



**Western Cape
Government**

Department of the Premier

**POLICY AND STRATEGY
DEVELOPMENT GUIDELINES
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Policy and Strategy Development and Review – Guidelines

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Glossary

“action”	Activity to achieve identified goals/aims.
“framework”	An essential supporting or underlying structure.
“guidelines”	General policy principles, rules or advice to achieve an action.
“implementation”	Putting a plan into effect.
“lead department”	Department responsible for taking the initiative for a particular programme; Department acting as custodian of the programme.
“plan”	Detailed proposal for doing or achieving something. Quarterly, annual, or multi-year schedules of expected outputs, tasks, timeframes and responsibilities.
“policy”	Formal guidelines for how government decisions should be made or how programmes should be implemented.
“strategy”	Plan to achieve provincial as well as departmental goals and objectives.

Acronyms

IDP	Integrated Development Plan
MDGs	Millennium Development Goals
NDP	National Development Plan
NPC	National Planning Commission
NSDP	National Spatial Development Perspective
PPOA	Provincial Programme of Action
PSOs	Provincial Strategic Objectives
PSP	Provincial Strategic Plan
PWMES	Provincial-Wide Monitoring and Evaluation Systems
RBM&E	Results-Based Monitoring and Evaluation
SCC	Sector Coordinating Committee
SLA	Service Level Agreement
TOR	Terms of Reference
UN	United Nations
WCG	Western Cape Government

1. Policy Background

1.1 Introduction

The aim of this document is to establish a consistent, coherent, integrated and shared policy framework for the Western Cape Government ('WCG') to develop, implement, monitor and evaluate policies and strategies.

Underlying this framework is the need for a common policy approach, aligned to the Provincial Strategic Plan 2009-2014 ('PSP').

The policy framework is about supporting and promoting an environment to realise the PSP's intended outcomes. The framework emphasises the need for a shared policy and strategic planning approach to bind different yet common WCG policy imperatives.

The framework serves as a practical device to guide a shared policy approach. In other words, the framework clarifies the links between policy imperatives and outcomes.

1.2 Objectives

The purpose of this framework is to guide and encourage the development, implementation, monitoring and evaluation of a common and integrated policy and strategy approach that is driven by the needs and priorities of the WCG. The framework aims to reduce inconsistencies and even contradiction in policy approaches. It is results orientated.

The WCG framework should therefore be viewed as an instrument for understanding, conceptualising, developing, aligning, implementing, monitoring and evaluating WCG policies and strategies. The specific objectives are to:

- Promote and facilitate an environment conducive to common and integrated policy development, implementation, monitoring, evaluation and reporting within the WCG;
- Guide and support WCG inclusive growth and integrated, sustainable development imperatives through a common policy approach;
- Advance, shape and support a focused and coherent WCG public policy agenda through a common policy approach;
- Promote dialogue and wide-range participation in the WCG policy development processes; and
- Develop processes and mechanisms for monitoring, evaluating, and reporting the impact of WCG policies.

Apart from the PSP, the framework is also guided by the National Planning Commission's National Development Plan (NDP): Vision 2030, and One Cape 2040, which emphasises a capable state working in partnership with active, responsible citizens to reduce poverty by growing the economy.

Policy subject matter is varied and complex, therefore this framework is not prescriptive. It is a practical guideline aimed at transcending policy contradictions and their likely unfavourable implications or unintended consequences.

1.3 Guiding Principles

All policies and strategies developed by the WCG must strive to comply with the principles outlined below. There must be an indication that these principles have guided the development of the policy or strategy.

1.3.1 *Open, opportunity society for all*

The WCG's animating vision is the creation of an 'open, opportunity society for all', rooted in the values of the Constitution.

'Open' means a society based on the principles of transparency and the rule of law, where individuals are guaranteed rights and where independent institutions protect these rights, and limit and disperse political power. In the open society, there is transparency and accountability, assisted by a free press and a robust civil society. The open society provides the essential framework for the fight against poverty because the enemies of openness – corruption and power abuse – make poor people poorer.

'Opportunity' means a society in which every person is given the chance and the wherewithal to improve his or her own circumstances, whatever those circumstances may be. One of the state's duties is to do for people what they cannot be expected to do for themselves. In the opportunity society, those who take responsibility for their lives and use their chances, flourish. They understand and begin to experience that taking control of their lives is infinitely preferable to a lifetime of dependency on the state.

'For all' means a society in which all South Africans enjoy the same rights and have access to the opportunities they need to improve their lives, irrespective of the circumstances of their birth, or their race, religion, gender, sexuality, and the language they speak. The South African Constitution is the basis for this approach.

In pursuing this vision, the WCG's primary focus is reducing poverty. This is because poverty is the biggest obstacle to citizens using their opportunities to live a life which they value.

