

# **CABINET MEMORANDUM MANUAL**

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CABINET SECRETARIAT  
OFFICE OF THE PRESIDENT

## FOREWORD

Countries all over the world are investing in the improvement of their policy and decision-making systems in order to improve the delivery of their government's priorities to the general public which Ghana is no exception.

Fundamental to the achievement of the President's far reaching policy agenda of transforming Ghana's economy is the establishment of a formal, coherent, consistent policy management and decision-making system. As part of this effort, the Office of the President through the Ghana Central Governance Project initiated a reform agenda to improve the preparation of Cabinet Memoranda procedures and processes. By Article 76(2) of the Constitution "Cabinet shall assist the President in the determination of general policy of the government".

Subsequently, Cabinet makes decision that affect the well being of the people of Ghana. Cabinet bases its decisions on information in a Cabinet Memoranda from the various Ministries, Departments and Agencies (MDAs). The manner in which such Cabinet Memoranda are prepared and presented may simplify or complicate the work of Cabinet and may even influence the quality of the decisions made by Cabinet. In view of this, a Cabinet Memorandum Manual has been prepared to serve as a guide to Ministries, who normally are the initiators of Cabinet Memoranda.

The Cabinet Memorandum Manual lays down the processes and procedures by which the Ghanaian Cabinet System operates. It has been designed to assist members of the Executive wing of the government in the effective and efficient handling and presentation of matters requiring consideration of Cabinet. The Cabinet Memorandum Manual contains a comprehensive guide and is to assist in the preparation of Cabinet Memoranda.

The Cabinet Memorandum Manual was prepared taking into consideration, practices from a number of countries, including Canada, the U.S.A., U.K., New Zealand, Australia, South Africa and other African countries. The manual is also the result of our Cabinet practices and experiences over the years.

It is the conviction that adherence to the guidelines in this Manual in the preparation of Memoranda for Cabinet's consideration will go a long way in taking the best decisions to ensure good governance and enhance the lives of all Ghanaians. I therefore appeal to Ministers and Senior Public Servants to ensure strict adherence to the process and procedures outlined in this Manual since they are essential to the success of collective responsibility and decision making. This document will be reviewed by the Cabinet Secretariat as and when the need arises.

We are grateful to H.E. the President for his personal interest, and also to the Government of Canada through the Canadian International Development Agency (CIDA) for providing the financial and technical resources for the project.

Again, we are grateful to the Minister of Presidential Affairs and Chief of Staff for the encouragement he offered the team and the stakeholders, to come out with the document.

We wish to express our gratitude to Mr. Annan A. Cato, former Secretary to the Cabinet for his contribution to the Manual.

Our appreciation also goes to the Institute of Public Administration, the staff and the Consultants of the Ghana Central Governance Project for their contribution to the production of the Manual.

Finally we wish to thank all the Cabinet Secretariat staff for their commitment to the realization of this Cabinet Memorandum Manual.



**FRANK O. MPARE**  
**SECRETARY TO THE CABINET**



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## **Acronyms**

<b>CDC</b>	Chief Directors Committee
<b>CS</b>	Cabinet Secretariat
<b>CMA</b>	Central Management Agency
<b>GDO</b>	Gender Desk Officer
<b>GOG</b>	Government of Ghana
<b>MDA</b>	Ministry, Department Agency
<b>MoFEP</b>	Ministry of Finance and Economic Planning
<b>MOWaC</b>	Ministry of Women and Children Affairs
<b>NDPC</b>	National Development Planning Commission
<b>NEPAD</b>	New Partnership for Africa's Development
<b>OHCS</b>	Office of the Head of Civil Service
<b>PCMEU</b>	Policy Coordination, Monitoring and Evaluation Unit
<b>PRIA</b>	Programme/Regulatory Impact Assessment

## **PREFACE**

### **FEATURES OF A CABINET MEMORANDUM**

#### **WHAT IS A CABINET MEMORANDUM**

A Cabinet Memorandum is a document on an issue of public interest that seeks Cabinet's consideration and decision. It outlines policy options and recommendations to Cabinet.

#### **TYPES OF CABINET MEMORANDUM**

Majority of Cabinet Memoranda fall into four categories.

- Policy
- Statutory
- Financial and budget; and
- Resources

A Cabinet Memorandum is prepared for issues that involve direction setting and are of significant public interest and require Cabinet discussion and decision. Regularly, the following had been the practice:

- Only a Minister of State can bring a Cabinet Memorandum forward for Cabinet consideration and decision.
- A Cabinet Memorandum is prepared by a Ministry and must be signed by the Minister and submitted to the Cabinet Secretariat for tabling at Cabinet;
- The Cabinet Memorandum is required to reflect government priorities as indicated in the governing party manifesto, the Presidents State of the Nation Address, the Annual Budget, the Economic and Financial Policy Statement, or as directed by the Presidents and
- Guidelines relating to the drafting and distribution of the Cabinet Memorandum are implemented by the Cabinet Secretariat.

The Secretary to Cabinet develops the Cabinet agenda in consultation with the President well in advance of meetings. The Cabinet Secretariat provides Ministries with deadlines



for submitting their documents. Periodically, an urgent policy issue arises which demands immediate Cabinet attention. In this instance, the Ministry will work with the Cabinet Secretariat to have this item scheduled on the Cabinet agenda on short notice.

When the Ministry develops the Cabinet Memorandum, it is important that contact is made with the Cabinet Secretariat early in the development process to ensure that the appropriate approvals to proceed as well as timing and routing for the issue can be established as soon as possible.

## **TYPES OF DOCUMENTS FOR CABINET CONSIDERATION**

There are two types of documents emanating from Ministries for Cabinet consideration:

- Cabinet Memorandum
- Information Papers

Documents accompanying the Cabinet Memorandum may include:

- Policy Discussion Papers
- International Agreements;
- Draft Legislation; and
- Loans/Financial Agreements.

Information Papers are briefed of documents tabled at Cabinet to inform Cabinet about an issue. Information Papers must not require a decision from Cabinet.

A Cabinet Memorandum must be prepared if a decision is required.

## **THE STRUCTURE OF A CABINET MEMORANDUM**

The Cabinet Memorandum consists of three parts:

- Executive Summary
- Analysis Document
- Communication Plan



## **SUMMARY OF STEPS**

- Ministry prepares Cabinet Memorandum.
- The Cabinet Memorandum proceeds to the appropriate Chief Directors Committee.
- Ministry forwards signed Cabinet Memorandum to the Cabinet Secretariat (CS).
- The Cabinet Secretariat reviews the Cabinet Memorandum for:
  - a. Content to ensure proper analytical and best options are proposed.
  - b. Process to ensure necessary consultations and linkages are made with others.
  - c. Format to ensure it meets with presentations;
- The Secretary to Cabinet discusses proposal with the President at the agenda review meeting.
- The President may refer a Cabinet Memorandum to a Cabinet Committee for consideration.
- If a Cabinet Memorandum submitted by a Ministry fails to meet the requirements, the Secretary to the Cabinet will send it back to the Ministry for re-submission;
- The Cabinet may send a Cabinet Memorandum to a Cabinet Committee if the issue needed further studies and analysis. The Committee refers it back to Cabinet for a decision;
- Cabinet may send the Cabinet Memorandum back to the Ministry if the Information provided is inadequate or if it lacks clear political direction.
- If the Cabinet Memorandum is approved, the decision is communicated to the Ministry for implementation and
- If draft legislation accompanies an approved Cabinet Memorandum, the Draft Bill is referred to Parliament.

## **CABINET COMMITTEES**

There are currently five (5) Cabinet Standing Committees viz:

- Oversight Committee
- Finance and Economy committee

#### **Governance Committee**

- **Infrastructure Committee**
- **Social Service Committee**

In addition to these Cabinet Committees, the President appoints Special Committees as and when necessary to perform specific assignments.

#### **CONCLUSION**

Cabinet Committees are part of the overall Cabinet structure. It is therefore the responsibility of the President to arrange and manage the Cabinet decision making process to ensure efficiency and effectiveness in the over all decision making process. It is therefore said that Memoranda to Cabinet are the primary vehicle for decision making.

## **SECTION ONE**

### **CABINET MEMORANDUM MANUAL**

#### **INTRODUCTION**

This Cabinet Memorandum Manual sets out detailed standards and requirements for preparing documents for consideration by Cabinet and Cabinet Committees. It lays out the process for submitting and reviewing proposals from Ministries, Departments and Agencies (MDAs).

The manual was developed by the Office of the President with contributions from a working group comprising selected Central Management Agencies (CMAs) and MDAs. The final product was thoroughly reviewed by the Cabinet Secretariat (CS).

The CS has approved this manual for use by MDAs.

#### **1.2 PURPOSE OF THE CABINET MEMORANDUM MANUAL**

The main target for a Cabinet Memorandum is the Cabinet.

As a rule, the Cabinet base their decisions on information supplied to them in a Cabinet Memorandum from the various MDAs. The manner in which such Memoranda is prepared and presented may simplify or complicate the work of Cabinet and may even influence the quality of the decisions made by Cabinet. Some members may have a need for more comprehensive facts while others may prefer that the essence of the matter be explained in the most understandable and non-technical way possible. One way to satisfy these needs is to restrict the Cabinet Memorandum to an explanation of the essence of the matter and to attach a more comprehensive and technical exposition in one or more annexes to the Memorandum. It is also important that the Cabinet Memorandum is prepared and presented in a lay person's language.

The Cabinet Memorandum should therefore adhere to a standard structure, thus enabling selective reading where desired.

This manual therefore sets out detailed guidelines on a) the preparation of a Cabinet Memorandum and b) the process for submitting it for Cabinet's consideration and decision making.



**GOVERNMENT DECISION-MAKING****2 INTRODUCTION**

In Ghana, the three arms of Government are the Executive, Legislature and Judiciary. The President is the ultimate decision-maker and with the advice of Cabinet establishes government strategic directions, which provide the framework for the day-to-day operational decisions made by the various levels of government.

**2.2 PARLIAMEN**

The Parliament is the legislative arm of government. The current Parliament comprises 230 elected members representing the 230 constituencies of Ghana. The Speaker presides over parliamentary proceedings and is assisted by two Deputy Speakers. The President does not sit in Parliament. All Ministers and the Vice-President can sit in Parliament although non-parliamentary Ministers and the Vice-President cannot vote. There are two main types of committees in Parliament: the Standing Committees which are subject-matter committees to which issues are referred for further deliberations, and Select Committees which are sector-specific. Currently there are 10 Standing Committees and 18 Select Committees. Examples of Standing Committees include Government Assurances, Business, Appointments, Finance, and Public Accounts. Select Committees include Agriculture, Local Government & Rural Development, and Health.

**2.3 CABINET**

As per Articles 76(1), 76(2), and 77(1) of the Constitution, the Cabinet assists the President in the determination of the general policy of government. The Cabinet consists of not less than ten and not more than nineteen Ministers of State. The President is the head of and chairs Cabinet. In the absence of the President, the Vice-President chairs Cabinet meetings. The President reserves the right to withdraw a decision of Cabinet prior to its submission to Parliament.

In the discharge of its duty, the Cabinet considers and decides on policy proposals, presented as Cabinet Memoranda, and draft state budgets. State budgets are submitted to Parliament for approval. The Cabinet also coordinates other government business such as the legislative process, draft bills, loan agreements, and international treaties.

The Secretary to Cabinet coordinates the work of Cabinet and ensures the effectiveness of the Cabinet process. The Secretary to Cabinet also tracks the implementation of Cabinet decisions.

