic Objectives:** Public enterprises are frequently established to fulfill social and economic objectives, such as providing essential services (e.g., healthcare, education, utilities) and promoting

economic development. Their purpose extends beyond profit generation to encompass broader societal benefits.

- **Government Influence and Regulation:** Public enterprises often operate within a regulatory environment influenced by government policies. Governments can intervene in decision-making, funding, pricing, and other aspects to ensure that these entities align with national priorities and fulfill their intended societal roles.
- **Accountability and Transparency:** Public enterprises have a higher level of accountability to the public and government due to their ownership structure. They are expected to operate transparently, provide regular reports, and justify their actions in terms of public benefits. Private entities, on the other hand, are primarily accountable to their shareholders.
- **Political Considerations:** Public enterprises can be subject to political considerations and changes in government policies. Their objectives and operations may shift as political administrations change, leading to potential disruptions in their strategies and decision-making processes. Private entities, though influenced by external factors, are generally more insulated from immediate political pressures.
- **Risk and Profit Motive:** While private entities are driven by profit motives and bear the risks associated with their operations, public enterprises may have a different risk profile. Public enterprises can sometimes receive government support or subsidies to achieve non-financial objectives, potentially affecting their risk-taking behavior.

QUESTION THREE

(a) The governor of Mzalendo County is guided by certain criteria to ensure residents participate fully during development of the County policies.

With reference to the above statement, state FIVE criteria. (5 marks)

- ✓ **Inclusivity:** The governor should ensure that the policy development process is inclusive and encompasses a wide range of stakeholders from different backgrounds, communities, and interest groups within the county. Inclusivity promotes diverse perspectives and prevents the exclusion of certain segments of the population.
- ✓ **Public Consultation:** The governor should facilitate public consultation mechanisms that allow residents to provide input, feedback, and suggestions on proposed policies. This could involve town hall meetings, public forums, surveys, and online platforms to gather opinions from a broad cross-section of the population.
- ✓ **Accessibility:** The governor should ensure that information related to policy development is readily accessible to residents. This involves making policy documents, proposals, and relevant data available in understandable formats and languages so that residents can make informed contributions.

- ✓ **Engagement Channels:** Various engagement channels should be provided to accommodate different preferences and capacities for participation. This might include both online and offline methods, recognizing that some residents may prefer traditional methods of communication, while others may be more comfortable with digital platforms.
- ✓ **Timely and Transparent Feedback:** The governor should commit to providing timely and transparent feedback on how resident inputs have been incorporated into the policy development process. This fosters trust and shows that the input of residents is valued and taken seriously.

(b) Examine FIVE roles of public administration in the modern world. (5 marks)

- ✓ **Policy Formulation and Implementation:** Public administration is responsible for formulating and implementing policies that address various societal challenges and meet the needs of citizens. This involves analyzing problems, conducting research, drafting policies, and executing strategies to achieve desired outcomes, such as economic development, social welfare, and environmental sustainability.
- ✓ **Service Delivery:** One of the primary roles of public administration is to ensure the efficient and equitable delivery of public services to citizens. This encompasses areas such as healthcare, education, infrastructure, public safety, and social welfare programs. Public administrators manage resources, optimize processes, and monitor service quality to meet citizens' needs effectively.
- ✓ **Regulation and Oversight:** Public administration oversees and regulates various sectors of society to ensure compliance with laws, standards, and regulations. This role includes monitoring industries, enforcing safety regulations, protecting consumer rights, and maintaining fair competition within the economy. Regulatory agencies play a crucial role in maintaining order and ensuring public well-being.
- ✓ **Public Finance Management:** Public administrators are responsible for managing public finances, including budgeting, revenue collection, expenditure allocation, and financial reporting. They make decisions to allocate resources efficiently, ensure accountability, and support the implementation of policies and programs.
- ✓ **Public Engagement and Participation:** In the modern world, public administration promotes citizen engagement and participation in decision-making processes. Administrators facilitate public consultations, gather input, and involve citizens in policy discussions, fostering democratic governance and enhancing the legitimacy of governmental actions.