Therefore, the underlying principle of any plan or policy agenda should be *to reduce poverty through a virtuous cycle of growth and development*, because the only sustainable way to reduce poverty is by creating opportunities for growth and jobs, taking the sustainable use of natural resources into consideration. This insight informs the WCG's Provincial Strategic Plan, which is to shift resources and energy into the creation of growth and job opportunities without compromising the state's ability to deliver better outcomes in health, education and social development, while refocusing efforts to promote social inclusion with a more pragmatic, more measurable approach.

Partnerships with other stakeholders outside the state are central to reducing poverty. No government can, by itself, guarantee a better life. Progress can only be realised as the

product of partnerships between government, citizens, civil society and business. Each has a role and specific responsibilities. That is why the WCG has adopted a 'whole of society' approach and the slogan "Better Together" to capture and convey its message to the people of the Western Cape.

Key to growth and development is identifying which roles would best be fulfilled by the state, and which should be left to the private sector and civil society in its myriad manifestations, from universities to NGOs. The government's basic job is to provide public infrastructure, educate the population and create the synergies.

Partnerships are central to the fulfillment of the WCG's mandate. Partnerships are not confined to organizations, institutions and businesses. Every citizen is as an active partner in his or her own development and that of the country, and citizens must use each opportunity to become the best they can be, and fulfill their social duties. This is essential to development.

In summary, the key concepts of the open, opportunity society for all that should serve as guiding principles in the development of policy and strategy include:

- Pursuing growth and prosperity within a sustainable development paradigm as the best way to fight poverty and unemployment;
- Involving individuals and communities in their own development;
- Requiring the state to extend opportunities to all through excellent education, reliable infrastructure and other essential services;
- Creating the right conditions for investment and job creation that drive a virtuous cycle of sustained development;
- Moving from a passive to an active citizenry; and
- Developing citizens' own capabilities to pursue lives they value.

1.3.2 Rights-based approach

Policies and strategies must follow a rights-based approach. All policies and strategies must seek to respect, protect, promote and fulfil the rights laid out in the Bill of Rights.

Fundamental human rights are entrenched in Chapter 2, sections 7 to 39, of the 1996 Constitution. The Bill of Rights is arguably the part of the Constitution that has had the greatest impact on life in this country. As the first words of this chapter state: 'This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect, promote and fulfil the rights in the Bill of Rights.'

Section 8 states that the Bill of Rights binds the executive, the judiciary and all organs of state. The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36.

Human rights fall into two broad classes – namely civil and political rights, and socio-economic rights.

Civil and political rights are customarily included in constitutions around the world. These rights include the basic rights to life, dignity, equality and privacy and also the fundamental freedoms associated with democracy: freedom of expression, association, assembly, opinion, belief and religion, and movement.

Socio-economic rights are those connected to the social and economic features of life. South Africa is one of only a few countries in the world to entrench rights such as access to food, water, housing, health care, education and the special rights of children and social security. They also include a relatively new field in human rights, which concern the environment and development, as well as culture and language.

The Constitutional Court stated that it is incumbent on the State to institute a reasonable programme in order to progressively realise the socio-economic rights named in sections 26 and 27 of the Constitution. The Court laid out a number of criteria against which to measure the 'reasonableness' of a government programme. Firstly, government policies and programmes must be reasonable both in their conception and their implementation. This is determined by the following factors:

- The programme must be coordinated and comprehensive;
- The programme may not exclude those in desperate need and living in intolerable conditions;
- The degree and extent of the denial of the right to be realised must be taken into consideration;
- Those whose needs are the most urgent must not be ignored by the measures aimed at achieving realisation of the right;
- If the measures, though statistically successful, fail to respond to the needs of those most desperate, they may not pass the test;
- A reasonable programme must be one that is balanced and flexible;
- It must pay attention to short-, medium- and long-term needs; and
- It must not exclude a significant sector of society.

It is up to Government to decide on the precise content of the measures to be adopted, and we must ensure that these measures are reasonable.

1.3.3 Equality

The mainstreaming of human rights into the culture and practice of government should be a central element. This will enable the full and equal enjoyment of rights by all, especially the most vulnerable - the poor, rural communities, people with disabilities, women and youth. We need to go beyond descriptive reporting on particular rights to addressing the application of these rights to particularly vulnerable groups. Human rights should therefore be central to delivery and policy. Rights should be enforced as the practical standard for delivery performance.

Identifying and removing obstacles and barriers for full enjoyment of policy intent are essential and must be maintained across the whole policy development process. This is to ensure that people who are excluded and marginalised benefit from mainstream

provisions. The policy should also stand the test of time as we move to more inclusive, holistic or unified provisions.

Mainstreaming as a strategy, or in the context of any policy development process, must be geared to achieving an open opportunity society for all. The whole of government is responsible for fulfilling our national and international human rights obligations.