Cabinet meets as and when the President decides



## 2.4 CABINET COMMITTEES

There are currently five Cabinet Standing Committees, namely:

- Oversight Committee*** - Chaired by the Minister for Presidential Affairs and comprised of the Chairs of the various Cabinet Committees.
2. ***Finance Committee*** - Chaired by the Minister of Finance and Economic Planning and comprised of the following Ministers: Trade, Industry, Private Sector Development and President's Special Initiatives; Energy; Food and Agriculture; Lands, Forestry and Mines; Education, Science and Sports; Tourism and Diasporean Relations; Presidential Affairs; Fisheries; Manpower, Youth and Employment; Communications.
  3. ***Governance Committee*** - Chaired by the Minister of Defence and comprised of the following Ministers: Foreign Affairs, Regional Integration and NEPAD; Interior; Justice and Attorney-General; Parliamentary Affairs; Women and Children Affairs; Information and National Orientation; Presidential Affairs; National Security, Public Sector Reforms.
  4. ***Infrastructure Committee*** - Chaired by the Minister of Water Resources, Works and Housing and comprised of the following Ministers: Ports and Railways; Communications; Energy; Finance and Economic Planning; Transport; Local Government, Rural Development and Environment; Information and National Orientation; Aviation; Justice and Attorney-General; Parliamentary Affairs.
  5. ***Social Service Committee*** - Chaired by the Minister of Education, Science and Sports and comprised of the following Ministers: Health; Local Government, Rural Development and Environment; Trade, Industry, Private Sector and Presidential Initiatives; Lands, Forestry and Mines; Tourism and Diasporean Relations; Women and Children Affairs; Justice and Attorney-General; Manpower Youth and Employment; National Security; Aviation, Chieftaincy and Culture.

In addition to these Cabinet Committees, the President appoints Special Committees as and when necessary.

Cabinet Committees provide a political structure and process for managing complex issues that need more detailed consideration prior to Cabinet's final approval.

Committees enhance the effectiveness of Cabinet decision making by providing a platform for detailed consideration and discussion, thus maximizing decision-making time at Cabinet. They ensure that:

- issues are ready to proceed to Cabinet;
- any concerns likely to arise have been addressed;
- all feasible options have been explored;
- sufficient consultations have occurred;
- a communications plan is in place;

management strategies are in place to address contentious issues; and inter-ministerial differences or concerns have been addressed or that efforts at resolution are clearly articulated.

Committees ensure that proposals are consistent with the government's strategic directions and priorities.

## **2.5 TYPE OF CABINET DECISIONS**

The majority of Cabinet decisions fall into four categories:

- Policy;
- Statutory;
- Financial and budgets; and
- Resource.

### **Policy Decisions**

Policy decisions are issues that involve setting important directions or issues that have significant public or political dimensions. Examples include:

- Proposals to create, eliminate or substantially restructure major programs;
- A new or changed government position on a policy issue;
- Proposals to introduce new legislation;
- A regulatory change that would create a new government position or significantly affect an existing position;
- A response to an urgent or strategic issue;
- The launch of a high-profile external consultation;
- A framework for negotiations in which the outcome will have important consequences for the government; and
- An issue that affects inter-governmental relations.

### **Statutory Decisions**

Statutory decisions are Constitutional, legal or legislative in nature. Statutory decisions which proceed to Cabinet include:

- Legislation (new, repealed or amended);
- Draft regulations;
- International Treaties, Conventions and Agreements; and
- Loan Agreements.

MDAs should consult the Ministry of Justice and the Attorney-General's Office on any Cabinet Memorandum with statutory impacts.



### **2.5.3 Financial Decisions**

Financial decisions are those items with financial or resource impacts. Financial decisions that require Cabinet approval include:

- Approval of Ministry budgets (allocations/estimates);
- Financial impact of an approved policy initiative;
- Request for an expenditure beyond the approved budget (supplementary budget);
- Issues with major revenue or expenditure impacts; e.g. tax exemptions, national disasters, etc.;
- Establishing fees, or implementing other non-tax revenue initiatives; and
- Approval of loans and investments.

MDAs should consult the Ministry of Finance and Economic Planning (MoFEP) on financial decisions.

### **2.5.4 Resource Decisions**

Resource decisions may affect:

- Government employees (e.g., pension plan, salary levels, collective bargaining);
- Lands acquired and buildings owned by the government; and
- Technology used by the government, or information held by the government.

MDAs should consult the appropriate Ministry on resource decisions.

## **2.6 ROLE OF CENTRAL MANAGEMENT AGENCIES IN CABINET MEMORANDUM PROCESS**

A number of Central Management Agencies (CMAs) co-ordinate and provide support to the Executive decision-making system and policy development process. They include the Policy Coordination Monitoring and Evaluation Unit (PCMEU), Cabinet Secretariat (CS), Office of the Head of Civil Service (OHCS), the Ministry of Finance and Economic Planning (MoFEP) and the National Development Planning Commission (NDPC).

### **2.6.1 Policy Coordination, Monitoring and Evaluation Unit (Office of the President)**

The PCMEU provides strategic advice in the Office of the President. The PCMEU role is to enhance the President's ability to initiate and formulate policies, oversee implementation, and monitor outputs and outcomes of government programs. Within this role, the PCMEU liaises with sector Ministries, CMAs and stakeholders. In pursuance of this role, the PCMEU is expected to develop a long-term strategic view of major policy areas, identify and examine government-wide or cross-cutting policy issues, and undertake strategic monitoring on such matters as government's status in relation to its promises, commitments or stated objectives.

The PCMEU provides assistance to MDAs where required to facilitate the implementation of Cabinet's decisions.

The PCMEU liaises with the CS and the OHCS to ensure that the President is provided with the complete range of information and sound advice.

### **2.6.2 The Cabinet Secretariat**

The CS is headed by the Secretary to Cabinet and staffed with civil servants providing advice to the President in support of his role as Chair of the Executive Council. The CS coordinates the Cabinet decision-making process and works closely with the PCMEU, the OHCS and MDAs to ensure that the President receives all the information and documentation for decision making. In fulfilling its mandate, the CS:

- Provides administrative and secretariat support for Cabinet and its Committees;
- Works closely with Ministries to ensure that the decisions of Cabinet are conveyed and implemented; and
- Coordinates linkages between Cabinet and the Parliament through the Minister for Parliamentary Affairs.

The Secretary to Cabinet is appointed by and reports to the President, and is responsible for conveying the decisions of Cabinet and the President's directions to Ministries, and ensuring that these decisions are implemented.

### **The Office of the Head of Civil Service (OHCS)**

The OHCS, headed by the Head of Civil Service provides support to the President by monitoring the government's performance as an employer, especially by preserving civil service ethics and values.

More specifically, the responsibilities of the OHCS are to:

- Make recommendations to the President for appointments of the most senior civil service officials, Chief Directors;
- Oversee the operation of the civil service and manage the performance of each Chief Director on behalf of the President;
- Ensure that Chief Directors implement the decisions of Cabinet ; and
- Consider a wide variety of staffing and recruitment actions that builds and sustains policy capacity to support the Executive decision-making processes.

The Head of Civil Service is appointed by the President on the advice of the Public Services Commission.

### **Ministry of Finance and Economic Planning (MoFEP)**

The MoFEP provides advice and assistance in setting and achieving the government's fiscal plan, taxation and economic policies. In fulfilling its mandate, the MoFEP:

- Develops the government's overall fiscal framework, outlook and strategy;



- Handles the broader economic social, commercial, tax, and international policy concerns related to most government programs and policies;
- Assesses the fiscal impact of Cabinet Memoranda to Cabinet and Cabinet Committees;
- Develops the strategic policy framework for non-tax revenue;
- Supports the Minister's statutory responsibility to manage the Consolidated Fund and all public money by maintaining the corporate accounting systems to capture all accounting information which relates to the Consolidated Fund, Estimates and the budget;
- Provides relevant, reliable, unbiased, accurate, and timely financial information to facilitate improved decision making;
- Establishes and implements tax policy;
- Prepares the national budget and multi-year economic, expenditure and revenue forecasts;
- Identifies areas of improvement in the quality of financial information and analyses the effectiveness of financial systems and processes;
- Undertakes overall planning, monitoring and management of the national fiscal plan (e.g. projected budget surplus/deficit, operating and capital expenditures and revenue) and identifies, evaluates and tracks risks to fiscal plan; and
- Provides strategic analysis of macro-economic, micro-economic, demographic, labour, sectoral, and regional issues.

It is required that the MoFEP reviews all Cabinet Memoranda for fiscal considerations and to ensure fiscal-policy linkages.

#### **2.6.5 National Development Planning Commission (NDPC)**

The NDPC was established by an Act of Parliament; Act 479, 1994, and is responsible to the President. The Commission advises the President on development planning policy and strategy. To fulfill this mandate, it is constitutionally mandated to:

- Study and make strategic analysis of macro-economic and structural reform options;
- Make proposals for the development of multi-year rolling plans, taking into consideration the resource potential and comparative advantages of the different districts of Ghana;
- Make proposals for the protection of the natural and physical environment with a view to ensuring that development strategies and programmes are in conformity with sound environmental principles;
- Make proposals for ensuring the even development of the districts of Ghana by effective utilization of available resources;
- Monitor, evaluate and coordinate development policies, programmes and projects;
- Prepare broad national development plans; and
- Formulate comprehensive national development planning strategies and ensure that consequential policies and programmes are effectively carried out.

The Commission is headed by a Director-General who is appointed by the President in consultation with the Public Services Commission and who is responsible for the efficient organization and management of the Commission.

#### **2.6.6 Ministry of Information and National Orientation**

The Ministry of Information and National Orientation is mandated to play a key role in communicating government development policies and programmes to the public. No matter how impressive the development policies or programmes might be, it is imperative for government and its partners to obtain the support of the target beneficiaries and all other stakeholders of the programme. The Ministry works through its implementing agency, the Information Services Department and is mandated to:

- Create awareness of government policies, programmes and activities;
- Promote Ghana's international marketing agenda;
- Provide public relations support to government MDAs and Ghana's Missions abroad; and
- Obtain feedback from the public to government to support policy reinforcement or redirection.



## **SECTION THREE**

### **THE CABINET MEMORANDUM**

#### **3.1 What is a Cabinet Memorandum?**

A Cabinet Memorandum is a document on an issue of public interest that seeks Cabinet's consideration and decision. It outlines policy options and recommendations to Cabinet.

#### **3.2 When to prepare a Cabinet Memorandum**

A Cabinet Memorandum is prepared for issues that involve direction setting and are of significant public interest and require a Cabinet discussion and decision. Cabinet approval is required whenever a decision about a policy or program exceeds the authority of an individual Minister.

Note also

- Only a Minister can bring a Cabinet Memorandum forward for Cabinet consideration and decision;
- A Cabinet Memorandum is prepared by a Ministry and must be signed by the Minister and submitted to the Cabinet Secretariat for tabling at Cabinet;
- The Cabinet Memorandum is required to reflect government priorities as indicated in the governing party manifesto, the President's State of the Nation Address, the Budget, the Economic and Financial Policy Statement, or as directed by the President; and
- Guidelines relating to the drafting and distribution of the Cabinet Memorandum are implemented by the Cabinet Secretariat (CS).

The Secretary to Cabinet develops the Cabinet agenda in consultation with the President well in advance of meetings. The CS provides Ministries with deadlines for submitting their documents. Periodically, an urgent policy issue arises, which demands immediate Cabinet attention. In this instance, the Ministry will work with the CS to have this item scheduled on the Cabinet agenda on short notice.

When the Ministry develops the Cabinet Memorandum, it is important that contact is made with the CS early in the development process to ensure that the appropriate approvals to proceed, as well as timing and routing for the issue, can be established as soon as possible.

### **3.3 Types of documents for Cabinet's consideration**

There are two types of documents emanating from Ministries for Cabinet consideration:  
a) Cabinet Memorandum and b) Information Papers.

Documents accompanying the Cabinet Memorandum may include:

- Policy Discussion Papers
- International Agreements;
- Draft legislation; and
- Loans/Financial Agreements.

A detailed description of the Cabinet Memorandum and template follow in section four.

**3.3.1** Information Papers are brief documents tabled at Cabinet to inform Cabinet about an issue. Information Papers must not require a decision from Cabinet. A Cabinet Memorandum must be prepared if a decision is required.



