



## **ETHICS & INTEGRITY DEPARTMENT**

### **Guidelines for Stakeholder Participation in Policy Making**

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## INTRODUCTION

Stakeholder or public participation is a value and principle contained in Article 10 of the Constitution which is binding to all state organs and public servants. It is a guiding principle for achieving good governance under the political pillar in the Kenya Vision 2030.

Participation of the public is a deliberate process by which citizens, civil society organizations and government actors are involved in policy-making and implementation before decisions are made. Decisions made with inputs from various stakeholders or members of the public are far better than those prepared by a few stakeholders or individuals.

In recognition of the above, the National Social Security Fund (NSSF, herein referred to as the Fund) has formulated Stakeholder Participation Guidelines to effectively guide and involve both internal and external participants in policy-making and implementation.

The Guidelines will serve as a demonstration of the Fund's commitment to participation by both internal and external stakeholders in policy-making. The Fund recognizes diversity of ideas, aims and values and encourages a collaborative problem-solving approach designed to achieve more legitimate policies.

We hope the above Guidelines will lead to more legitimate, acceptable and implementable policies thereby contributing to the Fund's vision of "The trusted social security provider" and Kenya's Constitution on social security as a basic right.

### 1.0 PURPOSE

1.1 This Document provides guidelines for stakeholder's participation in policy making in the Fund. It also demonstrates the Funds commitment to stakeholder participation in the policies being made by the organisation.

1.2 The specific objectives of the Guidelines are to:

- 1.2.1 Ensure communication of scope and impact of public service policy, decision implementation and administrative acts reach all stakeholders;
- 1.2.2 Establish sufficient consultation and notification to all stakeholders affected by the Fund policies, decisions, implementation and administrative acts are effective;
- 1.2.3 Guarantee identification of all stakeholders affected by the Fund policies, decisions or administrative acts are accurate and inclusive;

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- 1.2.4 Ensure the input of stakeholders is acquired/received and is given due consideration;
- 1.2.5 Promote transparency and accountability;
- 1.2.6 Enhance stakeholder ownership of the policies, decisions and facilitate implementation;
- 1.2.7 Ensure the mode of communication and participation, consultation and notification accords stakeholders an opportunity to have input in the process.
- 1.2.8 Ensure lessons learnt from the process have been documented and used in planning future stakeholder participation initiatives.

## **2.0 SCOPE**

The Guideline applies to all stakeholders of the National Social Security Fund (NSSF). This includes both internal and external stakeholders such as the members of staff, Board of Trustees (BOT), members of NSSF, employers, service providers, enforcement and regulatory agencies among others.

## **3.0 STAKEHOLDER PARTICIPATION GUIDING PRINCIPLES**

- 3.1 Adherence to the National Values under Article 10 of the Constitution which includes public participation.
- 3.2 Stakeholders to be affected by a decision shall have a right to be consulted and involved in the policies being made;
- 3.3 Provision of effective mechanisms for the involvement of the stakeholders that would be affected by or be interested in a policy;
- 3.4 Participants' equitable access to the information they need to participate in a meaningful manner. Article 35 of the Constitution guarantees every citizen the right to access information held by the organisation. This includes information required for effective participation.
- 3.5 Stakeholder views shall be taken into consideration in policy making;
- 3.6 Development of stakeholder's appropriate feedback mechanisms;

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- 3.7 Adherence to the principles of leadership and integrity set out in Chapter Six of the Constitution;
- 3.8 Promotion of sustainable decisions recognising the needs and interests of all participants including policy makers;
- 3.9 All the views from stakeholders shall respected. Article 33 of the Constitution provides for freedom of expression which includes the freedom to seek, receive or impart information or idea; and
- 3.10 Selected participation approach shall be cost effective and should address the stakeholders' needs and expectations.

