

GOVERNMENT PERFORMANCE AND RESULTS BILL, 2018

ARRANGEMENT OF SECTIONS

Section:

1. Objectives of the Act
2. Strategic Planning
3. Annual Performance Plans and Reports
4. Programme Performance Reports
5. Exemptions
6. Administrative Procedural Flexibility
7. Public Servants Performance Contracts
8. Legislative Oversight and Legislation
9. Training
10. Application of Act
11. Short Title



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 CONNECTED PURPOSES

Sponsored by Senator Stella Odua

[] Commencement

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

- 1 1. The objectives of this Act are to-
- 2 (1) improve the confidence of Nigerians in the capability of the
- 3 Federal Government to discharge its duties of maintenance of public law
- 4 and order, provision of social amenities and services, by systematically
- 5 holding Federal Government Ministries, Departments, Institutions,
- 6 Agencies and public servants accountable for achieving programme results;
- 7 (2) initiate programme performance regime in setting programme
- 8 goals, measuring programme performance against those goals, and
- 9 reporting publicly on their progress and final results;
- 10 (3) improve the effectiveness of the Federal budget and public
- 11 accountability by promoting a new focus on results, service quality, impact
- 12 assessment and citizen satisfaction;
- 13 (4) assist the Federal public service system to improve service
- 14 delivery to Nigerians, by requiring that they make effective planning for
- 15 meeting programme or project objectives set in each year's budget, and by
- 16 providing them with information about programme results and service
- 17 quality;
- 18 (5) assist the National Assembly to improve its oversight and other

Objectives of the Act

1 legislative functions by providing more objective information and data on the
2 utilization of Federal budgets in achieving statutory objectives, and on the
3 relative effectiveness and efficiency of Federal programmes and spending; and

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

Strategic Planning

6 2. Government Accountability Department (GAD)-

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

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

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

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

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

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

29 (e) an identification of those key factors external to the ministry or
30 agency and beyond its control that could significantly affect the achievement

1 of the general goals and objectives; and

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

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

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

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

15 (7) For purposes of this Act, the terms-
16 'agency' means a government ministry, extra-ministerial department,
17 offices, parastatal, corporations, educational and research institutions and
18 all other public entities set up by the constitution or by an Act of the National
19 Assembly;

20 "commission" means the National Planning Commission;

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

23 "Secretary" means the Secretary of the National Planning Commission.

24 *Annual Performance Plans and Reports*

25 3.-(1) In carrying out the provisions of this Act, the department
26 shall require each Ministry, Agency, Department or Institution to prepare an
27 annual performance plan covering each programme activity set forth in the
28 budget of such ministry or agency. Such plan shall-

29 (a) establish performance goals to define the level of performance
30 to be achieved by a programme activity of such ministry or agency;

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

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

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

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

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

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

19 (a) include separate descriptive statements of-

20 (i) a minimally effective programme, and

21 (ii) a successful programme, or

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

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

28 (d) For the purpose of complying with this section, a ministry or an
29 agency may aggregate, disaggregate, or consolidate programme activities,
30 except that any aggregation or consolidation may not omit or minimize the

1 significance of any programme activity constituting a major function or
2 operation for the ministry or agency.

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

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

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

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

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

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

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

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

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

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

27 (f) 'programme evaluation' means an assessment, through
28 objective measurement and systematic analysis, of the manner and extent to
29 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 programme.

14 (5) Each performance programme report shall-

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

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

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

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

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

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

29 (d) include the summary findings of those programme evaluations
30 completed during the fiscal year covered by the report.

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

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

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

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

16 6.-(1) From the commencement of this Act, the performance plans Administrative
17 required under this Act may include proposals to waive administrative and procedural
18 procedural requirements and controls, including specification of personnel flexibility
19 staffing levels, limitations on compensation or remuneration, and
20 prohibitions or restrictions on funding transfers among budget object
21 classification.

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

29 (3) Any proposal waiving limitations on compensation or
30 remuneration shall precisely express the monetary change in compensation

1 or remuneration amounts, such as allowances or awards that shall result from
2 meeting, exceeding, or failing to meet performance goals.

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

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

11 *PERFORMANCE CONTRACTS*

Performance
Contracts for
Public Servants

12 7.-(1) Upon the appointment of any person into any public office as
13 pursuant to the provisions of the constitution or an Act of the National
14 Assembly, such person shall, not later than three months after assumption of
15 office, sign a performance contract as provided in subsection (2) of this section.

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

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

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

28 (5) the National Assembly may, pursuant to its oversight powers and
29 functions, evaluate the output of any public servant with the aid of the key
30 indicators as contained in the performance contracts entered into by the

1 concerned public servant with the people of Nigeria;

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

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

14 8.-(1) Nothing in this Act shall be construed as limiting the ability
15 and powers of the National Assembly to establish, amend, suspend, or annul
16 a performance goal of any government agency. Any such action shall have
17 the effect of superseding that goal in the plan submitted under the relevant
18 provisions of this Act.

Legislative
Oversight and
Legislation

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

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

Training

29 10. No provision or amendment made by this Act may be
30 construed as-

Application of
Act

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

7 (2) This Bill shall apply to the Federal Government of Nigeria and its
8 Ministries and Agencies.

Short Title

9 **11.** This Bill may be cited as the Government Performance and
10 Results Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to make provision for Government accountability and institutionalize strategic planning and performance measurement in Governance and the implementation of policies and programmes of Government