## SECTION FOUR

### GUIDELINES FOR DRAFTING A CABINET MEMORANDUM

This section details the essential requirements relating to the structure, format, writing style, content and presentation of the Cabinet Memorandum.

#### 4.1 The Structure of a Cabinet Memorandum

The Cabinet Memorandum consists of three parts:

1. Executive Summary
2. Analysis Document
3. Communications Plan

#### 4.2 Format for the Cabinet Memorandum

The format specifications and content must be strictly adhered to as follows.

Format requirement:

- Use A4 white paper (not Ministry's letterhead);
- 12 point font size for text;
- Times New Roman font must be used;
- Section titles should be in bold, 14 point size font, upper case;
- Margin sizes are 1" on the top, bottom and sides;
- Spacing – must be single-spaced;
- Header on each page: SECRET; and
- Bottom should indicate current page number out of total pages: e.g. page 2 of 4.

Content, of course, is the most significant factor determining the quality of a Cabinet Memorandum. However, information that is presented in a readable, consistent and attractive format has more impact. A standard format helps ensure uniformity, consistency and the effective use of Ministers' decision-making time.

#### 4.3 Submission of Cabinet Memorandum to the Cabinet Secretariat

- The Cabinet Memorandum must be submitted under the signature of a Minister or Ministers to ensure authenticity;
- Original copies of contractual and international agreements should be submitted to the Attorney-General and Minister of Justice, with a copy to the Secretary to Cabinet;
- 45 copies of Cabinet Memorandum, double-sided, must be submitted to the CS at least 15 working days before a Cabinet meeting; and
- The Cabinet Memorandum must be submitted to the CS as ONE stapled document.

#### 4.4 Cover Page

All Cabinet Memoranda must adhere to the following template for the cover page.

<p><b>SECRET</b></p>
<p><b>CABINET MEMORANDUM</b></p>
<p><b>MINISTER:</b></p> <p>Name(s) and title(s) of the Minister(s) sponsoring the Cabinet Memorandum.</p>
<p><b>TITLE:</b> (of the Cabinet Memorandum)</p> <p>Use a one line descriptive title for the subject of the Cabinet Memorandum to ensure that the subject is easily identifiable.</p>
<p><b>DATE:</b></p>

## **4.5 EXECUTIVE SUMMARY**

The Executive Summary provides Cabinet with the key information they need for decision-making in a concise, readable format. It is important that it is written and presented in a way that makes it easy for Cabinet Ministers to read and understand.

### **4.5.1 Structure of the Executive Summary**

The Executive Summary should not exceed 5 pages. It should contain the following sections:

1. Cabinet Decision(s) Requested
2. Background Information
3. Justification for Government Action
4. Options and Impacts Considered
5. Inter-Ministry Consultation Record
6. Implementation Plan
7. Legislation/Regulatory Plan
8. Financial Impact
9. Communications

### **4.5.2 Content of the Executive Summary**

All factual information in the Executive Summary must be drawn from the Analysis Document. It should include a summary of the implementation strategy and the Communications Plan. New or additional information that was not presented in the Analysis Document and in the Communications Plan should not appear. The necessary elements required for informed decision-making should be disclosed and Ministries should ensure that contentious issues or problems associated with the Cabinet Memorandum are included.

## **4.6 GUIDELINES FOR COMPLETING THE EXECUTIVE SUMMARY**

The format specifications and content must be strictly adhered to as follows:

### **1. Cabinet Decision(s) Requested:**

**Insert a one-sentence summary of the primary decision being sought from Cabinet.**

### **2. Background Information:**

**Briefly describe and explain the background to the issue. What is the origin of the issue? Who and what were involved? What previous resolutions were attempted?**

The key goal is to provide background information that is critical for Ministers to make an informed decision. It is important to link the issue to the government's priorities or the agenda and to explain its significance.

Ministers need to know of any previous commitments made or positions taken by members of the government. These include strategic, financial, pre-election, post-election, or stakeholder commitments, etc.

The Analysis Document will contain full background information relating to the issue under consideration. For the Executive Summary, only those events and causes which have led to the present situation and which are critical to understanding the options should be identified.

### **3. Justification for Government Action:**

**Describe the rationale for government attention/intervention and why the issue is coming before Cabinet now.**

The reason why Cabinet is required to make a decision at this time could simply be a commitment to address the issue at this time. It could also be an issue of urgency involving national or regional security, financial or legal deadlines, linkages with another issue's deadline, compliance with a previous Cabinet direction to report-back by a specific date, a social or welfare issue, etc.

### **4. Options and Impacts Considered:**

**Provide a balanced and distinct summary of the substantive alternatives for Ministers to consider along with the recommended option.**

This section enables Ministers to review the options and impacts that were considered. Critical descriptive or contextual information should be provided for each option, preferably with a one or two sentence commentary. The commentary should include the



major impacts, including the advantages and disadvantages. Only major or contentious impacts should be identified. Detailed discussions of each option and impacts are included in the Analysis Document.

Indicate the recommended option by entering (**recommended option**) beside the appropriate option and boldface type for emphasis.

Provide a summary of the rationale why the recommended option has been chosen over the alternatives and how it meets the government's strategic priorities.

#### **5. Inter-Ministry Consultation Record:**

Identify any major issues, particularly if unresolved, arising from inter-ministry consultations.

Do not list all the Ministries that have been consulted and that have agreed with the proposal. Identify only those Ministries for which this proposal will have a major impact or those which have substantive unresolved concerns.

Indicate whether the CS and/or the PCMEU were consulted and if any concerns were raised.

#### **6. Implementation Plan:**

Describe how the proposal will be implemented including strategies, steps and timelines.

State how the outcomes of the proposed initiative can be measured.

Briefly describe the plans that have been considered for achieving the objectives of the proposed initiative. This should detail and clearly delineate roles and responsibilities and the accountability mechanisms to ensure the desired results.

If another Ministry or an agency is involved in delivering the program, there should be evidence of consent and commitment from such partners.

Deadlines and milestones in the implementation over the short and medium term should be clearly indicated.

Describe measures that will be taken to evaluate the effectiveness of the proposal and the recommended indicators of success. The timeframe for conducting the evaluation and reporting back should also be included.

## **7. Legislation/Regulatory Plan:**

Describe legislative or regulatory changes arising from implementation of the proposal and the desired progress.

Provide information on the legislative and/or regulatory requirements of the initiative. This includes any new or amended legislation or regulations, any effects on another Ministry's legislation, complexity of the legislation, as well as legislative timing issues.

Remember that the Executive Summary should only highlight the identified legal and/or Constitutional issues. The Analysis Document should provide a full analysis and assessment of any legal risks involved.

## **8. Financial Impact:**

Provide a snapshot of the financial impact and considerations.

The proposal and recommended course of action must identify any financial and resource impacts. For example, does the Ministry need new staff to implement the new policy or program? Are there procurements or infrastructure? Will it generate revenue for government?

Does the Ministry have the funds in its budgetary allocation? Any discussions or commitments from the Ministry of Finance and Economic Planning should be included.

More detailed financial impacts should be included in the Analysis Document.

## **9. Communications:**

Describe how this initiative will be communicated to the public and issues managed.

Start by describing how this initiative fits with a commitment from the State of the Nation Address, the Budget or other government priorities.

Communications Goal and Key Messages – Communications goals should be stated in one or two short sentences. The key messages should reinforce the link between this specific initiative and current government priorities and taken from the Communication Plan.

Expected Impacts – Briefly summarize the impact this initiative may have on the public, stakeholders, the economic climate, gender, regional considerations, etc. The summary draws upon the analysis contained in the Analysis Document. It should clearly convey who will or will not benefit from this initiative and in what ways.

Issues Management Strategies – describe the anticipated reaction from interested parties and the media. Summarize the proposed government response.

Communications Activities – outline the recommended communications approach and major roll-out activities. A summary of this information should be drawn from the Communications Plan. Indicate the longer-term communications activities required to sustain the message and if there are significant costs associated with the communications approach.



## **4.7 ANALYSIS DOCUMENT**

The Analysis Document of the Cabinet Memorandum provides the due diligence supporting the Executive Summary. It provides a thorough analysis of the facts, necessary background information, an analysis of the major options with their impacts, the rationale for the recommended course of action, and critical implementation issues.

This document is the substance of the Cabinet Memorandum. Along with the Communications Plan, it is the source from where all information contained in the Executive Summary is drawn.

Length – the Analysis document should not exceed 15 pages.

### **4.7.1 Structure of the Analysis Document**

There are four main sections in the Analysis Document:

1. Context
2. Options and Impacts
3. Recommended Course of Action
4. Implementation Plan

### **4.7.2 Content of the Analysis Document**

The length of the Analysis Document will be determined by the nature and complexity of the issue. Accordingly, the maximum length is 15 pages, but depending on the technical nature of the issue, this may be exceeded. It is important to keep the document as clear and concise as possible, while still providing sufficient detail for users so that they can fully understand the impacts of the proposal. The description of content requirements for each section of the document follows.

## **4.8 Guidelines for Completing the Analysis Document**

The format specifications and content must be strictly adhered to as follows:

### **1 Context:**

Describe why the issue is coming to Cabinet at this time and provide the critical background information.

Identify the factors that should be addressed when considering the issue.

The Context section begins with a one-sentence restatement of the key issue in boldface type. The remainder of this section sets the stage for the detailed description of options and proposed course of action which follow.

In selecting the critical background information, emphasis should be placed on aspects which contribute to an understanding of the options and recommendations before decision-makers. A comprehensive history of the issue is seldom required. This also applies when identifying the key factors that should be considered when dealing with the issue. Most issues have numerous impacts, but not all of these will be of significance to a particular set of options. These factors are only raised in general or historical terms. The specific impacts of each of these identified factors are addressed in the Options and Impacts section.

Decision makers are particularly interested to know how other governments have handled similar or related issues. Where appropriate, Ministries should provide an analysis and description of other jurisdictions' experiences.

**The Context section can include the following:**

- a problem statement, including why government action is required now, ways in which existing policies or programs are failing to address the problem, and what government will achieve by resolving the issue;
- past and current government decisions and policies that deal with the issue, including past promises, commitments and understandings which exist;
- events and their causes that lead up to the present situation, including changes which have altered the context or situation from the past;
- recent developments in the policy area;
- reports, task forces, committees that have dealt with this issue;
- analysis of the ways that other governments have tackled similar issues and with what results;
- external consultations that were undertaken; and
- key factors or areas of impact relevant to the issue, including the economy, taxpayers, the business community, geographic areas, special groups, the environment and legal constraints;



## 2 Options and Impacts:

Outlines a range of distinct options, their impacts (including significant financial information for each) and their advantages and disadvantages.

This section should begin with a brief summary of the range of options; usually three options are adequate.

### Options

This section is the heart of the Cabinet Memorandum as it indicates the range of options open to the government. This section should outline the major options considered, associated impacts, and their advantages and disadvantages. In some cases, additional options may be identified and included as a result of consultation with the CS. In all cases, emphasis must be placed on providing a full range of available options and not limiting Ministers' choices by unnecessarily narrowing the range beforehand.

When choosing options, variations on a theme should be avoided as these generally do not reflect true options, but rather operational considerations about how to implement the same option with varying levels of support or with different timing. Distinct options which provide Ministers with a real choice among alternatives are required. Cases where there is only one obvious course of action are extremely rare. In these instances, the consequences of continuing with the status quo can be explored.

Key financial considerations of the options are also to be included.

Before outlining the options in detail, it is useful to identify the criteria that will be used to assess the options. This provides a framework for analysis of the options and the recommended course of action. A summary chart of the options in relation to the criteria is a useful means to lay out advantages and disadvantages of the options for decision-makers.

#### Criteria to assess an option could include:

- consistency with government's priorities;
- effectiveness of the option in addressing the issue;
- economic cost/benefit;
- severity of impacts;
- contentiousness of the proposal;
- complexity and timing of implementation;
- public perception; and
- constraints raised by legal, trade or jurisdictional issues.