## 4.0 ABBREVIATIONS AND DEFINITIONS

### 4.1 Abbreviations

ATIA, 2016	-	Access to Information Act, 2016
BOT	-	Board of Trustees
CEO	-	Chief Executive Officer
ME&I	-	Manager, Ethics & Integrity
MT	-	Managing Trustee
NSSF	-	National Social Security Fund
PFMA (2016)	-	Public Finance Management Act, 2016

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## 4.2 Definition

- Policy - A system of laws, regulatory measures, guidelines, procedures, processes, frameworks and funding priorities concerning any issue formulated by the Fund.
- Public - A group of people who face a similar problem, recognize the problem, and organize themselves to do something about it.
- Stakeholder - Individual or group that has an interest in any decision or activity of an organization.
- Participation - The process of interaction between an organisation and those affected by the decisions made with a view to making acceptable and better decision. The process involves informing, listening, dialogue, debate and analysis as well as implementation of agreed solutions”.

## 5.0 POLICY & LEGAL FRAMEWORK FOR STAKEHOLDER PARTICIPATION

- 5.1 The Constitution of Kenya, 2010
- 5.2 Public Service Values and Principles Act (PSV&PA), 2015
- 5.3 Public Service Commission, Guidelines for Public Participation in Policy Formulation, 2015
- 5.4 Access to Information Act (ATIA), 2016
- 5.5 NSSF Act, CAP 258
- 5.6 Leadership and Integrity Act, 2012

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## 6.0 PRINCIPAL RESPONSIBILITY

The Manager, Ethics and Integrity (M, E&I) shall be responsible for the overall implementation of this Policy.

## 7.0 AREAS OF STAKEHOLDER PARTICIPATION

Participation shall be initiated at all stages of the policy development process and shall be deemed as a mandatory interactive process.

The initiators of various policies shall take into account budgetary requirements for effective stakeholders' participation.

The Fund shall involve stakeholders in the formulation of the following policies:

### 7.1 Formulation of Fund corporate strategic plan & other strategies

When formulating the Fund strategic plan, the Fund shall involve employees across the organisation and other relevant stakeholders as shall be found appropriate.

7.1.1 The selection of internal stakeholders shall cover:

- a) Unionized employees
- b) Lower and middle level management cadre across the Fund
- c) Senior and top management
- d) Board of Trustees (BOT)

7.1.2 The external stakeholders will include:

- a) Members who are registered and active
- b) Employers
- c) Service providers
- d) Enforcement and regulatory agencies
- e) Federation of Kenya Employers (FKE)
- f) Central Organisation of Trade Unions (COTU)
- g) Relevant Ministerial Development Agencies (MDAs)
- h) Subject experts

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## **7.2. Formulation of Fund manuals and policies**

When formulating Fund manuals and policies such as human resource, finance and procurement among others, both internal and external stakeholders shall participate. Internally, members of staff to participate shall be as presented in 7.1 above.

Externally the Fund shall collect inputs from the stakeholders presented in 7.1 as shall be found appropriate.

## **7.3. Preparation of work procedures and processes**

Work procedures and processes shall be prepared internally with inputs from all the members of staff as presented in 7.1 above. External stakeholders presented in 7.1 shall also be involved depending on the procedures and processes being formulated.

## **7.4. Preparation of annual budgets and plans**

In the preparation of budgets and annual plans, the internal stakeholders shall participate. The internal stakeholders to participate are lower and middle management, senior and top management. The Board shall review the budgets and plans before being presented to enforcement and regulatory agencies for their inputs in the spirit of Public Finance Management Act (Public Finance Management Act (PFMA), 2012, section 207.

The Fund shall facilitate stakeholder participation in policy making through the tools presented in section 8.

The participation of these stakeholders shall be at the draft stage of the plan. The final policies shall be presented to the Senior Management for further enrichment and finally to the BOT for approval and implementation.

When the Fund is preparing and finalising the various policies it shall take into consideration inputs of the various stakeholders.

