

GOVERNMENT PERFORMANCE AND RESULTS BILL, 2016

ARRANGEMENT OF SECTIONS

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# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE GOVERNMENT ACCOUNTABILITY DEPARTMENT AND TO INSTITUTIONALIZE STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT IN GOVERNANCE AND THE IMPLEMENTATION OF THE POLICIES OF THE FEDERAL GOVERNMENT OF NIGERIA, AND FOR RELATED MATTERS

*Sponsored by Hon. Hassan Atayoma Omale*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1. The objectives of this Act are to-

Objectives of the Act

1 (1) improve the confidence of Nigerians in the capability of the  
2 Federal Government to discharge its duties of maintenance of public law  
3 and order, provision of social amenities and services, by systematically  
4 holding Federal Government Ministries, Departments, Institutions,  
5 Agencies and public servants accountable for achieving programme results;

6 (2) initiate programme performance regime in setting programme  
7 goals, measuring programme performance against those goals, and  
8 reporting publicly on their progress and final results;

9 (3) improve the effectiveness of the Federal budget and public  
10 accountability by promoting a new focus on results, service quality, impact  
11 assessment and citizen satisfaction;

12 (4) assist the Federal public service system to improve service  
13 delivery to Nigerians, by requiring that they make effective planning for  
14 meeting programme or project objectives set in each year's budget, and by  
15 providing them with information about programme results and service  
16 quality;

1 (5) assist the National Assembly to improve its oversight and other  
2 legislative functions by providing more objective information and data on the  
3 utilization of Federal budgets in achieving statutory objectives, and on the  
4 relative effectiveness and efficiency of Federal programmes and spending; and

5 (6) improve internal management of the Federal Government Public  
6 Administration System.

Strategic planning

7 **2. Government Accountability Department (GAD)-**

8 -(1) Immediately after the coming into force of this Act, the Secretary  
9 of the National Planning Commission shall set up a department under the  
10 National Planning Commission to be known as the Government  
11 Accountability Department (GAD), in this Act referred to as "the department".

12 (2) No later than the 30th of September every year, the head of each  
13 Federal Government Ministry, Agency, Department and Institution shall  
14 submit to the department, and to the supervising committees of both chambers  
15 of the National Assembly, a strategic plan for programme activities of their  
16 various ministries and agencies for the succeeding four years and such plan  
17 shall contain-

18 (a) a comprehensive mission statement covering the major functions  
19 and operations of the agency as set out by its enabling statute or regulation;

20 (b) general goals and objectives of the agency, including outcome-  
21 related goals and objectives, for the major functions and operations of the  
22 agency for the succeeding four years;

23 (c) a detailed description of how the goals and objectives set out are to  
24 be achieved, including a description of the operational processes, skills and  
25 technology, and the human, capital, information, and other resources required  
26 to meet those goals and objectives;

27 (d) a description of how the performance goals included in the plan  
28 required by section 4 shall be related to the general goals and objectives in the  
29 strategic plan;

30 (e) an identification of those key factors external to the ministry or

1 agency and beyond its control that could significantly affect the  
2 achievement of the general goals and objectives; and

3 (f) a description of the programme evaluations used in establishing  
4 or revising general goals and objectives, with a schedule for future  
5 programme evaluations.

6 (4) The strategic plan shall cover the projected achievement for  
7 each year of the succeeding four years in which it is submitted, and may be  
8 updated and revised upon notice to the National Assembly as the need arises.

9 (5) When developing a strategic plan, the ministry or agency shall  
10 consult with the National Assembly, and shall solicit and consider the views  
11 and suggestions of those entities potentially affected by or interested in such  
12 a plan.

13 (6) The functions and activities of this section shall be considered  
14 to be inherently governmental functions. The drafting of strategic plans  
15 under this section shall be performed only by Federal employees.

16 (7) For purposes of this Act, the terms-

17 "agency" means a government ministry, extra-ministerial department,  
18 offices, parastatal, corporations, educational and research institutions and  
19 all other public entities set up by the constitution or by an Act of the National  
20 Assembly;

21 "commission" means the National Planning Commission;

22 "department" means the Government Accountability Department set up in  
23 this Act;

24 "Secretary" means the Secretary of the National Planning Commission;

25 *Annual Performance Plans and Reports*

26 3.-(1) In carrying out the provisions of this Act, the department  
27 shall require each Ministry, Agency, Department or Institution to prepare an  
28 annual performance plan covering each programme activity set forth in the  
29 budget of such ministry or agency. Such plan shall-

30 (a) establish performance goals to define the level of performance

1 to be achieved by a programme activity of such ministry or agency;

2 (b) express such goals in an objective, quantifiable, and measurable  
3 form unless authorized to be in any other alternative form under the provisions  
4 of this Act;

5 (c) briefly describe the operational processes, skills, technology, and  
6 the human, capital, information, or other resources required to meet the  
7 performance goals;

8 (d) establish clear performance indicators to be used in measuring or  
9 assessing the relevant outputs, service levels, and outcomes of each  
10 programme activity on a quarterly basis;

11 (e) provide a basis for comparing actual programme results with the  
12 established performance goals; and

13 (f) describe the means to be used to verify and validate measured  
14 values.