In describing the options, the goal is to strike a balance between the need to provide a thorough review of the range of choices and the need to keep the material brief and manageable.

When describing an option, consider:

- what specific policy change is proposed?
- how does each option specifically address the stated issue? Will it fully address the issue or are future pressures anticipated?
- how and over what time frame will the policy change be implemented?
- what are the associated costs or savings? Are there labour force impacts? Are there any significant revenue impacts?
- will the option establish any policy, funding or legal precedents? Is legislation or regulations required?

## Impacts

Outline the anticipated impact of each option.

Decision makers need to know the impacts of the options that are before them. For example, will the proposed option affect different groups or regions in different ways; will there be obvious winners and losers? Who? At what cost? Do these impacts change over the short, medium and long-term? Are there any constraints on a proposed course of action (e.g. jurisdictional, legal or trade obligations).

The presentation of the analysis of the various options and their impacts can be flexible. Usually, the various impacts will be discussed under each option. In some cases, it may be more effective to discuss one or more types of impacts in a separate sub-section following the analysis of the individual options.

Judgment should be used when deciding which groups or issues are likely to be affected by an option. Emphasis should be placed on significant or contentious impacts. Several common areas of impact that Ministries should consider when developing policy proposals are included in the section that follows. This list is not exhaustive and is provided to help Ministries identify potential areas of impact.

A thorough assessment of a particular area of impact will require consultation with another Ministry. Inter-ministry consultations should occur early in the policy development process. Whenever a major impact or unresolved issue exists, this should

be indicated along with a description of the nature and timing of the steps taken to resolve the issue (e.g. meetings between the Chief Director and Ministers' staff, involvement of CS). Any issues with no clear direction should be brought to the attention of the CS.

**When assessing impacts of different options, consider the:**

- economic;
- financial;
- rural;
- social;
- gender equality;
- environmental;
- regional;
- loan/trade agreement;
- legal and Constitutional;
- institutional;
- regulatory; and
- political.

Detailed information on these areas of impact follows:

**Economic Impacts**

The Cabinet Memorandum should set out the policy basis of the options in the context of the government's overall economic policy agenda. The nature of the economic impact of the proposed policy or program option on the economy should be indicated. The following provides an illustrative list of economic factors that could be considered:

- how will the option affect the people and taxpayers?
- does the option affect investment and job creation by the private sector? Will the option impose increased costs on the private sector?
- does the option disproportionately affect business enterprises? How and in what ways?
- will the option lead to more or fewer regulations on businesses or institutions?
- does the option have disproportionate effects on different industries (e.g. manufacturing, mining)? If so, what is the nature of these impacts (e.g. effects on



competitiveness or exports)?

- will the option affect the functioning of markets (e.g. labour, financial markets)? Include a description of any major groups that would be advantaged or disadvantaged by the proposed option.
- will consumers be affected by the option?

Ministries should consult with the Ministry of Finance and Economic Planning (MoFEP) on the economic aspects of Cabinet Memorandum as they are developed. This includes commentary on the nature of the proposed options, where there might be significantly different impacts on the economy, and how the economic impact of various options should be quantified including any impacts for the government's overall relationship with the private sector. A Cabinet Memorandum should clearly set out the impacts on the private sector.

### Financial Impacts

The financial impact of proposals is a critical factor which cannot be considered in isolation from the policy aspects of the proposal.

Policy decisions involving expenditures normally require extensive consultations with the MoFEP. Ministries are advised to contact the MoFEP on all direct and indirect financial impacts early in the policy development process.

The financial analysis should, at a minimum, include:

- anticipated costs or savings;
- any reinvestment costs;
- possible offsets;
- any anticipated net revenue generation (e.g. non-tax revenues);
- financial contributions from other sources i.e. development partners;
- impacts on other parties including the broader public sector, district assemblies, local government.

Since almost any initiative requiring additional funds represents a cost to the public in some way, it is useful to indicate where the impact will be (e.g., as a taxpayer, fee payer, transfer recipient, etc.). The Cabinet Memorandum does not need to include the amount of detail that will be in the budget documentation but should include sufficient information to understand the financial impacts of the recommended option.

### Rural and Community Impacts

Some initiatives will have disproportionate effects (either positive or negative) on different regions and communities in the country, especially rural communities. For example, a proposal might add or transfer economic activity between the various regions



and communities. The Cabinet Memorandum should address the extent to which the options are consistent with the government's decentralization programme. Issues which could be addressed include:

- do the options support Ghana's Constitutional obligations with respect to decentralization?
- do the options contribute to reducing overlap and duplication of programs and services among the levels of government. If so, will the proposal result in fiscal savings?

Ministries should contact the Ministry responsible for Local Government and Rural Development, as well as the CS, to determine if an initiative is consistent with approaches taken in relation to regional/decentralization matters.

### **Social Impacts**

Some initiatives will have differential impacts on the people of Ghana. The analysis should identify significant impacts on specific social groups (e.g. poor people, the aged, working men and women, persons with disabilities, parents, children, families, youth, women, religious and linguistic minorities, taxpayers, etc). The appropriate Ministry or office should be consulted with respect to these impacts, recognizing that social impacts on broader groups (e.g. families) may involve several Ministries. Social impacts can also include broad impacts (e.g. public safety or literacy considerations) that extend beyond a particular group.

### **Gender Equality Impacts**

Every Cabinet Memorandum will include gender equality analysis. The analysis should report succinctly on what the intended and possible unintended impacts of the policy are for women, men, boys and girls. It is also important to consider how various gender groups may be affected differently, based on geographical location, socio-economic group, disability, religion and so forth.

Gender equality analysis should take place throughout the policy development process. An outline of 'key questions' may be useful for this purpose. (Annex 5)

A gender impacts analysis could include all or some of the following:

- A statement about the government's international and domestic legal obligation to women, men, boys and girls.
- A statement clarifying what the desired outcomes are for women in this policy area. Are they the same for men, or do they need to be different?
- A statement about how the proposed policy will affect men, women, girls or boys, directly or indirectly.

- A statement about how men and women will learn about the policy change and if a different approach needs to be taken to ensure effective communication to either men or women.

Ministries should consult with their Gender Desk Officers and the Ministry responsible for Women and Children Affairs.

### **Environmental Impacts**

The Cabinet Memorandum should consider whether the options have an impact on the environment and how those impacts will be accommodated within the overall environmental strategy of the government. Ministries should indicate whether the proposal will require registration under the *Environmental Protection Agency Act*. Ministries should contact the Environmental Protection Agency or the Ministry responsible for Environment and Science on these issues.

### **Regional Impacts**

Within the new regional integration and NEPAD agenda, which the government is a party to, policy initiatives might have impacts on the West Africa sub-region or the African continent as a whole. The analysis should identify significant impacts on other countries in the sub-region or the African continent. Are there opportunities for harmonization of policies/programs with other jurisdictions? Ministries should consult with the Ministry responsible for Foreign Affairs, Regional Integration and NEPAD.

### **International Protocols, Loan/Trade Agreement Impacts**

Ghana's Protocol and Loans/Trade agreements have major obligations and impacts for government policy. Policy-makers should be aware of these responsibilities and the potential consequences of their actions flowing from loans and trade obligations.

The Ministry should consult with the MoFEP and the Ministry of Justice and Attorney-General's Department and any other relevant Ministry to determine if a loan or a trade agreement or protocol applies to a proposal and how to avoid potential contraventions of such agreements.

### **Legal and Constitutional Impacts**

All legislation and government practices must be in conformity with the requirements of the Constitution. The responsibility for identifying legal issues including those relating to conformity with the *Constitution*, lies with the Ministry bringing forward the Cabinet Memorandum. The Memorandum should outline any legal issues, provide an analysis and assessment of legal risks, and summarize the conclusions of any legal opinions. Where the Ministry has established that the proposal raises no legal or Constitutional issues, this should be explicitly stated.



Describe any legislative/regulatory changes arising from implementation of the proposal  
For example:

- is this a new or amended legislation/regulations? What is the anticipated name of the Act to be created/amended?
- is this part of a legislative package, or an individual proposal?
- what is the expected timing of completion of drafting?
- what is the nature/complexity/scope of changes being sought?
- is another Ministry's legislation affected by the proposal?
- what is the progress desired (e.g. timing for introduction into Parliament or to reach second reading and proceed to standing committee, or when regulations will take effect)?
- what are the consequences of not achieving this progress or not proceeding?
- can changes be made effective retroactively, or only on Parliamentary approval?

The Ministry should consult the Ministry of Justice & Attorney General.

### **Institutional Impacts**

The Cabinet Memorandum should set out the impact of each option on public institutions (e.g. health care services, hospitals, universities, schools, social service organizations). Such an analysis might include effects on the mandate, policies, financing, programs, workload, demand for services and clients of these institutions. This requires consultations with affected Ministries or, in many cases, broader public sector organizations. If labour relations issues are involved (e.g. collective bargaining agreements, the Ministry of Manpower Youth and Employment or MoFEP should be contacted.

### **Regulatory Impacts**

Regulatory impacts are an essential part of assessing the impact in terms of risks, costs and benefits of any proposed legislation or regulation. It helps the government to regulate better as it gives an understanding as to the need for regulation and compares various possible options for dealing with the issue. A Regulatory Impact Assessment must accompany any proposed new legislation. A template is found in Annex 6.

### **Political Impacts**

Every policy proposal must show alignment with overall government strategic goals and objectives, or clearly identify a persuasive argument for why it should proceed when it does not align (for example, response to an international incident, international court and so forth). Policy proposals must also be assessed against the likely public response.



Political impacts address the following questions:

- Is the proposal consistent with or does it **promote strategic** goals and objectives?
- Is the proposal likely to raise public objections?

Ministries should contact PCMEU on this issue.

### 3. Recommended Course of Action :

Describe the proposed course of action and why it was chosen over the other options.

This section outlines which option is recommended and why. It represents the summary case for the proposed course of action.

To justify the recommended course of action, it is **helpful** to refer back to the criteria used to assess the options. The option that best meets **the criteria** should be the recommended course of action within the context of the **government's strategic** priorities.

For complex initiatives, there will be a number of key elements or individual recommendations to the recommended option. Short descriptions of these elements, along with advantages and disadvantages or alternatives considered, may be included.

### 4. Implementation Plan:

Outline a strategy that details how the proposed course of action will be implemented.

MDAs should provide an implementation plan for the recommended course of action. The implementation strategy should consider the following:

- Implementation plan developed in sequence with the related policy product;
- Timelines identified;
- Further approvals required (e.g. fiscal impacts);
- Consultation/outreach strategy;
- Resource requirements: staffing, vehicles, information technology impacts, etc.;
- Contingency plans;
- Program and operational involvement emphasized;
- Stakeholder management plan; and
- Monitoring and evaluation plans.

#### 4.9. THE COMMUNICATIONS PLAN

The Communications Plan outlines how the government's decision is communicated to different stakeholders and the general public. It is a plan of action or strategy that maps out the issues, stakeholders, and types of messaging mechanisms to be used for maximum effect. It describes the positioning of the recommended decision in the context of the government's overall objectives and the approach and tactics recommended for communicating with the public and various target audiences.

The Communication Plan is about how the government will explain a decision or the issues to the public both in the short and longer term.

The plan should also assign roles and responsibilities for communicating on the issues.

#### 4.10 Guidelines for the Communication Plan

The format specifications and content must be strictly adhered to as follows:

##### 1. Length

The Communications Plan should not exceed eight pages (8 pages).

**For:** (Title and name of spokesperson)

##### 2. Subject: use a one line descriptive title

##### 3. Ministries Affected:

List the main Ministries that will be impacted by the decision.