Mainstreaming refers to the (re)organisation, improvement, development and evaluation of strategies, policies, programmes and budgets so that:

- Role-players incorporate equality and non-discrimination at all levels and at all stages (to ensure constitutional compliance); and
- Inclusion and equal opportunities and benefits or outcomes are achieved for those whom it is aimed at within a single planning framework (to ensure impact).

1.3.4 Sustainable development

'Sustainability' must be part of policy, planning and decision-making. For the WCG, sustainable development will be achieved through implementing integrated governance systems that: 'refers to the concept and practice of Sustainable Development (and includes sustainable agricultural production). Sustainable development aims to meet human needs while preserving resources and optimising the use thereof so that these needs can be met not only in the present, but also for future generations.'

1.4 Policy context

The policy framework is embedded within a complex relationship of international, national, provincial and local policies and policy-making processes. These are:

- The South African Constitution;
- The Millennium Development Goals (MDGs);
- The National Spatial Development Perspective (NSDP);
- Medium Term Strategic Framework (MTSF);
- Five Year Provincial Strategic Plan (PSP);
- Integrated Development Plans (IDPs);
- National Development Plan (NDP): Vision 2030;
- One Cape 2040;
- Provincial Spatial Development Framework (PSDF);
- Growth Potential of Towns.

1.4.1 The South African Constitution

Fundamental human rights are entrenched in Chapter 2 of the 1996 Constitution. The Bill of Rights is the part of the Constitution that has had the greatest impact on everyday life since the advent of democracy in 1994.

1.4.2 The Millennium Development Goals (MDGs)

WCG policies and strategies must seek to achieve the goals as set out in the United Nations (UN) Millennium Declaration. South Africa has committed itself to progress that is

based on sustainable economic growth, which must focus on the poor, with human rights at the centre. The objective of the Declaration is to promote 'a comprehensive approach and a coordinated strategy, tackling many problems simultaneously across a broad front'.

The eight Millennium Development Goals (MDGs) form a blueprint agreed to by all countries and leading development institutions world-wide. The timeframe for their achievement is 2015. They have led to unprecedented efforts to meet the needs of the world's poorest. The policies and programmes of the WCG must all be designed to achieve these goals. The goals are:

Goal 1: Eradicate extreme poverty and hunger

- Reduce by half the proportion of people living on less than a dollar a day; and
- Reduce by half the proportion of people who suffer from hunger.

Goal 2: Achieve universal primary education

- Ensure that all boys and girls complete primary schooling.

Goal 3: Promote gender equality and empower women

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015.

Goal 4: Reduce child mortality

- Reduce by two thirds the mortality rate among children under five.

Goal 5: Improve maternal health

- Reduce by three quarters the maternal mortality ratio.

Goal 6: Combat HIV/Aids, malaria and other diseases

- Halt and begin to reverse the spread of HIV/Aids; and
- Halt and begin to reverse the incidence of malaria and other major diseases.

Goal 7: Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes, and reverse loss of environmental resources;
- Reduce by half the proportion of people without sustainable access to safe drinking water; and
- Achieve significant improvement in the lives of at least 100 million slum dwellers by 2020.

Goal 8: Develop a global partnership for development

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory, and committed to good governance, development and poverty reduction — nationally and internationally;
- Address the least developed countries' special needs, such as tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt, and more generous official development assistance for countries committed to poverty reduction;

- Address the special needs of landlocked and small island developing states;
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term;
- Develop decent and productive work for youth, in cooperation with the developing countries;
- Provide access to affordable essential drugs in developing countries, in cooperation with pharmaceutical companies; and
- Make available the benefits of new technologies, especially information and communications technologies, in cooperation with the private sector.

1.4.3 National Spatial Development Perspective (NSDP)

The NSDP is an important guiding strategy in the context of inherited apartheid spatial planning, for the future development of urban and rural areas across the country. In essence, in the light of scarce financial and other resources, it advocates priority focus on areas with economic development potential and high social need. It urges local authorities in localities of low economic development potential to demonstrate their comparative advantages in order to receive more than basic support from other spheres of government.

Development potential is based on the following criteria:

- Natural resource potential: agricultural potential, environmental sensitivity and the availability of water;
- Human resource potential: levels of skills and population density;
- Infrastructure resource potential: existing and proposed port, road and rail infrastructure and the main electricity grid;
- Human need: the extent of poverty ; and
- Existing economic activity: Gross Geographical Product (GGP).

The NSDP proposes normative principles to be used as a guide for investment by all spheres of government in order to achieve the objectives of economic growth, employment creation, sustainable service delivery, poverty alleviation and the eradication of historic inequities. According to the national spatial development vision, South Africa should become a nation in which the investment in infrastructure and development programmes supports the government's growth and development objectives by:

- Focusing economic growth and employment creation in areas where there is most potential and it is likely to be sustainable;
- Supporting economic restructuring where feasible to ensure greater competitiveness;
- Fostering development on the basis of local potential; and
- Ensuring that the state and development institutions are able to provide at least basic needs throughout the country.