(c) Juma Boka, the County Commissioner of Heko County has helped develop a policy to curb cattle rustling in the county. Explain FIVE factors that should be considered in the implementation of this policy. (10 marks)

- ✓ **Stakeholder Involvement and Collaboration:** Engaging relevant stakeholders is crucial. This includes not only law enforcement agencies but also local communities, traditional leaders, and organizations involved in livestock management. Collaborative efforts ensure a comprehensive approach that takes into account local knowledge, concerns, and resources.
- ✓ **Resource Allocation:** Adequate resources, including personnel, equipment, and funding, must be allocated to effectively implement the policy. This may involve investing in technology for tracking stolen livestock, providing training to law enforcement personnel, and establishing communication networks to respond swiftly to incidents.
- ✓ **Public Awareness and Education:** Raising awareness about the policy and its objectives is essential for garnering public support and cooperation. Educating communities about the negative consequences of cattle rustling, legal penalties, and the benefits of peaceful coexistence can help deter potential offenders and encourage reporting of suspicious activities.
- ✓ **Proper Legislation and Legal Framework:** The policy should be supported by clear and robust legal frameworks that define cattle rustling as a crime and outline appropriate penalties. Legislation should also protect victims, witnesses, and informants, ensuring they feel safe coming forward with information.
- ✓ **Community-Based Interventions:** Addressing the underlying social and economic factors that contribute to cattle rustling is vital. Implementing community-based programs that offer alternative livelihoods, vocational training, and access to education can help reduce the incentives for engaging in cattle rustling.

QUESTION FOUR

(a) Examine FIVE guiding principles of leadership and integrity as stipulated in the Constitution of your Country. (5 marks)

- ✓ **Accountability and Transparency:** Leaders are expected to be accountable for their actions and decisions. This principle emphasizes that leaders should operate in an open and transparent manner, ensuring that their actions can be scrutinized by the public. It includes disclosing conflicts of interest and being responsive to the needs and concerns of citizens.
- ✓ **Ethical Conduct:** Leaders are required to uphold high standards of ethical conduct. This principle mandates that leaders should act with integrity, honesty, and fairness in all their interactions, decisions, and dealings. They should avoid actions that could compromise the public's trust in their leadership.
- ✓ **Rule of Law:** Leaders are obligated to uphold the rule of law. This principle underscores that leaders should operate within the legal framework of the country, respecting the constitution and laws. They should not engage in actions that undermine the legal system or infringe upon citizens' rights.

- ✓ **Equity and Inclusivity:** Leaders are expected to promote equity, inclusivity, and non-discrimination. This principle emphasizes that leaders should ensure that policies, decisions, and actions are inclusive and do not favor any particular group. It also encourages leaders to actively address social disparities and promote equal opportunities for all citizens.
- ✓ **Public Interest:** Leaders are required to prioritize the public interest above personal gain. This principle highlights that leaders should make decisions that benefit the welfare of the citizens and the nation as a whole, rather than advancing their own interests or the interests of a specific group.

(b) The rational planning model is a model of the planning process that involves a number of rational actions. Identify these actions. (5 marks)

- ✓ **Problem Identification and Definition:** The first step involves recognizing and defining the problem or issue that needs to be addressed through the planning process. This requires a clear understanding of the current situation, potential challenges, and desired outcomes.
- ✓ **Setting Objectives and Goals:** Once the problem is defined, specific objectives and goals are established. These objectives should be measurable, achievable, relevant, and time-bound (SMART), providing a clear direction for the planning process.
- ✓ **Generating Alternative Solutions:** In this step, a range of possible solutions or strategies are identified to address the defined problem and achieve the established objectives. Brainstorming and creative thinking are often used to generate various alternatives.
- ✓ **Evaluating Alternatives:** Each generated alternative is thoroughly assessed and evaluated against predetermined criteria. This involves considering the feasibility, effectiveness, costs, benefits, and potential risks of each option.
- ✓ **Comparing and Selecting the Best Alternative:** Based on the evaluation, the alternatives are compared to determine which one best aligns with the established objectives and goals. The alternative that maximizes benefits and minimizes risks is selected.

(c) Maji Pevu, a State Corporation, embraces benchmarking as the tool for measuring the areas of improvement during policy making.

Explain FIVE challenges associated with this tool. (10 marks)

- ✓ **Data Availability and Quality:** Obtaining accurate and relevant benchmarking data can be a challenge. Organizations might struggle to access comprehensive and up-to-date data from other entities, hindering the ability to make accurate comparisons. Additionally, ensuring the reliability and consistency of benchmarking data across different sources can be challenging.
- ✓ **Applicability of Best Practices:** Best practices from other organizations may not always be directly applicable to Maji Pevu's unique context, objectives, and operational environment. Simply adopting practices without considering the specific circumstances could lead to suboptimal results or even negative outcomes.