##### 4. Analysis:

- Origin of the issue – the historical record, including recent developments
- Summarize current public perceptions and sensitivities on the issue and identify regional patterns
- Identify the two or three most contentious issues and suggest how these can be managed

##### 5. Audiences:

- Identify target audiences and major stakeholder groups (both internal and external).
- Assess the desirability of consulting with groups before and/or after the announcement.

##### 6. Positioning:

- Briefly identify the links to the government's corporate strategies.

## **7. Communications Goals and Objectives:**

- State precisely what is to be accomplished by communicating the message(s). Be focused, brief, specific and concrete. Describe the proposed communications objectives: for example, to inform interested publics, achieve widespread public understanding, stimulate public discussion, facilitate policy or program implementation, or respond to public criticism, apathy or uncertainty.

## **8. Expected Impacts and Issues Management:**

- Briefly summarize the impact this initiative may have on the public, stakeholders, the economic climate, gender, regional considerations etc. This summary draws upon the information contained in the Analysis Document. It should clearly convey who will or will not benefit from this initiative and in what way.
- The proposed government response should include any advance work that has been or will be undertaken to lay groundwork for the proposal, and anticipate stakeholder reactions. The response should indicate how the government will address concerns or reinforce support for the recommended option.

## **9. The Announcement:**

- Outline method - news conference, durbar, tours etc.
- Identify ideal timing, spokespeople, role to be played by other Ministers, stakeholders, strategy for briefings of government members and the opposition.

## **10. Budget:**

- Identify the funding and human resources required to carry out the complete plan.

## **11. Evaluation:**

- Identify methods to be used, such as media monitoring, polling and analysis of correspondence, to track the issue over the short and long-term and to evaluate the effectiveness of the communications strategy.



## SECTION FIVE

### REVIEW OF THE CABINET MEMORANDUM

#### 5.1 Introduction

The purpose of this section is to outline the process for routing and reviewing the Cabinet Memorandum from its origin at the Ministry to its final assent by Cabinet.

#### 5.2 Routing

During the development of a policy proposal, the Ministry is required to consult extensively with all stakeholders so as to get support for the issue, resolve any stakeholder concerns and prepare the grounds for a smooth implementation of the initiative. The Ministry should prepare a document that it shares on a need to know basis to gather stakeholder inputs.

The synthesis of all the research, studies, stakeholder analysis, impact assessments, negotiations, etc. is transferred into a Cabinet Memorandum.

#### 5.3 Review

##### 5.3.1 Chief Directors Committee

Before submitting a Cabinet Memorandum to the Cabinet Secretariat, the lead Ministry Chief Director contacts OHCS for a review by the Chief Directors Committee (CDC). The CDC ensures that all relevant issues have been addressed, that inter-ministerial consultations took place, that policy analysis and options are well reasoned and that controversial issues are addressed.

There are currently five Chief Directors Committees namely,

1. *Coordinating Committee* - Co-Chaired by the Secretary to Cabinet and the Head of Civil Service and comprised of the Chairs of the various committees.
2. *Finance Committee* - Chaired by the Chief Director of Finance and Economic Planning and comprised of the following Chief Directors: Trade, Industry, Private Sector Development and President's Special Initiatives; Energy; Food and Agriculture; Lands, Forestry and Mines; Education, Science and Sports; Tourism and Diasporan Relations; Presidential Affairs; Fisheries; Manpower, Youth and Employment; Communications.
3. *Governance Committee* - Chaired by the Chief Director of Defence and comprised of the following Chief Directors: Foreign Affairs, Regional Integration and NEPAD; Interior, Justice and Attorney-General; Parliamentary Affairs; Women and Children

Affairs; Information and National Orientation; Presidential Affairs; National Security, Public Sector Reforms.

4. *Infrastructure Committee* – Chaired by the Chief Director of Water Resources, Works and Housing and comprised of the following Chief Directors: Ports and Railways; Communications, Energy; Finance and Economic Planning; Transport; Local Government, Rural Development and Environment; Information and National Orientation; Aviation; Justice and Attorney-General; Parliamentary Affairs.
5. *Social Service Committee* – Chaired by the Chief Director of Education, Science and Sports and comprised of the following Ministers: Health; Local Government, Rural Development and Environment; Trade, Industry, Private Sector and Presidential Initiatives; Lands, Forestry and Mines; Tourism and Diasporan Relations; Women and Children Affairs; Justice and Attorney-General; Manpower Youth and Employment; National Security; Aviation, Chieftaincy and Culture.

### 5.3.2 Review by Senior Officials

It is important to note that although a Minister's colleagues are the primary audience for a Cabinet Memorandum, there are several other groups of advisors to Ministers who should review the Cabinet Memorandum. Each of these officials approaches the document from a different perspective. The list below is a summary of their roles and contributions.

**Senior MDA Officials** – Chief Directors – may provide a written and/or oral briefing for their Minister on the Cabinet Memorandum, highlighting either the Ministry or interdepartmental perspectives, as well as advising on other sensitive aspects of the issue.

**The Ministry of Finance and Economic Planning (MoFEP)** sets the fiscal framework for the government. In addition, MoFEP oversees broader economic, social, commercial, tax, and international policy concerns related to most government programs and policies. MoFEP staff should review the Cabinet Memorandum for these policy linkages as well as for the overall effects of policy changes.

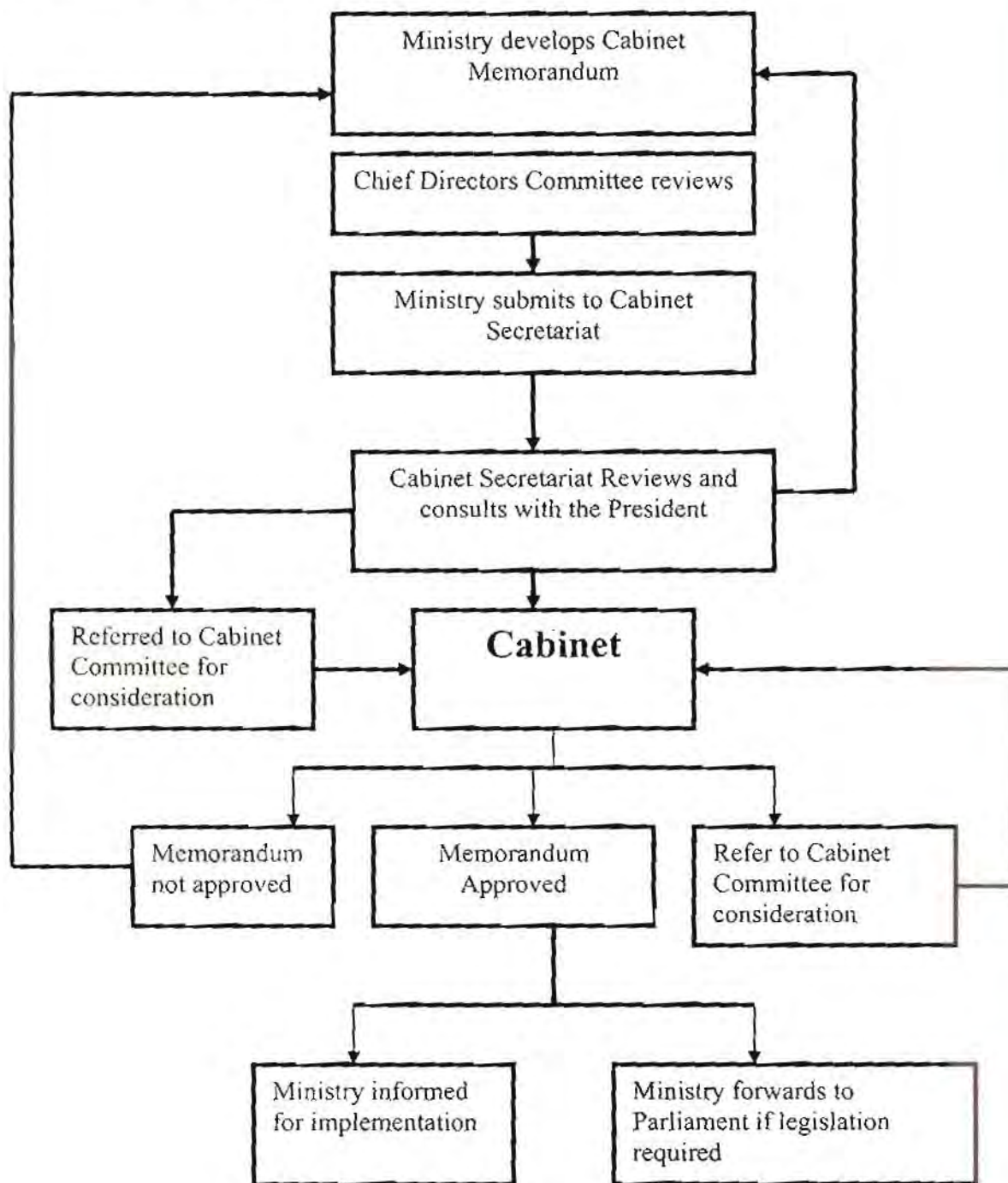
**The Ministry of Justice and Attorney-General** – original copies of contractual or international agreements are reviewed by the Attorney-General and the Minister of Justice and copies are attached to the Ministry's Cabinet Memorandum for Cabinet review and approval. The Ministry is also responsible for drafting legislation that emanates from an approved policy initiative.

**Cabinet Secretariat (CS)** – prepares briefings for the President and for Chairs of Cabinet Committees. The CS checks that the Cabinet Memorandum contains all the facts, both positive and negative, that all appropriate inter-departmental consultations have taken place and that the analysis of options is adequate.

The following chart outlines the routing and possible iterations of the Cabinet Memorandum before it is finalized for implementation.



5.4. Chart: Routing the Cabinet Memorandum





## 5.5 Summary of Steps

- Ministry prepares Cabinet Memorandum;
- The Cabinet Memorandum proceeds to the appropriate Chief Directors Committee;
- Ministry forwards signed Cabinet Memorandum to the Cabinet Secretariat (CS);
- The CS reviews the Cabinet Memorandum for:
  - Content - to ensure proper analytical and best options are proposed
  - Process - to ensure necessary consultations and linkages are made with others
  - Format - to ensure it meets with presentation and style requirements;
- The Secretary to Cabinet discusses proposal with the President at the agenda review meeting;
- The President may refer a Cabinet Memorandum to a Cabinet Committee for consideration;
- If a Cabinet Memorandum submitted by the Ministry fails to meet the requirements, the Secretary to Cabinet will send it back to the Ministry for re-submission;
- The Cabinet may send a Cabinet Memorandum to a Cabinet Committee if the issue needs further studies and analysis. The Committee refers it back to Cabinet for a decision.
- Cabinet may send the Cabinet Memorandum back to the Ministry if the information provided is inadequate or if it lacks clear political direction;
- If the Cabinet Memorandum is approved, the decision is communicated to the Ministry for implementation; and
- If draft legislation accompanies an approved Cabinet Memorandum, the draft Bill is referred to Parliament.

## 5.6 Timelines

The Cabinet Memorandum must be submitted to the Cabinet Secretariat at least 15 working days prior to a Cabinet meeting in order to permit sufficient time for analysis by the CS and to allow sufficient time for other Ministers to study the proposal.

If a Minister wishes to submit an urgent Cabinet Memorandum for consideration, the Minister should inform the Secretary to Cabinet.

The Secretary to Cabinet distributes Cabinet materials to Ministers five (5) working days prior to a Cabinet meeting.

## SECTION SIX

### PROCEDURES FOR THE ENACTMENT OF BILLS AND POLICY PAPERS

#### 6.1 Introduction

Legislative drafting is the production of clear, legally enforceable legislation. Despite the fact that the product is text, drafting is more of a thinking-through than a writing-down process. It is much more than putting the policy into "legalese". The drafting stage is the culmination of the policy development process rather than a straightforward conversion of finished ideas into legal form. It requires detailed, logical analysis.

Before any legislation, be it a Bill or another legislative instrument, goes to Parliament, several activities precede it which involve the Legislative Drafting Division of the Attorney-General's Department.