1.4.4 *Medium Term Strategic Framework – 2010 to 2014*

This national framework prioritises state spending towards the following national outcomes:

Outcome 1: Quality Basic Education

Outcome 2: A Long and Healthy Life for All South Africans

Outcome 3: All People in South Africa Are and Feel Safe

Outcome 4: Decent Employment through Inclusive Economic Growth

Outcome 5: Skilled and Capable Workforce to Support and Inclusive Growth Path

Outcome 6: An Efficient, Competitive and Responsive Economic Infrastructure Network

Outcome 7: Vibrant, Equitable, Sustainable Rural Communities Contributing Towards Food Security for All

Outcome 8: Sustainable Human Settlements and Improved Quality of Household Life

Outcome 9: Responsive, Accountable, Effective and Efficient Local Government System

Outcome 10: Protect and Enhance our Environmental Assets and Natural Resources

Outcome 12: An Efficient, Effective and Development Oriented Public Service and an Empowered, Fair and Inclusive Citizenship

1.4.5 *The Western Cape Government's Five Year Provincial Strategic Plan*

The five year PSP of the Western Cape Government adopted for the period 2009-2014 represents a blueprint for coordinated action by provincial departments to realise the vision of “*an open opportunity society for all*”.

Mission

The Western Cape Government will promote freedom and opportunity for all the people of the province through:

- Policies and practices that strengthen the Constitution;
- Create the conditions for sustainable economic and employment growth;
- Alleviate poverty by providing a welfare safety net for those unable to provide for themselves;
- Improve the safety of people;
- Attract, develop and retain skills and capital;
- Develop and maintain infrastructure; and
- Deliver clean, efficient, cost-effective, transparent and responsive public administration.

The vision and mission are underpinned by the following values, namely competence, accountability, integrity and responsiveness.

The key thrust of the PSP is to create opportunities for economic growth and job-creation, to address impediments to growth such as the skills shortage and infrastructure challenges, and to ensure that economic growth and human development opportunities are available to all of the people of the province. The WCG will pursue these aims through policies that encourage sustained economic growth; that attract, develop and retain skills and capital; and that drive infrastructure development. In addition, the PSP will clarify which roles are best fulfilled by the state, which roles fall within the ambit of the private

sector and civil society, and what partnerships are necessary to ensure that there is coordinated and integrated action with regard to the different priorities identified.

To realise the vision, the PSP commits the WCG to eleven (11) provincial strategic objectives (PSOs) that will guide policy-making and resource allocation:

1. Creating Opportunities for growth and jobs;
2. Improving education outcomes;
3. Increasing access to safe and efficient transport;
4. Increasing wellness;
5. Increasing safety;
6. Developing integrated and sustainable human settlements;
7. Mainstreaming sustainability and optimising resource-use efficiency;
8. Promoting social inclusion and reducing poverty;
9. Integrating service delivery for maximum impact;
10. Creating opportunities for growth and development in rural areas; and
11. Building the best-run regional government in the world.

The eleven strategic objectives were selected for the positive impact that they will have on the Western Cape through coordination of planning, budgeting and institutional capacity. The result should be a set of objectives to knit government together and ensure that the agreed priorities are supported by budgets and the allocation of human and institutional resources. These strategic objectives consist of clusters of projects that are significant public-sector budget commitments for development. The eleven strategic objectives are implemented through the Provincial Transversal Management System (PTMS), comprising of three sectoral committees, namely the Economic, Human Development and Governance sector committees, 10 Steering Groups and 40 Working Groups. Outcome indicators for the eleven PSOs have been agreed to measure progress in the province. Where possible such trends will be spatially represented.

1.4.6 Integrated Development Plans (IDP)

An IDP is a five year strategic and development plan of a municipality and sets out the strategic and budget priorities of a specific municipality. In addition, it aligns the resources and the capacity of a municipality to its overall development aims, and guides the municipality's budget. All development plans (provincial and national, as well as those of public entities) should be informed by and in turn inform what is agreed between local government and residents during a comprehensive public participation process. In other words, the IDP is the comprehensive alignment of investment and development programme spending of the total public sector in that municipal space.

1.4.7 National Development Plan (NDP): Vision 2030

President Jacob Zuma appointed the National Planning Commission (NPC) in May 2010 to draft a vision and National Development Plan (NDP). The Commission is an advisory body consisting of 26 people drawn largely from outside government, chosen for their expertise in key areas.