15 (2) If a ministry or an agency, in consultation with the Secretary,  
16 determines that it is not feasible to express the performance goals for a  
17 particular programme activity in an objective, quantifiable, and measurable  
18 form, the Secretary may authorize an alternative form. Such alternative form  
19 shall-

20 (a) include separate descriptive statements of-

21 (i) a minimally effective programme, and

22 (ii) a successful programme, or

23 (b) such alternative as authorized by the Secretary, with sufficient  
24 precision and in such terms that would allow for an accurate, independent  
25 determination of whether the programme activity'S performance meets the  
26 criteria of the description; or

27 (c) state why it is infeasible or impractical to express a performance  
28 goal in any form for the programme activity;

29 (d) For the purpose of complying with this section, a ministry or an  
30 agency may aggregate, disaggregate, or consolidate programme activities,

1 except that any aggregation or consolidation may not omit or minimize the  
2 significance of any programme activity constituting a major function or  
3 operation for the ministry or agency.

4 (2) A ministry or an agency may submit with its annual  
5 performance plan an appendix covering any portion of the plan that-

6 (a) is specifically authorized under criteria established by an  
7 Executive Order of the President to be kept secret in the interest of national  
8 security or foreign policy; and

9 (b) is properly classified pursuant to such Executive Order.

10 (3) The functions and activities of this section shall be considered  
11 to be inherently governmental functions. The drafting of performance plans  
12 under this section shall be performed only by Federal employees.

13 (f) For purposes of this Act, the term-

14 (a) 'outcome measure' means an assessment of the results of a  
15 programme activity compared to its intended purpose;

16 (b) 'output measure' means the tabulation, calculation, or recording  
17 of activity or effort and can be expressed in a quantitative or qualitative  
18 manner;

19 (c) 'performance goal' means a target level of performance  
20 expressed as a tangible, measurable objective, against which actual  
21 achievement can be compared, including a goal expressed as a quantitative  
22 standard, value, or rate;

23 (d) 'performance indicator' means a particular value or  
24 characteristic used to measure output or outcome;

25 (e) 'programme activity' means a specific activity or project as  
26 listed in the programme and financing schedules of the annual budget of the  
27 Federal Republic of Nigeria; and

28 (f) 'programme evaluation' means an assessment, through  
29 objective measurement and systematic analysis, of the manner and extent to  
30 which Federal programmes achieve intended objectives.

Programme  
performance  
reports

1                   4.-(1) No later than March 31 of every year, the head of every ministry  
2 or agency shall prepare and submit to the department, the President and to the  
3 National Assembly, a report on programme performance of their respective  
4 ministries or agencies for the preceding fiscal year.

5                   (2) Each programme performance report referred to in subsection (1)  
6 above shall set forth the performance indicators established in the ministry or  
7 agency's performance plan under this Act, along with the actual programme  
8 performance achieved compared with the performance goals expressed in the  
9 plan for that fiscal year.

10                  (3) If performance goals are specified in an alternative form as  
11 provided under section 4, the results of such program shall be described in  
12 relation to such specifications, including whether the performance failed to  
13 meet the criteria of a minimally effective or successful  
14 programme.

15                  (5) Each performance programme report shall-

16                  (a) review the success of achieving the performance goals of the fiscal  
17 year;

18                  (b) evaluate the performance plan for the current fiscal year relative to  
19 the performance achieved toward the performance goals in the fiscal year  
20 covered by the report;

21                  (c) explain and describe, where a performance goal has not been met  
22 (including when a programme activity's performance is determined not to have  
23 met the criteria of a successful programme activity under this Act or a  
24 corresponding level of achievement if another alternative form is used:

25                  (i) why the goal and target were not met;

26                  (ii) those plans and schedules for achieving the established  
27 performance goal; and

28                  (iii) if the performance goal is impracticable or unfeasible, why that is  
29 the case and what action is recommended;

30                  (d) include the summary findings of those programme evaluations



1 completed during the fiscal year covered by the report.

2 (6) An agency head may include all programme performance  
3 information required annually under this section in an annual financial  
4 statement of all its income and expenditure and such statement shall be  
5 submitted to the department and the National Assembly no later than March  
6 31 of the applicable fiscal year.

7 (7) The functions and activities of this section shall be considered  
8 to be inherently governmental functions. The drafting of programme  
9 performance reports under this section shall be performed only by Federal  
10 employees.

11 (8) In the scrutiny of a Ministry or agency's expenditure for every  
12 fiscal year, the National Assembly shall have due regard to the strategic plan,  
13 performance plan and reports of such ministry or agency.

14 5. The Secretary of the Commission may exempt from the  
15 requirements of this Act, any agency with annual expenditure of  
16 N10,000,000.00 (ten million Naira) or less.