#### 6.2 Initiation of Bill

The legislative process for an Act of Parliament starts with the formulation of policies to enact a law or address a specific issue. The policy is set out in the form of proposals and is often initiated by an MDA. The policy can be triggered by research at the Ministry concerned, as a result of a request or complaint to government, by activities of a pressure group or started in order to correct a defect in an existing law e.g. as a result of a court ruling.

Bills are documents of the Executive, which when passed by Parliament and assented to by the President become Acts of Parliament.

The various Ministries have responsibility for specific subject areas assigned to them. For the purpose of initiating legislation, the MDA with responsibility for the subject area for which the legislation is required prepares a Cabinet Memorandum for approval of the legislation's underpinning policy. This sets out the essential provisions intended to form the contents of the legislation. The Cabinet Memorandum is submitted to the Cabinet for approval as the first step in the legislative process.

#### 6.3 Procedure for the enactment of substantive legislation and review by Cabinet

Cabinet approval of the policy for the proposed legislation must be sought by the Ministry concerned. The request must be in the form of a Cabinet Memorandum. Guidelines for content, form and routing of the Cabinet Memorandum are included in this manual.

Upon Cabinet approval of a Ministry policy requiring legislation:

- The Secretary to Cabinet communicates the approval by letter to the sponsoring Minister with a copy to the Minister of Justice and Attorney-General directing the preparation of the legislation concerned. The letter is the trigger for the issuance of drafting instructions for the preparation of the legislation.
- The Cabinet policy approval which sets the limits of the legislation constitutes the authority for the drafters to proceed with drafting the Bill on the instructions of the sponsoring Minister. The instructions are issued through the schedule officer of the MDA.
- It is useful if a copy of the Cabinet Memorandum is attached to drafting instructions issued by the sponsoring Minister. The Explanatory Memorandum that goes with each Bill in accordance with article 106 of the Constitution is prepared by the legislative drafters on the basis of the Cabinet Memorandum for policy approval.

The draft Bill is prepared by the Legislative Drafting Division of the Attorney-General's Department of the Ministry of Justice and in close collaboration with the sponsoring Ministry through the schedule officer. After consultation between the Legislative Drafting Division and the sponsoring Ministry, the Bill is finalized.

#### 6.4 Drafting Instructions Checklist

The following detailed instructions serve as a guide to the drafting of the Bill. Drafters should clearly specify the following:

- Requirements for the proposal;
- Recent official reports;
- Academic opinion, if any;
- Useful legal precedents;
- Penalties and sanctions;
- Provisions for amendment;
- Consequential repeals;
- Transitional/savings provisions;
- Examples from other jurisdictions;
- Extra-territorial operation;
- Commencement; and
- Regulatory power.

The drafting style must be:

- Clear, narrative form;
- Simple non-technical language;
- Presented in memo/tabular form;
- Logical sequence;
- Devoid of administrative matters;
- Devoid of purely informative matters;
- Not in draft law format; and



- Signed by the Chief Director, with clearly stated name and telephone of schedule officer and time frame for completion.

Upon finalization:

- The draft Bill is sent to the sponsoring Minister with an Explanatory Memorandum attached in accordance with Article 106 of the 1992 Constitution;
- Consultations are made by the Ministry with stakeholders and revisions, if any, sent to the Attorney-General's Department.
- The draft Bill, with the Explanatory Memorandum unsigned, is then submitted by the sponsoring Minister to Cabinet for approval in order for the Bill to be laid before Parliament;
- Cabinet approval will be communicated by the Secretary to Cabinet to the sponsoring Ministry and copied to the Attorney-General and Minister of Justice;
- After that, arrangements will be made by the Legislative Drafting Division for printing by the government printer and publication of the Bill in the *Gazette* for the statutory 14-day period;
- On completion of the process, the Bill is submitted to Parliament by the sponsoring Minister for consideration and enactment;
- The procedure for amendment to an Act of Parliament is similar to that for fresh legislation; and
- The Bill comes into force when it is assented to by the President and published in the *Gazette*

#### 6.5 Procedure for the enactment of subsidiary legislation

Most subsidiary legislation, Orders, Rules and Regulations are procedural in nature and often do not require prior Cabinet approval before the policy proposals are submitted for drafting to the Attorney-General's Department. However, instruments that have financial impacts for the State or are by nature of their contents likely to indicate a policy shift or drastic change in an existing situation, require Cabinet approval and must therefore be submitted for prior Cabinet approval before drafting begins.

After the proposals for subsidiary legislation have been received from the sponsors:

- The draft Order, Rule or Regulation will be prepared by the Legislative Drafting Division in collaboration with the sponsoring Ministry through the schedule officer;
- In accordance with article 11(7) of the 1992 Constitution, the draft Order, Rule or Regulation must be published in the *Gazette* on the day it is laid before Parliament and come into force on the expiration of twenty-one sitting days of Parliament unless Parliament annuls the Order, Rule or Regulation by the votes of not less than two-thirds of all the members of Parliament before the expiration of the twenty-one days;
- The procedure for the amendment of subsidiary legislation is the same as the making of fresh subsidiary legislation;
- There is no specific time frame for the completion of making or amending subsidiary legislation apart from the statutory requirements for the publication in article 11 (7) of the Constitution;

- The modality for the publication in the *Gazette* of an executive instrument is that the document to be gazetted must be sent to the Attorney-General with a request for the publication. This happens for example where land is being acquired where an Executive instrument under the hand of a Minister is prepared; and
- After vetting, the Notice, Order or Instrument will be sent to the government printer under cover of a letter by the Legislative Drafting Division for publication in the *Gazette* after the payment of the prescribed fee by the sponsor.

#### **6.6 Submission of Policy Papers, Credit Agreements to Parliament**

The mandate of effective linkages between the Executive and Parliament falls within the purview of the Minister for Parliamentary Affairs. All Ministries are required to route policy papers, credit agreements and legislative proposals and other matters intended for Parliament's deliberations after they have been considered by Cabinet through the Minister for Parliamentary Affairs.



## **ANNEX I**

### **SECURITY OF CABINET DOCUMENTS**

#### **7.1 Introduction**

The Cabinet Secretariat (CS) is the institution ultimately responsible for the integrity of the Cabinet system, especially for the significant documentation that is essential to the smooth operation of the system, in support of the Presidency. The CS ensures the safekeeping of Cabinet documents, papers and other records at all times in order to ensure that confidentiality is maintained.

#### **7.2 Cabinet Records**

- The efficient operation of the Cabinet and the necessary confidentiality of Ministerial discussions, depend, in part, on the proper handling of Cabinet documents. Ministers must ensure that their (and their colleagues') Cabinet Memoranda, Cabinet Committee reports or records of Cabinet decisions are always in the custody of an authorized and security-cleared staff member or official.
- When a Cabinet item has been dealt with, the associated Cabinet papers must be returned to the CS. Ministers must assign members of their staff with specific responsibility for controlling the flow and storage of Cabinet papers.
- Certain Cabinet documents that are clearly marked for Ministers of State's eyes only cannot be reviewed by staff.
- Some Cabinet documents must remain in the Cabinet room.

#### **7.3 Distribution of Documents**

Cabinet documents are strictly controlled and distributed only to authorized recipients by the CS.

- MDAs should submit the final Cabinet Memorandum to the CS, where it will be checked to ensure that it meets the format requirements and distributed to Ministers.

#### **7.4 Designated Staff (Cabinet Liaison Officers)**

Ministers should assign a designated staff (with one back-up) as a one-window focal point for the receipt of Cabinet documents and forward the names to the CS. Documents will not be distributed without designated staff.

Chief Directors should also assign a designated staff (with one back-up) as a one-window focal point for the receipt of Cabinet documents.



## 7.5 Cabinet Documents

Security leak of Cabinet documents is a breach of Cabinet confidentiality.

## 7.6 Preparation and Handling of Cabinet Documents by MDAs

- The word “**Secret**” should appear on documents as appropriate (including on computer diskettes) and on envelopes used to transport them at all times.
- All versions of Cabinet Memoranda drafts should be dated and marked *SECRET AND DRAFT* at the top of each page when being developed.
- Control should be exercised on the numbers of copies of confidential material produced.
- Copies of drafts of Cabinet documents should be distributed only to those who “need to know”.
- Individuals using computer terminals containing, or having access to confidential records, should log off while they are away from their desks and at night, and close confidential files to prevent unauthorized access to data.
- Diskettes, USB pen drives; electronic equipment etc. containing confidential information should be locked up in a safe place.

## 7.7 Physical Security of Cabinet Records in MDAs

- MDAs should maintain a “clean desk” policy. There should be no unattended paper left on the desks of people who handle Cabinet documents at all times, especially overnight.
- Confidential records should be kept securely at all times, with access by designated staff on a “need to know” basis. Emphasis should be placed on safe-keeping overnight.
- Desk tops should be cleared of confidential material, and drawers and Cabinets containing confidential information should be locked.
- Visitor access should be controlled in areas where confidential records are being worked on or stored.
- Cabinet documents should not be taken off site. Where this is unavoidable, extreme care should be exercised.

## **7.8 Transmission of Cabinet Documents**

- The required sealed envelope and procedure should be used to send signed Cabinet Memoranda to the Cabinet Secretariat. "Secret" should be boldly marked on the envelopes.
- Cabinet documents should be transported only by designated officers and never unaccompanied. The list of the designated officers should be forwarded to the CS.
- Cabinet documents should be delivered directly to the CS.
- Telephone inquiries relating to Cabinet information should be handled with particular discretion. Secretaries should be trained to avoid divulging information inadvertently.
- Fax machines should be used only in exceptional circumstances for transmitting confidential documents. A phone call should be made both before and after transmission to determine the safe arrival of the faxed documents to the intended recipient.
- MDAs should paraphrase Cabinet decisions or directions and convey such by memo to the appropriate units.
- Documents must be shredded before placing them in trash cans.

## **7.9 Communication of MDA Confidentiality Expectations**

- MDAs should create and reinforce a culture of personal responsibility and accountability for security and confidentiality of Cabinet documents. They should find and use various opportunities for raising the criticality of confidentiality with staff as often as possible.

## **7.10 Electronic Records/ Electronic Mail**

- Electronic Cabinet documents are Cabinet records and as such are to be treated with the same caution as paper materials.



## ANNEX 2

### WRITING AND SUBMITTING A CABINET MEMORANDUM

#### CHECKLIST

This Checklist is a tool for policy developers to apply in writing a Cabinet Memorandum and in reviewing it before the final submission to the Cabinet Secretariat.

#### Stage 1: Preparations

- ☐ Does the issue require Cabinet consideration?
- ☐ Is the issue a government priority?
- ☐ Has a work plan been approved?
- ☐ Has the Cabinet Secretariat been informed that a Cabinet Memorandum is being prepared?
- ☐ Has initial contact been made with relevant Ministries?

#### Stage 2: Writing the Cabinet Memorandum

- ☐ Have all consultations been completed?
- ☐ Is it written in concise, simple language?
- ☐ Are the format requirements being followed?
- ☐ Are the content requirements being followed?

#### Cover Page

- ☐ Write a short descriptive title for the subject.

#### Executive Summary

- ☐ Maximum 5 pages
- ☐ Does it reflect the major issues in the Analysis Document and Communications Plan?
- ☐ Is the decision requested by Cabinet well-defined?

#### Analysis Document

- ☐ Maximum 15 pages
- ☐ Are key issues addressed?
- ☐ Are options and impacts analyzed?
- ☐ Is the recommended option well supported with analysis?
- ☐ Is the implementation plan developed in consultation with appropriate departments or agencies?



### **Communications Plan**

- ☐ Maximum 8 pages
- ☐ Is the subject matter described?
- ☐ Has the target audience been identified?
- ☐ Are the communication goals and objectives defined?
- ☐ Are communication strategies and announcements planned?
- ☐ Is a budget included?