The Commission's *Diagnostic Report*, released in June 2011, set out South Africa's achievements and shortcomings since 1994. It identified a failure to implement policies

and an absence of broad partnerships as the main reasons for slow progress, and set out nine primary challenges:

1. Too few people work
2. The quality of school education for black people is poor
3. Infrastructure is poorly located, inadequate and under-maintained
4. Spatial divides hobble inclusive development
5. The economy is unsustainably resource intensive
6. The public health system cannot meet demand or sustain quality
7. Public services are uneven and often of poor quality
8. Corruption levels are high
9. South Africa remains a divided society.

This led to the development of the draft National Development Plan (NDP): Vision 2030, released in November 2011 and the final plan released in August 2012. Building on the diagnostic, the plan focuses on the following thematic areas:

- Economy and Employment
- Economic infrastructure
- Environmental sustainability and resilience
- Inclusive rural economy
- South African in the region and the world
- Transforming human settlements
- Improving education, training and innovation
- Health care for all
- Social protection
- Building safer communities
- Building a capable and developmental state
- Fighting corruption
- Nation building and social cohesion.

The Western Cape Government welcomed both the NDP, particularly their emphasis on a capable state working in partnership with active, responsible citizens to reduce poverty by growing the economy.

1.4.8 One Cape 2040

The Economic Development Partnership (EDP) was launched by the WCG in 2012 as an independent, membership-based non-profit organisation, to lead, coordinate and drive the Western Cape economic delivery system to achieve greater levels of inclusive growth.

The EDP is championing *One Cape 2040*, a strategy that scopes a shared long-term economic vision and plan for the next 30 years with Western Cape leaders and citizens. By focusing on setting out the long-term regional challenges and transitions; putting the economy and jobs at the centre of development strategies, plans and implementation processes; and planning beyond existing institutional powers, functions and boundaries, *One Cape 2040* aims to add value to local development processes. Furthermore, it aims to enable collaboration between regional stakeholders by setting common goals with measurable objectives around which a common agenda can be crafted.

Its six focus areas, along with each of their aspirational goals are:

Educating Cape	<ul style="list-style-type: none"> • Every person will be appropriately educated for opportunity • Centres of ecological, creative, science and social innovation
Enterprising Cape	<ul style="list-style-type: none"> • Anyone who wants to be economically active is able to work • Entrepreneurial destinations of choice
Green Cape	<ul style="list-style-type: none"> • Water, energy and waste services delivered sustainably • Leader in Green Economy
Connecting Cape	<ul style="list-style-type: none"> • Welcoming, inclusive and integrated communities • Global meeting place and connector with new markets
Living Cape	<ul style="list-style-type: none"> • Liveable, accessible, high-opportunity neighbourhoods & towns • Ranked as one of greatest places to live in world
Leading Cape	<ul style="list-style-type: none"> • Ambitious socially responsible leadership at all levels • World-class institutions

2. Policy Framework

2.1 Policy definition

A policy is a comprehensive and systematic plan, strategy and programme encompassing a set of principles and values to guide, inform and shape actions, decisions and resource allocation based on a vision, yet tailored to prevailing circumstances. Policy is about informing practice, and entails weighing and understanding the costs and benefits of particular considerations and actions. A policy represents the most appropriate rationale for a course of action, chosen by particular decision-makers at a particular time. It is a detailed response to specific challenges or needs as experienced by Government or society. It furthermore describes the responsibilities of various role-players, sets a plan of action and identifies outcomes.

A policy approach refers to reinforcing actions emanating from policy imperatives. For the WCG, this would refer to how the PSP is logically expressed in further policy development, implementation, monitoring and evaluation.

2.2 Policy coherence

The WCG policy approach is intended to strike a balance between meaning, operationalisation and value in attaining common goals based on the province's development experiences, challenges, needs and priorities. At the core of this policy approach is 'policy coherence' which implies the pursuit of policy synergy across a wide spectrum of government departments through an integrated web of policy actions.

Policy intervention in one area is highly likely to influence, and be influenced by, another policy area. For instance, a human settlement policy is bound to have an effect on environmental, transport, education, health and safety policies – and to be informed by exigencies in those areas.

There is an increasing appreciation of the benefits of mutually dependent inclusiveness, growth and integrated, sustainable development opportunities. At the same time, there is the need for improved service delivery through efficiency and effectiveness. Resources should be utilised to increase development prospects in the short and long term.

WCG development interventions cannot be viewed in isolation. Instead, policy coherence should be encouraged by creating a value chain of linkages and mechanisms across different policy areas, as they are expressed in the different PSOs, as well as across spheres of government.