- ✓ Lack of Standardization: Differences in processes, terminologies, and definitions between organizations can make benchmarking comparisons complex. If there is a lack of standardization in how data is collected and reported, accurate comparisons become challenging, and the results may be misleading.
- ✓ Resistance to Change: Benchmarking often reveals areas where Maji Pevu needs to make improvements or changes. However, employees and stakeholders may resist these changes due to concerns about job security, disruptions to established routines, or skepticism about the effectiveness of the proposed changes.
- ✓ Focus on Numbers over Context: Relying solely on quantitative metrics and benchmarks can lead to a narrow focus on numerical goals rather than considering the broader context and qualitative aspects of performance. This might result in organizations overlooking the human and operational factors that contribute to success.

QUESTION FIVE

(a) Explain SIX responsibilities of the Parliamentary Budgetary Office in your Country. (6 marks)

- ✓ Independent Fiscal Analysis: The Parliamentary Budgetary Office often conducts independent and objective analyses of the government's fiscal policies, budgets, and financial plans. This includes assessing the accuracy and feasibility of revenue projections, expenditure allocations, and macroeconomic assumptions.
- ✓ Budget Scrutiny: The office reviews and analyzes proposed budgets, ensuring that they align with the country's economic priorities, legal obligations, and long-term fiscal sustainability. They examine the allocation of funds to various sectors and programs, identifying potential discrepancies or inefficiencies.
- ✓ Cost-Benefit Analysis: The office might perform cost-benefit analyses of major government programs and policies. This helps lawmakers understand the potential economic and social impacts of different initiatives, enabling them to make informed decisions on resource allocation.
- ✓ Economic Forecasting: The Parliamentary Budgetary Office may provide economic forecasts and projections that assist legislators in understanding the potential economic trajectory of the country. This information is crucial for evaluating the potential impacts of policy changes on the economy.
- ✓ Debt Sustainability Analysis: Monitoring and analyzing the government's debt levels and repayment capacity is an essential responsibility. The office assesses whether the government's borrowing practices are sustainable in the long run and warns against potential debt crises.
- ✓ Public Accountability: The office serves as a mechanism for promoting transparency and accountability in public financial management. By providing impartial and evidence-based analysis, the office empowers legislators and the public to hold the government accountable for its fiscal decisions.

(b) In stakeholder analysis, you can map out your stakeholders and classify them on a Power/Interest Grid. Identify FOUR types of stakeholders in this grid. (4 marks)

- ✓ **High Power, High Interest:** These stakeholders have a significant level of influence (power) and a strong level of interest in the project or decision. They can greatly impact the outcome and may actively engage in discussions and negotiations. Managing their expectations and involving them in the decision-making process is crucial.
- ✓ **High Power, Low Interest:** Stakeholders in this category have substantial influence (power) but limited interest in the project's details. Their involvement might be necessary to secure resources, approvals, or support, but they may not be directly impacted by the outcomes.
- ✓ **Low Power, High Interest:** These stakeholders have a strong interest in the project but relatively limited influence over the decision-making process. Engaging with them can be important to gather input, address concerns, and ensure that the project meets their expectations.
- ✓ **Low Power, Low Interest:** Stakeholders in this category have minimal influence and interest in the project. They might not play a significant role in the decision-making process and might require limited communication and engagement.

(c) Explain FIVE legal provisions that govern the appointment of a member to a County Public Service Board. (10 marks)

- ✓ **Eligibility Criteria:** Legal provisions usually define the eligibility criteria that individuals must meet to be considered for appointment to a County Public Service Board. These criteria might include factors such as educational qualifications, professional experience, integrity, and other relevant attributes.
- ✓ **Public Participation:** Many legal frameworks emphasize the importance of public participation in the appointment process. This might involve inviting public input, conducting public interviews or consultations, and ensuring transparency to ensure that the appointment process reflects the interests and needs of the community.
- ✓ **Competitive Process:** Legal provisions often outline a competitive process for appointing members to the County Public Service Board. This could involve advertising the positions, conducting interviews, and selecting the most qualified candidates based on predetermined criteria.
- ✓ **Diversity and Representation:** Laws might stipulate that the County Public Service Board should be representative of the diversity within the county, including considerations of gender, ethnicity, disability, and other relevant factors. This provision ensures fair representation and helps prevent marginalization.
- ✓ **Non-Partisanship and Fairness:** Legal provisions typically require that the appointment process is conducted in a non-partisan manner, ensuring that political affiliations do not unduly influence appointments. Fairness and merit-based selection are central to maintaining the integrity of the County Public Service Board.