### **Stage 3: Final Draft**

#### **Executive Summary**

- ☐ Does the Executive Summary contain the Minister's views?
- ☐ Is the factual information taken from the Analysis Document?
- ☐ Do the Communications strategies reflect highlights from the Communications Plan?

### **Stage 4: Submission to Cabinet Secretariat**

- ☐ Dated and signed by the Minister at the end of the Executive Summary.
- ☐ Submitted 15 working days in advance of a Cabinet Meeting.
- ☐ Stapled as one document consisting of:
  - ☐ Cover Page
  - ☐ Table of Contents
  - ☐ Executive Summary
  - ☐ Analysis Document
  - ☐ Communications Plan
- ☐ All pages are numbered correctly and consecutively.
- ☐ The page rule has been followed:
  - ☐ Executive Summary – maximum 5 pages
  - ☐ Analysis Document – maximum 15 pages
  - ☐ Communications Plan – maximum 8 pages
- ☐ The formatting requirements have been followed.
- ☐ The content requirements have been followed.
- ☐ 45 copies are submitted.

## POLICY DEVELOPMENT - PLANNING THE WORK

**CHECKLIST**

The development of policy products is a dynamic, not-always-sequential process that achieves success through a repetitive feedback loop. While there is a need to be flexible and accommodate changes, it is necessary to have a clear idea of what products are required and to have a focused plan to develop them.

Questions	Action/Product Required
1. What kind of policy direction is being sought?	<ul style="list-style-type: none"> <li>• Policy</li> <li>• International agreements</li> <li>• Draft legislation</li> <li>• Loans/financial agreements</li> </ul>
2. What are the most commonly required products?  Are templates available?	<ul style="list-style-type: none"> <li>• Cabinet Memorandum</li> <li>• Information Paper</li> <li>• Legislation</li> <li>• Subsidiary Legislation (Orders, Rules, Regulations)</li> <li>• Policy Discussion Paper</li> <li>• Background Research</li> <li>• Consultation results</li> </ul>
3. What supplementary products and materials are needed to develop the primary product?	<ul style="list-style-type: none"> <li>• Data</li> <li>• Correspondence</li> <li>• Briefing notes</li> <li>• Impact Assessment</li> <li>• Fiscal/financial analysis</li> <li>• Executive Summary</li> <li>• Analysis Document</li> <li>• Communications Plan</li> <li>• Implementation Plan</li> <li>• Presentation Materials</li> </ul>
4. What internal resources are needed to produce the product?	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Office space &amp; equipment</li> <li>• Information technology</li> <li>• Creation of intra/inter-ministry project teams</li> <li>• Cabinet Secretariat liaison coordinator</li> <li>• Communications support</li> <li>• Minister's office</li> <li>• Department/agency participation</li> </ul>
5. What should be done when an	<ul style="list-style-type: none"> <li>• Establish an intra-ministry team to develop</li> </ul>

Questions	Action/Product Required
<p>issue impacts a number of divisions within a Ministry?</p>	<p>and implement the work plan</p> <ul style="list-style-type: none"> <li>• Ensure that divisional responsibilities and resources are clear and that there is support and consensus for the work</li> <li>• Ensure that the Executive (Minister, Chief Director) supports the work and is regularly briefed</li> <li>• Plan for conflicts</li> <li>• Develop an approval process that meets the needs of the Ministry</li> <li>• Communicate and consult with Minister's Office, Cabinet Secretariat, OHCS, PCMEU other CMAs</li> </ul>
<p>6. What is the critical path for development of the policy product?</p>	<ul style="list-style-type: none"> <li>• Assess resources</li> <li>• Assign responsibilities</li> <li>• Seek advice from CMAs</li> <li>• Share/vet the critical path with Chief Director/Director</li> <li>• Map the formal sign-off process (who, sequence, when)</li> <li>• Identify milestones for each sub-activity</li> <li>• Establish critical dates (Cabinet meetings)</li> </ul>
<p>7. What internal Ministry direction is required before and during development of the product?</p>	<p>Approvals and direction:</p> <ul style="list-style-type: none"> <li>• Director</li> <li>• Chief Director</li> <li>• Minister's Office Staff</li> <li>• Minister</li> </ul>
<p>8. What are the external resources needed to produce the product?</p>	<ul style="list-style-type: none"> <li>• Consultants</li> <li>• External expertise research data</li> <li>• Stakeholder consultations</li> <li>• Focus groups/interviews public meetings</li> </ul>
<p>9. If additional decisions or resources are required, when and how will they be decided? acquired? funded?</p>	<ul style="list-style-type: none"> <li>• Internal Ministry approvals</li> <li>• Within Ministry budget</li> <li>• Within Government budget CMA approvals</li> <li>• New funding outside budget private, donor, taxes, fees</li> </ul>
<p>10. For Whom? When? How often? Are briefings needed?</p>	<ul style="list-style-type: none"> <li>• Minister</li> <li>• Chief Director</li> <li>• Director</li> <li>• Others</li> <li>• Materials required</li> <li>• Coordinate briefing materials (intra inter-</li> </ul>



Questions	Action/Product Required
	Ministry) <ul style="list-style-type: none"> <li>• Schedule early</li> </ul>
11. Have linkages within Ministry, other Ministries, other levels of government, external stakeholders and public been incorporated into product development?  What products are required to develop and maintain linkages during and after policy product development?	<ul style="list-style-type: none"> <li>• Consultation strategy</li> <li>• Identify consultation and information-sharing mechanisms (e.g. sharing draft research and analysis documents)</li> <li>• Consultation with departments and agencies</li> <li>• Newsletters, etc.</li> </ul>
12. What are the requirements for communication planning and approvals?	<ul style="list-style-type: none"> <li>• Research - focus groups, public meetings, stakeholder meetings</li> <li>• Key messages</li> <li>• Media relations</li> <li>• Media relations training for spokespersons</li> <li>• Launch strategy</li> <li>• Announcements and roll-outs</li> <li>• Consultation/coordination with other Ministries</li> <li>• Minister's Office, Cabinet Secretariat, Ministry of Information, Office of the President approval, etc.</li> </ul>
13. What is the process for developing the implementation plan?	<ul style="list-style-type: none"> <li>• Identify timelines</li> <li>• Develop alongside the product</li> <li>• Include Departments/external agencies/organizations</li> <li>• Further approvals required (e.g. fiscal impacts - Ministry of Finance and Economic Planning)</li> <li>• Consultation/stakeholder strategy with beneficiaries</li> <li>• Identify resources, e.g. HR</li> <li>• Contingency plan</li> </ul>
14. How will the policy issue be evaluated?	<ul style="list-style-type: none"> <li>• Ministry evaluation vs. CABINET MEMORANDUM evaluation</li> <li>• Internal or external evaluators</li> <li>• Data collection mechanism</li> <li>• Baseline data available</li> <li>• Identify and develop measurement indicators</li> <li>• Monitoring, evaluation and reporting</li> </ul>

Questions	Action/Product Required
	requirements (timing, frequency etc) • Use monitoring results for corrective action

## POLICY ANALYSIS AND IMPACT ASSESSMENTS

### Performing Impact Assessments

Policy impacts are intended or unintended; every policy change will address or redress a specific problem or issue, but it may also have impacts in other areas which may be unintended and in some cases, undesirable. Impact analysis allows decision makers to be assured that they are making informed decisions and are aware of the potential undesirable consequences of policy decisions.

Both intended and unintended impacts can be controlled through identification of the impact and analysis of remedial steps that can eliminate or at least minimize such adverse effects. By embarking on a thorough impact assessment, policy designers can determine the desired directions, effects and overall usefulness of the policy before it becomes law or before implementation.

Impact assessments are performed by identifying the areas or issues that need to be assessed and then asking questions about how a proposed policy might impact those areas. Doing this requires some level of understanding about the areas or issues that may be impacted.

Some issues are listed below. This list is not intended to be exhaustive or static. The list will change over time as government priorities change, new trends emerge and new information or understanding becomes available.

- *Fiscal/Financial Impacts*
- *Economic Impacts*
- *Rural and Community, Regional and International Impacts*
- *Social Impacts*
- *Gender Equality Impacts*
- *Environmental Impacts*
- *Legal and Constitutional Impacts*
- *Regulatory Impacts*
- *Institutional Impacts*
- *Political Impacts*

### Performing impact analyses

Impact assessments involve asking questions about how a proposed policy or initiative may affect people, institutions and geographic regions. In some cases, an analyst will have sufficient knowledge or understanding to answer the



questions, but *any time an issue or impact affects another ministry's mandate, the analyst must consult with the ministry to confirm the assessment*

**a) Sources of information**

Data and information on how the effects of an initiative can be gathered through many sources, including research reports, statistical surveys, stakeholder submissions, interviews, focus groups, advocacy sources, civil society, etc. However, one of the best sources of information available to you will be the people working in program ministries who focus on and understand this issue.

**b) Questions that should be considered include (but are not limited to):**

- Is a given group or issue affected, and if so, how? Is the impact positive or negative? (There may be policy solutions which are positive for some groups and issues, and negative for others.) This requires that you have some understanding of the key features of each group or issue. Only examine those groups or issues which you believe are affected.
- Measure the problem or the risk, and identify the likelihood of a potential outcome occurring. For example, how many people are affected and how likely is it that a negative impact will result if the policy solution is adopted?
- Will other ministries or agencies involved with the groups of people or issues who are impacted by the problem or the issues affected by the problem support the proposed solution?

**1. Fiscal/Financial Impacts**

Fiscal and financial impact analyses involve asking questions relating to the costs or financial benefits of a particular policy or initiative. That is, what will the proposal cost or save the government.

Fiscal impact assessments should reveal critical information on the affordability of the proposal within the context of the government's overall fiscal plan. This requires that the proposal has already been costed and includes estimates for resources, capital, amortization and other expenses. Offsetting revenues, if any, should also be realistically estimated. Fiscal impact assessments are forward-looking as well, and identify potential drivers for increasing costs in the future. Fiscal impacts should be confirmed by the Ministry of Finance, which is responsible for the government's budget and financial administration.

A fiscal impact assessment should be provided for all routine and major initiatives going forward for government decision and should address the following questions:

How does the proposal support the government's fiscal plan and overall strategic direction?

How much does the policy proposal cost and are there new costs?

Is the Ministry identifying any new costs for next year's budget?

Does the proposal cause spending increases or decreases in other ministries?

Does the proposal anticipate cost savings? How?

Does the proposal anticipate new or increased revenues? Are revenues expected to decrease?

Does the proposal propose partnerships with other agencies or the private sector?

Have resource requirements (employees) been identified? Will new employees be required or will existing employees assume the work?

## **2. *Economic Impacts*<sup>1</sup>**

This is the analysis of the policy issue in the context of the government's overall economic policy agenda. The nature of the economic impact of the proposed policy or program option on the economy should be indicated. The following list provides examples of questions relating to economic factors that could be considered:

What is the impact on micro-business or self-employed persons?

Does the option promote investment and job creation?

Are certain industries, such as gold or cocoa, more affected than others?

## **3. *Rural and Community, Regional and International Impacts***

Some initiatives will have disproportionate effects (either positive or negative) on different communities and regions within the country, as well as impacts on other jurisdictions outside Ghana. For example, a proposal might add or transfer economic activity between the various regions and communities. The analysis should identify significant impacts on within regions in Ghana and on other countries in the sub-region or the African continent. Care is also required to ensure that international commitments are not compromised and that Ghana reaps the greatest possible benefit in terms of trade and international agreements.

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<sup>1</sup> Differentiated from the fiscal or financial impacts; instead focuses on analysis of the production, distribution, and consumption of goods and services



Is the proposal regional or community-based? Will one region benefit disproportionately or at the expense of another?

Will the proposal reduce duplication or overlapping services and thus result in government cost savings?

Does the proposal decentralise responsibilities to subordinate governments?

Does the proposal impact on neighbouring jurisdictions? How?

Is there a risk of international condemnation?

Does the proposal affect or involve international protocols? Will trade benefits accrue to Ghana?