The Cabinet of the WCG adopted eleven Provincial Strategic Objectives (PSOs) and resolved the following:

- Each strategic objective had to be expanded upon to provide a short synopsis of the problem, to identify the blockages and challenges, to propose a plan to overcome those blockages, and link the PSO to the resource availability of departments;
- Departments had to cooperate with one another in the drafting of the strategic objective particularly where achieving the strategic objective overlaps between departments;
- Ministers/Members of the Executive Council (MECs) and Heads of Departments (HODs) had to sign off collectively on the strategic objectives;
- On completion of the strategic objectives, submissions had to be made to Cabinet to obtain Cabinet's final approval and the Premier's sanction;
- The PSP must be the basis for engaging with municipalities and guiding the development of credible Integrated Development Plans (IDPs) as well as growth and development strategies (for districts and the metro);
- All departments must take note of the contents and implications of the strategic objectives to inform their strategic plans, annual performance plans, budgets and relevant strategies and implementation plans; AND
- Each policy which is linked to the strategic objectives must answer to the outcome indicators, outputs and targets set for the PSO.

2.3 Policy and strategy development process

2.3.1 Policy and strategy development: Assessment stage

Policy and strategy can be developed from the top-down based on issue identification by the Executive, as well as bottom-up based on data alerts and concerns highlighted by government officials in the course of their work and/or residents. In other words, whereas it is recognised that policy formulation is largely the domain of the elected representatives, the working environment may throw up issues that require some form of analysis that results in policy options, to be considered by the elected representatives.

As the first step in developing policy and strategy within the WCG, an unambiguous and systematic needs assessment or situation analysis should be undertaken. This should be done in order to determine the nature of the problem/s and extent to which issues or concerns require a policy response.

The needs assessment would form the basis of a discussion paper which is the initial step in policy and strategy formulation. Therefore, it is important to give thought to its contents. Aspects for policy consideration should be explicitly defined and thoroughly explored.

Part of this process is asking some of the following guiding questions in the discussion paper:

- What is the subject?
- What are the objectives?
- What is the scope?
- Who are the beneficiaries?
- Which issues are to be considered?
- What are the problems?
- What are the potential solutions?
- What are the timeframes?
- What are the links to the PSP and PSOs?
- What are the links to other policies?

The discussion paper should also examine and strike a balance between the following aspects central to the policy and strategy development process and determine:

- Who should be consulted in developing the new policy or strategy and the way in which the consultation process would unfold (including other government departments, spheres of government and affected communities and representatives); (See Western Cape Public Participation Policy)
- The resources and institutional arrangements needed to implement the identified objectives; and
- The monitoring and evaluation mechanisms to be put in place to measure the impact of the intended objectives.

2.3.2 Policy and strategy development: Formulation stage

Once a persuasive need for a new policy or strategy has been identified in the discussion paper, a policy or strategy formulation process should start. The processes for either will be similar. A WCG department with an overarching jurisdiction/mandate over the policy or strategy under consideration should take the lead in the entire policy development process, or they can request the Policy and Strategy Unit in the Department of the Premier to take the lead or to provide support.

I. Line policy or strategy

If the policy or strategy to be developed falls under the jurisdiction of one particular department only, a project manager within the lead department should be appointed to oversee the policy/strategy development process. The project manager should establish an intra-departmental task team to aid in this process. Task team members should be carefully selected based on their expertise and ability to provide sound advice. The roles of the task team should be the following:

- a. Formulating a project plan for the development of the new policy/strategy which will deal with the following:
 - Terms of reference;
 - Roles and responsibilities;
 - Inputs and expected outcomes;

- Deliverables and timeframes;
- Human and financial resource requirements;
- Overseeing methodology;
- Internal and external stakeholders and consultation process;
- Coordination and implementation mechanisms;
- Structure and reporting lines; and
- Monitoring and evaluation instruments.

b. Depending on budget, appointing a service provider if there is limited internal WCG capacity to develop the policy/strategy, in line with supply chain management regulations.

c. Developing a comprehensive Service Level Agreement (SLA) or Terms of Reference (TOR) to guide the work of those service providers responsible for developing the new policy/strategy. Before the actual policy/strategy formulation process can begin, the Legal Services Unit should scrutinise and endorse the SLA.

d. Regularly monitoring and reporting on the policy/strategy development process in close collaboration with relevant stakeholders which may entail:

- Arranging meetings and other consultative forums;
- Ensuring that service providers adhere to the stipulations of the SLA or TOR; and
- Providing comments and feedback on the policy/strategy development process.

e. Establishing a reference team consisting of external and internal stakeholders and experts to track, monitor and give input into the process.

II. Transversal policy or strategy

If the policy/strategy to be developed relates to various departments – in other words, if it is transversal in terms of the PSOs -- the lead department or Department of the Premier must appoint a project manager to oversee the policy/strategy development process. The project manager must establish an inter-departmental task team to aid in this process, if a PSO Working Group (WG) does not already exist to perform that function. Task team members should be carefully selected based on their expertise and ability to provide sound advice and practical experience in the relevant field.