Exemptions

17 6.-(1) From the commencement of this Act, the performance plans  
18 required under this Act may include proposals to waive administrative  
19 procedural requirements and controls, including specification of personnel  
20 staffing levels, limitations on compensation or remuneration, and  
21 prohibitions or restrictions on funding transfers among budget object  
22 classification.

Administrative  
and procedural  
flexibility

23 (2) Any such proposal under subsection (1) shall describe the  
24 anticipated effects on performance resulting from greater managerial or  
25 organizational flexibility, discretion, and authority, and shall quantify the  
26 expected improvements in performance resulting from any waiver. The  
27 expected improvements shall be compared to current actual performance,  
28 and to the projected level of performance that would be achieved independent  
29 of any waiver.

30 (3) Any proposal waiving limitations on compensation or

1 remuneration shall precisely express the monetary change in compensation or  
2 remuneration amounts, such as allowances or awards that shall result from  
3 meeting, exceeding, or failing to meet performance goals,

4 (4) Any proposed waiver of procedural requirements or controls  
5 imposed by a ministry or an agency (other than the proposing agency or the  
6 Government Accountability Department) may not be included in a  
7 performance plan unless it is endorsed by the ministry or agency that  
8 established the requirement, and the endorsement included in the proposing  
9 ministry or agency's performance plan.

10 (5) A waiver shall be in effect for only the fiscal year in which such  
11 waiver was approved and may be renewed for a subsequent year.

#### 12 *Performance Contracts*

Performance  
contracts for  
public servants

13 7.-(1) Upon the appointment of any person into any public office as  
14 pursuant to the provisions of the constitution or an Act of the National  
15 Assembly, such person shall, not later than three months after assumption of  
16 office, sign a performance contract as provided in subsection (2) of this section.

17 (2) The performance contract referred to in this section shall be  
18 prepared by the Government Accountability Department and shall state key  
19 performance indicators and expectations from such public servant as provided  
20 in the strategic plan and performance plan of the relevant ministry or agency as  
21 provided in sections 3 and 4 of this Act.

22 (3) The parties to the said performance contract referred to in  
23 subsection (1) and (2) above shall be the concerned public servant and the  
24 people of Nigeria.

25 (4) Copies of the duly signed performance contract under subsection  
26 (1) shall be submitted to the President, the National Assembly and the  
27 department, and shall also constitute a public document for the purposes of the  
28 operation of the Freedom of Information Act.

29 (5) the National Assembly may, pursuant to its oversight powers and  
30 functions, evaluate the output of any public servant with the aid of the key

1 indicators as contained in the performance contracts entered into by the  
2 concerned public servant with the people of Nigeria;

3 (6) Where in its opinion and judging from the report of the  
4 evaluation of a performance contract as provided in (5) above, the National  
5 Assembly comes to the conclusion that a public servant has consistently  
6 fallen below expectation in meeting his obligations according to the  
7 performance contract with the people of Nigeria, the National Assembly  
8 may recommend to the Executive the removal of such person from office.

9 (7) Where the National Assembly pursuant to its evaluation in  
10 subsection (6) above, is of the opinion that the failure of the public servant to  
11 satisfactorily accomplish his objectives in accordance with the performance  
12 contract was as a result of corruption or gross negligence, the National  
13 Assembly shall refer the concerned public servant to the appropriate law  
14 enforcement agencies for necessary action.

15 8.-(1) Nothing in this Act shall be construed as limiting the ability  
16 and powers of the National Assembly to establish, amend, suspend, or annul  
17 a performance goal of any government agency. Any such action shall have  
18 the effect of superseding that goal in the plan submitted under the relevant  
19 provisions of this Act.

Legislative  
oversight and  
legislation

20 (2) No later than three months after the enactment of this Act, the  
21 Secretary to the Government of the Federation shall report to both Houses of  
22 the National Assembly on the implementation of this Act, including the  
23 prospects for compliance by Federal ministries and agencies.

24 9. The Office of the Head of Service shall, in consultation with the  
25 Commission shall develop a strategic planning and performance  
26 measurement training component for its management training programme  
27 and otherwise provide Federal employees with the relevant orientation and  
28 training on the development and use of strategic planning and programme  
29 performance measurement.

Training

Application of  
Act

1                   10. No provision or amendment made by this Act may be construed

2                   as-

3                   (1) creating any right, privilege, benefit, or entitlement for any person  
4                   who is not an officer or employee of the civil service of the Federal Republic of  
5                   Nigeria or acting in such capacity, and no person who is not an officer or  
6                   employee of the Federal Government acting in such capacity shall have  
7                   standing to file any civil action in a court law to enforce any provision or  
8                   amendment made by this Act.

9                   (2) This Act shall apply to the Federal Government of Nigeria and its  
10                  Ministries and Agencies.

Short Title

11                  11. This Act may be cited as the Government Performance and  
12                  Results Bill, 2016.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Government Accountability Department and to institutionalize strategic planning and performance measurement in Governance and the implementation of the policies of the Federal Government of Nigeria.