#### *4. Social Impacts*

Social Impacts include a wealth of social and socio-economic characteristics which influence how policies and programs are differentially experienced by different groups of people. Some Impacts have been identified by governments as greater significance and warrant separate analysis, such as gender analysis. While other social impacts may not have the same degree of significance, they are also equally important to identify in advance of the decision making process to ensure that the decision makers are able to make informed decisions. Impacts that should be considered include:

- Age (impacts on children, older people or youth)
- Persons with disabilities
- Orphans
- Poor people
- Employment (impacts on workers or certain groups of workers)

How are each of the identified groups impacted? Are there other groups not listed which are differentially impacted?

Does the proposal intentionally have different outcomes for different groups?

Does the proposal have unintentional impacts on one social group more than others?

Are there measures which can mitigate disproportionate impacts?

Does the proposal impact employment opportunities for any specific groups?

#### *5. Gender Equality Impacts*

Because of the different general social and economic characteristics of men and women, policy proposals often have a differential impact on one gender or another. For example, a proposal to achieve gender equity amongst government workers may mean that men have less access to higher paying jobs than women during a transition period. Some proposals will also have differential unintended impacts on women or men, and because of the often more precarious situations of one gender these impacts must be clearly identified and understood before a policy proposal is submitted to Cabinet for decision.



Does the proposal impact women's and men's lives differently in terms of differing needs or gender-based life experiences?

Is the proposal intentionally gender-based; that is, is it specifically aimed at addressing issues which arise as a result of gender?

Does the proposal unintentionally impact one gender more than another?

Are mitigation measures desirable and have they been identified?

## **6. Environmental Impacts**

Some policy proposals may have intended or unintended impacts on the environment. For example, increased industrial development may result in increased pollution with consequent impacts on weather, population health, *et cetera*. The task here is to discern possible impacts for the environment and how these will be accommodated within the overall environmental strategy of the government.

Have all interested parties, such as regional or subordinate governments, indigenous peoples, been provided opportunities to identify issues and provide input?

Have technical studies of the relevant environmental, social, economic, heritage and/or health effects of the proposed project been identified and assessed?

Are mitigation measures possible, desirable and identified?

Will the proposal or the proposed mitigation measures result in additional costs in any area, and are there any proposals to offset costs (for example, increased fees)?

## **7. Legal and Constitutional Impacts**

All policy initiatives as government actions must be legal and constitutional. Every policy proposal must clearly identify the legal basis for proceeding, including, if necessary, legislative or regulatory changes that are required to achieve the objective. The section of the impact analysis is intended to identify any legal or regulatory barriers to proceeding with the proposal.

Does the proposal fall within the requirements of the Constitution of the Republic of Ghana?

Is the proposed policy *intra vires*, or within the mandate of the government?

Are there legal barriers that can be addressed through legislative or regulatory changes?

Have necessary legislative amendments been described?

### *8. Regulatory Impacts*

Some changes cause unnecessary increased regulation, which can have a negative impact on compliance as well as additional costs on businesses, taxpayers and government. Every proposal which increases the regulatory burden should clearly identify that there is no other alternative and identify mitigating measures which reduce the burden as much as possible or which offset the burden in other areas.

Does the proposed initiative increase or decrease regulatory requirements?

If regulatory requirements are increased, is the increase the minimum required and what strategies might offset the increase (for example, a decrease in other requirements)?

### *9. Institutional Impacts*

Institutional impact analysis should set out the impacts of the proposed action for public institutions (e.g. health care services, hospitals, universities, schools, social service organizations).

Does the proposal involve labour relations issues, such as collective agreements?

Does the proposal affect the mandate and roles of institutions such as schools, hospitals, universities, health care and medical services or others?

### *10. Political Impacts*

Every policy proposal must show alignment with overall government strategic goals and objectives, or clearly identify a persuasive argument for why it should proceed when it does not align (for example, response to an international incident, international court and so forth). Policy proposals must also be assessed against the likely public response.

Political impacts address the following questions:

- Is the proposal consistent with or does it promote strategic goals and objectives?
- Is the proposal likely to raise public objections?



## GENDER ASSESSMENT TOOL

The 'Gender Assessment Tool' is a tool for policy developers to apply throughout the policy development process. The following key questions will help to ensure that you consider the relevance of gender throughout each stage of the process. Analysing from a gender perspective will enable you to think about the gender impacts of a particular policy and be better equipped to undertake the analysis.

## Stage 1: Priority Setting and Policy Development

## Identifying the Issue

- ☐ Have women's and men's perspectives related to differing needs, experience and priorities been considered?
- ☐ If relevant, have boys' and girls' perspectives related to differing needs, experience, and priorities been considered?
- ☐ Have you considered the relevance of seeking the perspectives of diverse groups?
- ☐ Have you consulted with your Gender Desk Officer (GDO), or the GDO from another relevant Ministry or sector?
- ☐ What does the Ministry of Women and Children Affairs (MOWAC), Women's Organizations and gender responsive researchers say about this issue?

## Identifying the Issue Defining Goal and Outcomes

- ☐ How does the policy fit within the GOG international and domestic commitments to gender equality?
- ☐ Who does the policy target?
  - Whose needs are met?
  - Whose priorities are addressed?
  - Who is excluded and why?
- ☐ Who will be affected?
  - Are the desired/anticipated outcomes different for women and men, boys and girls?
  - Have you determined if diversity is a relevant consideration in determining outcomes?
  - If the policy is gender-specific, does this impact on the other gender?

## Gathering Information

- ☐ Are men and women involved in developing the research plans and research instruments, such as interviews and surveys?
- ☐ Have you considered how information will be sought from key groups of women and men?
- ☐ Are gender biases evident in existing research?
- ☐ Have you developed tools that will require the collection of gender-disaggregated baseline data/information?

## Developing and Analyzing Options

- ☐ Who is involved in the development and analysis of policy options?



- ☐ Are the intended or possible unintended impacts different for each of the options? If so, what is the difference? Is it acceptable?
- ☐ What steps can be taken to reduce or eliminate any negative impacts on women, men, boys or girls?
- ☐ What level of importance has been placed on the extent to which the policy option addresses gender equality?

## **Stage 2: Policy Approval**

- ☐ Have you developed a gender impact assessment? Based on your analysis in stage 1, think about: whose labour, time, effort will be required, who has access and control of resources, who will be involved in making key decisions, who will benefit?

## **Stage 3: Policy Implementation**

### **Planning**

- ☐ Who is involved in developing the implementation strategy?
- ☐ In developing the implementation strategy have you considered the interests of men and women?
- ☐ Will the staffing and human resource impacts of the policy affect women and men, or diverse groups differently?
- ☐ Do the criteria for allocation of resources take into account the different roles and interests of women and men? Does the resource allocation promote gender equality?
- ☐ Do performance measurement frameworks include gender equity indicators?

### **Communicating**

- ☐ Does the communication strategy use gender-balanced language?
- ☐ Does the communication strategy outline requirements for gender-balanced language and gender balanced and culturally balanced images in communication products?
- ☐ Does the communication strategy target all relevant stakeholders?
- ☐ Does information need to be communicated differently to women, men, or to diverse groups to ensure accessibility?

## **Stage 4: Monitoring and Evaluation**

- ☐ Has the formal review process included consultation with a diversity of women and men?
- ☐ Who was affected by the policy and how were they affected? Men, women, girls, boys, diverse groups?
- ☐ Have gender equity indicators been included and are these indicators linked with previously designed performance measures?
- ☐ To what extent has the policy had a positive impact on gender equality and human rights?
- ☐ Are there any unexpected impacts that have had a negative effect on gender equality and human rights?

**PROGRAMME/REGULATORY IMPACT ASSESSMENT (PRIA) TEMPLATE**

Title of proposed programme measure/decision/regulation

**2. Purpose and intended effect of measure**

**(i) The objective**

State clearly what the proposal or proposed regulation intends to do. What effects will it have, on whom?

**(ii) The background**

Give a brief résumé of the policy problem, root causes, weakness of the current policy/legislative/regulatory framework and why it needs to change.

**(iii) Risk assessment**

What risk is the proposed policy measure/decision/regulation addressing? Can it be quantified, e.g., how many people are affected, and how?

**3. Options scenarios**

Option 1: Do nothing, i.e. maintain the *status quo*

Option 2: (e.g.,) Get the industry to impose a voluntary code of practice/self-regulation

Option 3: ...

Flag up any potential risks associated with the options, describing the likelihood of them occurring and their effect if they were to occur.

**4. Benefits**

Option 1:

Option 2:

Option 3: ...

Think broadly about the benefits (to society, the economy, businesses, environment...) and involve your in-house economist when quantifying them. As far as possible, benefits should be calculated on a per annum basis. Use ballpark figures and ranges where there is uncertainty about the impacts. You should highlight any potential distributional aspects of the **proposed policy measure/decision/regulation**, and the effects of changes in the assumptions.

## 5. Costs

### (i) Costs for a typical business

If possible, identify a typical business (or several typical businesses if your proposal covers a wide range of firms), explain the type of activities that will have to be undertaken by such firms, quantify those activities and cost them out. Talk to your economists.

### (ii) Other costs

What effects will the **proposed policy measure/decision/regulation** have on those other than businesses, and NGOs? What costs will be imposed on society or on the environment? You should also highlight distributional aspects of the policy.

### (iii) Compliance costs

Option 1:

Option 2:

Option 3: . . .

What will businesses and/or individuals need to do to comply? Will they have to buy new equipment or train staff? Will they need to spend more time filling in new forms or undertaking checks? Will all the costs fall in the first year or will they be incurred every year? As far as possible, costs should be calculated on a per annum basis (including spreading any one-off costs over time – ask your economists how to do this). Use ballpark figures and ranges where there is uncertainty. The analysis needs to reflect the policy costs and the implementation costs, as well as any unintended consequences.

## 6. Stakeholders affected

Think widely about who might be affected both directly and indirectly:

### (a) Business sectors affected



Which sectors, how many businesses, what types of businesses, and what sizes are the businesses?

(b) other stakeholders

**7. Issues of equity and fairness**

You need to consider whether the proposal is correcting a current inequality, introducing an inequality that might be justified or will be neutral in effect. Will some be more affected than others? Will the benefits be gained by a different group from those that bear the costs?

**8. The small business impact test**

Talk formally and informally to small businesses (including the informal sector) and their organizations about the likely impact of the proposal on their businesses.

**9. Enforcement and sanctions**

(i) How will the proposal be enforced?

(ii) Who will enforce any legislation? If your proposal or regulations will impose costs on another organisation, are they willing to accept this? Will the legislation impose criminal sanctions for non-compliance? If so, on what scale? Is the Attorney General's Office content (it is their job to prosecute criminal actions)? Is the Chief Justice's Office content (it is their job to manage the courts)?

**10. Monitoring and review**

How is the effectiveness of the proposal to be measured and when?

**11. Consultation**

(i) Within government

List those ministries, departments and agencies you have consulted.

(ii) Public consultation

State how you have consulted stakeholders and the general public and over what period. You should give a brief analysis of the number and nature of the responses.

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## 12. Summary and recommendation

This may be presented as a matrix reflecting something to this effect:

Option 1:	Total cost per annum/ Total benefit per annum
Option 2:	Total cost per annum/ Total benefit per annum
Option 3:	Total cost per annum/ Total benefit per annum
Option 4:	Total cost per annum/ Total benefit per annum

You should then explain in a paragraph or two which option is recommended and why.

- Your proposal should be designed to offer the best balance, *i.e.* an option which gives 90% of the benefits at 50% of the cost will often be preferable to one that gives 100% of the benefits but is much more expensive.
- This summary should not introduce any new thoughts that have not been explained elsewhere in the document.

## 13. Ministerial Declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed .....

[Minister's name, and title]

Date .....

### Contact point

Insert name, address and phone number of an official who can answer any queries on the assessment or proposed policy measure/decision/regulation.

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