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## **8.0 TOOLS FOR STAKEHOLDER PARTICIPATION**

The Fund shall engage relevant stakeholders to give their inputs orally or in writing through:

### **8.1 Public forums**

Public forums (workshops, discussion groups, brain storming sessions etc) provide an opportunity of face to face engagement between the Fund, members of staff and other relevant stakeholders through which instant feedback and observations can be received. The forums shall take place in the counties where the Fund has presence.

### **8.2 Submission of written inputs**

When the Fund is formulating or reviewing a policy, relevant stakeholders could be requested to submit written inputs. This is especially when preparing the Fund corporate strategic plan, manuals and policies.

### **8.3 Collection of inputs through supervisors**

When collecting inputs internally, the Fund could also use supervisors such as head of division/department, regional/branch managers and other authorised officers.

### **8.4 Online, electronic and social media**

These avenues could be used to collect views from the relevant stakeholders presented in 7.1 above. Through the interactive website, the stakeholders could be asked to provide inputs online, through emails, virtually or by use of social media.

### **8.5 Other avenues for stakeholder participation**

Other avenues for stakeholders to participate in policy making could include print media, hotlines and drop in boxes stationed in strategic places within the organisation both in the headquarter (HQs) and field offices. The use of these will depend on the policies or decisions which needs to be formulated/made.

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## 9.0 ORGANISING STAKEHOLDER PARTICIPATION

### 9.1 Steps in organising stakeholder participation

- (a) Identification of key stakeholders/interested parties including those directly affected and those that can give or offer solutions.
- (b) Contacting the stakeholders by writing invitation letters for meetings and requesting submission of inputs in writing
- (c) Provide adequate opportunities and notice to stakeholders to voice their opinions.
- (d) Ensure proper logistical arrangements including recording of stakeholders' inputs.
- (e) Holding physical or virtual meetings to get inputs where each participant is given equal opportunity to express their views.

### 9.2 Stakeholder participation session

During the stakeholder session, the relevant officers shall ensure:

- a) All the participants are given equal chance to contribute. Participant's views shall also be respected to ensure there is freedom to express one's views in the meeting.
- b) Clear forum rules shall be established at the beginning of the forum to ensure freedom of expression as provided for in the Access to Information Act (ATIA), 2016.
- c) The purpose of the session shall be clearly explained to stakeholders to provide informed inputs.
- d) The lessons learnt from the process shall be documented and used in planning future public participation initiatives.
- e) Adequate opportunities shall be provided to the stakeholders to review a draft document and to comment on the same.

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## **10.0 MONITORING AND EVALUATION**

10.1 The stakeholder participation shall be reviewed regularly or as necessary to address challenges and constraints experienced in the process. This will ensure legitimacy of the process.

10.2 Monitoring implementation of the guidelines could be done through;

- a) Feedback from stakeholders
- b) Surveys
- c) Periodic evaluation

## **11.0 FEEDBACK AND COMMUNICATION OF THE POLICIES**

11.1 The Fund shall provide stakeholders with feedback on the incorporation of their inputs in policy decisions. This will be done by publishing them in the website, online platforms and where applicable sharing of links to the document or published in an appropriate channel.

11.2 The Fund shall also give regular updates on the implementation of the policies.

## **12.0 REVIEW OF THE GUIDELINES**

12.1 These Guidelines shall be subjected to regular reviews from time to time to ensure they reflect the socio-economic environment in the Fund and in Kenya.

12.2 The responsibility for review of the Policy rests with the Manager, Ethics & Integrity in consultation with the Managing Trustee/CEO.

## **13.0 ADOPTION OF THE GUIDELINES**

The Guidelines are effective from the date of approval and signed by the Managing Trustee/CEO.

## **14.0 BUSINESS CONTINUITY**

In the event of a disruption of business activities, the Manager Ethics & Integrity Department, shall invoke the Business Continuity Plan (BCP) - SF/E&/BCP/01 to ensure continuity of business operations.