The roles of the task team should be the following:

- a. Formulating a project plan for the development of the new policy/strategy which will deal with the following:
 - Terms of reference;
 - Roles and responsibilities;
 - Inputs and expected outcomes;
 - Deliverables and timeframes;
 - Human and financial resource requirements;
 - Overseeing methodology
 - Stakeholders and consultation process;
 - Coordination and implementation mechanisms;

- Structure and reporting lines; and
 - Monitoring and evaluation instruments.
- b. Depending on budget, appointing a service provider if there is limited internal WCG capacity to develop the policy/strategy, in line with supply chain management regulations. Clarify with Legal services and Provincial Treasury whether this is a transversal service provision contract or not.
- c. Developing a comprehensive Service Level Agreement (SLA) or Terms of Reference (TOR) to guide the work of those service providers responsible for developing the new policy/strategy. Before the actual policy formulation process can begin, the Legal Services Unit should scrutinise and endorse the SLA.
- d. Regularly monitoring and reporting on the policy/strategy development process in close collaboration with relevant stakeholders and experts, especially the relevant Working Group if the policy/strategy is transversal in terms of the PSOs. This may entail:
- Arranging meetings and other consultative forums;
 - Ensuring that service providers adhere to the stipulations of the SLA or TOR; and
 - Providing comments and feedback on the policy/strategy development process.
- e. Establishing a reference team comprising external and internal stakeholders to track, monitor and give input into the process, or comprising of Working Group members, if a Working Group already exists. Expertise should be drawn from non-governmental organisations, research or academic institutions or other experts. The role of external members may be advisory.

As the custodian of transversal policy and strategy initiatives within the province, a representative from the Department of the Premier's Policy and Strategy Unit and the Provincial Treasury should be part of the task team. The Policy and Strategy Unit would play the following roles in the process:

- Ensure an integrated and aligned inter-departmental and external policy/strategy development process;
- Ensure policy coherence through coordination;
- Ensure integrated provincial policy service delivery systems and mechanisms; and
- Enhance the performance of the WCG through policy compatibility.

(2) The Premier exercises the executive authority, together with the members of the Executive Council, by:

- (a) Implementing provincial legislation in the province;**
- (b) Implementing all national legislation within the functional areas listed in Schedule 4 and 5 except where the Constitution or an Act of Parliament provides otherwise;**
- (c) Administering in the province, national legislation outside the functional areas listed in Schedules 4 and 5, the administration of which has been assigned to the provincial executive in terms of an Act of Parliament;**
- (d) Developing and implementing provincial policy;**
- (e) Coordinating the functions of the provincial administration and its departments;**
- (f) Preparing and initiating provincial legislation; and**
- (g) Performing any other function assigned to the provincial executive in terms of the Constitution or an Act of Parliament.**

Preliminary preparations would be followed by:

- Policy and strategy drafting;
- Stakeholder's consultation;
- Draft policy and strategy dissemination; and
- Final policy and strategy endorsement.

Guided by the electoral mandate, those responsible for formulating the new policy and strategy should ensure an evidence-based approach and gather relevant information based on identified overall policy objectives. The information gathering process would entail some of the following:

- **Research:** conducting various forms of scientific research to determine facts and trends about a particular subject and the best course of action.
- **Documents:** reviewing documents such as reports, legislation, speeches, departmental strategic plans and policy priorities, taking work done in the past into consideration. International experience may be instructive.
- **Interviews:** conducting personal or telephonic interviews to generate rich insight about the beliefs and opinions of those affected and experts.
- **Discussions:** seminars, conferences, roundtable discussions, public participation opportunities with communities, social partners and experts.

Discussions with various stakeholders in this instance refer to a consultation process. This is one of the most important features which should drive policy and strategy formulation. Far from an information-gathering exercise, this process is about affording people the opportunity to shape policy decisions, in line with the Constitutional requirements. The Public Participation Policy of the WCG must be followed in this regard.

The next steps will be to analyse data and formulate a draft policy/strategy. Critical information should be prioritised. Most importantly, information should be arranged in a systematic way.

The contents of the policy/strategy can be arranged in the following way, and should be no longer than 25 pages in total:

- Cover page:
 - Policy/Strategy title
 - Date of approval
- Acknowledgements
- Executive summary (max 3 pages)
- Definitions
- Acronyms
- Contents
 - Introduction
 - Background
 - Problem statement
 - Purpose
 - Scope
 - Principles
 - Approach
 - Goals and objectives
 - Strategy/Policy
 - Conclusion
- References
- Annexures

2.3.3 Policy and strategy development: finalisation stage

The project leader must present the draft policy/strategy document for comments and approval to the:

- Relevant Working Groups and Steering Groups;
- WCG Provincial Top Management Committee;
- WCG MECs (the responsible MEC of the lead department should ideally present the policy option);
- WCG Cabinet Sector Committees;
- Cabinet; and
- Western Cape Provincial Legislature Committees¹.

Policies and strategies can be categorised in terms of two broad categories:

- Policies and strategies which are adopted by Cabinet.
- Policies which are formally gazetted as White Papers.

Policies that are adopted by Cabinet, must have gone through the prior approval processes listed above, and comments from various bodies must have been incorporated. The final policy or strategy can then be presented to the Western Cape Cabinet, introduced by the lead MEC. The Cabinet will approve it or make suggested changes. The policy or strategy must be accompanied by a formal Cabinet Submission, and a formal resolution will be minuted and signed, upon final approval.

Policies that are formally gazetted must involve the following process:

¹ If they call for hearings, the results must be considered by the drafting team before moving onto the White paper.

- 1) Internal comments and considerations must be incorporated into the draft policy document. This draft is then distributed widely as a Green Paper, which implies a discussion document. The Green Paper provides a generic, yet in-depth and focused discussion of particular policy issues or concerns as agreed by Cabinet. However, it does not commit the WCG to a specific policy direction at this stage.
- 2) The Green Paper should be gazetted for public comment. A detailed Green Paper communication strategy should also be presented to these committees for comments and endorsement. The following media should be used to publicise the Green Paper:
 - Print media – including community newspapers;
 - Radio;
 - Internet; and
 - Targeted public campaigns identifying interested and affected parties.
- 3) The public should be given at least three weeks² for thorough engagement by a wide spectrum of social partners and critical feedback. A closing date for public comments, the name and details of the contact person or department should be indicated. The following template using the WCG brand of 'Better together' should be used for public comments:
 - Policy title;
 - Name of person/organisation;
 - Address and email contact details;
 - Date when comments were submitted;
 - Comments; and
 - Recommendations.
- 4) After the closing date, the stage is set for the formulation of the White Paper, which is a policy document. Unlike the Green Paper, the White Paper represents a formal WCG course of action on particular issues. Key concerns arising from the public comments would be collated and incorporated into the white paper.
- 5) Not all the concerns raised would be accommodated. The policy development task team should therefore balance the public comments against the broader policy imperatives, including the electoral mandate, in formulating the draft White Paper.
- 6) The project leader would then present the draft White Paper to the same internal WCG committees for discussions, comments and endorsement. When the Premier and the MECs, on the advice of the Chief Directorate: Policy and Strategy, Legal Services and Provincial Treasury have accepted and endorsed the draft White Paper, it would be published as a White Paper and become a WCG policy document which should then be tabled in the Legislature.

² The three weeks should not fall in the months of December or January. At least three months should be allocated should December and January fall in the comment period.

2.4 From policy to legislation

Policy should precede legislation. The WCG Policy Development and Review Guidelines must be read together with the Practical Guide to the Legislative Process in the Western Cape Province when developing policy and related legislation. In general, policy is taken through Green Paper (draft policy) to White Paper (final policy) before a Bill is drafted.

The transversal model for the coordination of provincial legislation aims to ensure that all the provincial departments also follow an integrated and coordinated process in respect of the drafting and implementing of provincial legislation by implementing the principles of, and promoting, holistic governance and the key policies and strategies of the WCG.

The legislative process is lengthy and involves a number of procedural steps that must be followed. Provinces may only legislate on matters that are specifically authorised in the Constitution (Section 104). The Practical Guide to the Legislative Process should be consulted for the detailed processes to be followed, but in brief, includes the following steps:

- A Department must be mandated by the relevant Minister and HOD and seek Cabinet's approval before approaching Legal Services to assist with the legislative drafting process;
- Costing of legislation with Provincial Treasury;
- Bills must be internally consulted in Provincial Government before being taken to Cabinet for permission to publish;
- Translation of Draft Bill;
- Obtain Cabinet approval to publish Draft Bill for public comment;
- Redraft test of Draft Bill where necessary;
- Certification of Bill by Legal Services;
- Department to obtain Cabinet's approval to publish Bill for introduction in the WCG Provincial Parliament;
- Publication of Bill by WCG Provincial Parliament;
- Standing Committee consideration of the Bill;
- WCG Provincial Parliament conducts second reading debate of Bill in the House;
- Premier assents to Bill; and
- Publication of Act by Provincial Parliament in three (3) languages and date of the Act coming into effect.

2.5 Policy review, monitoring and evaluation

Policies will need to be reviewed every five years in order to have time to take effect, and at least annually for improvement. Each PSO's Strategic Case, as well as the outcome indicators for the PSOs, and along with the WCG's broader monitoring and evaluation system, must be used to assess impact on a six-monthly or an annual basis.

The definition of policy monitoring and evaluation is as follows:

- Monitoring provides basic information as to whether a policy or strategy is being implemented as planned and whether it is achieving its objectives.
- Evaluation determines policy relevance, including efficiency, effectiveness, impact and sustainability. Evaluation is a time-bound exercise to systematically analyse and assesses performance against the agreed-upon objectives.