

Policy Brief No. 01.10

Who's Taking Care of Our Health?

Oversight of public health resources

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To achieve equitable health services for all, citizens depend on their public representatives and public bodies. Members of Parliament (MPs) and the Controller and Auditor General (CAG) have a key role in ensuring that public funds are used to deliver public services equitably and efficiently.

Sikika has been monitoring the performance of our key watchdogs in relation to oversight of the Ministry of Health and Social Welfare (MoHSW): Parliament, MPs operating in the Social Services Committee and the CAG. In this brief, we look at the duties of the principal watchdogs, consider their effectiveness and suggest ways they could serve us better. We also highlight issues that we think the Social Services Committee should be addressing in light of the release of the CAG's report for 2008-09.

Who are the watchdogs and what do they do?

The CAG, through the National Audit Office (NAO), carries out audits at the central and local government level. It also looks at state-owned companies and agencies. Teams of auditors throughout the country undertake this work. Each year in March, the CAG is required to present his reports on the previous financial year to the President and then to the National Assembly. This timetable was respected for the first time in 2007.

The reports are reviewed by Parliament's three finance committees. They are the Public Accounts Committee, the Local Authorities Accounts Committee and the Public Corporations Accounts Committee. The Paymaster General and Accounting Officers are by law supposed to implement recommendations made by the CAG. This includes making good on losses or deficiencies, disciplinary actions, surcharges, and legal proceedings against persons involved in the misuse or abuse of public funds¹. The Paymaster General is the Permanent Secretary (PS) for the Ministry of Finance and

¹ Article 11.5 of the Public Audit Act 2008.

Economic Affairs (MoFEA). For each other ministry the Accounting Officer is the PS.

Audit reports are prepared for each entity - ministries, local government authorities, agencies and public corporations. Usually, the consolidated reports for Central Government, Local Government and Public Corporations for the previous year are available on the NAO website. They can also be obtained by formal requisition letter to the NAO, as can reports on individual entities. They provide significant information about how our money is managed.

MPs act on our behalf in meetings of the National Assembly and through the work of the Social Services Committee in the case of the MoHSW. One of the most important opportunities for this is the debate in the National Assembly on the MoHSW budget. Another key opportunity is the Social Service Committee's pre-budget meetings with the MoHSW.

All committees are mandated by Parliamentary Standing Orders and Article 63.3 of the Constitution to oversee the ministries, departments and agencies (MDAs) which are under their jurisdiction. It is the mandate of the Social Services Committee to oversee the MoHSW budget. As per Article 63.3 of the Constitution, and on behalf of the National Assembly, the Committee has the mandate to raise issues concerning public affairs directly with the Minister and other officials.

The Social Services Committee can also debate the performance of the ministry and follow up on issues that it raised in previous years. In addition to these basic responsibilities, Article 116 of the Parliamentary Standing Orders allows any committee to be granted additional responsibilities in order to effectively carry out their oversight duties. In the same vein, the Speaker also has the authority to grant additional responsibilities.

In its pre-budget meetings in Dar es Salaam in May, the Social Services Committee is given the opportunity to fulfil its oversight role with regard to the MoHSW. It also receives a preview of the budget to be presented in the National Assembly. It is, however, not

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presented with the ministry's Medium Term Expenditure Framework (MTEF), which provides more detailed budget information and enables MPs to link the budget and expenditures with activities.

In Parliament, MPs have various channels to deal with health-related issues, particularly at budget time. The Chairman of the Social Services Committee presents the Committee's speech to the National Assembly in response to the Minister of Health's budget speech. The Shadow Minister of Health will also respond to the Minister, as will individual MPs. The debate on the budget for the Prime Minister's Office-Regional Administration and Local Government (PMO-RALG) is another opportunity that can be used. Questions can also be addressed to the Prime Minister regularly during the Prime Minister's question time in each session of the National Assembly.

How have the watchdogs performed before?

From April onwards, all MPs and the Social Services Committee in particular will be able to access the CAG's report on the MoHSW. This will give them a picture of how well the ministry is managing resources and whether or not management is improving.

The CAG's report receives a lot of attention, especially in the print media. This is not surprising given the size of the budget figures queried. Consider these findings on the MoHSW from the 2007/08 CAG report:

1. Supporting documents to justify expenditure of over **1.5 billion shillings** for medical treatment abroad were not available to auditors.
2. Unretired imprests amounted to over **400 million shillings**. Over the past ten years unretired imprests with the value of more than 7 billion shillings have been noted by the CAG.
3. Across the ministry, expenditure amounting to over **5.5 billion shillings** was identified as not having basic supporting documents.

According to the Hansard of 29 July 2009, the Chairman of the Social Services Committee did not raise any of these issues in his speech during the budget discussion on the MoHSW. However, the Shadow Minister of Health raised four specific questions regarding the ministry's 2007/08 CAG report. None of these questions were addressed by the Minister and no further follow up was recorded.

In May or June we expect the Minister of Health and Social Welfare to present to the Social Services Committee the ministry's implementation report for 2009/10 and an outline of the budget for 2010/11. It would not be unusual if they are presented with a copy of the budget at most one day before their meeting with the Minister. Nevertheless, this is an opportunity for the Committee to question the Minister and make recommendations.

Next, during the budget debate on the MoHSW in June or July, the Social Services Committee itself, through its Chairman, and the Shadow Minister of Health will get an opportunity to make substantial contributions to the budget debate. Individual MPs also have an opportunity to contribute.

It is, however, important to note that the budget is passed in a parliamentary vote five days after the MoFEA budget speech is tabled, as per Parliamentary Standing Orders (2007) and Article 90.2.b of the Constitution. This means that when sector budgets are discussed in Parliament, the budget has already been passed. This makes the sector committee budget discussion largely a cosmetic formality with little substantive input into the budget that is passed.

What should we expect?

The CAG is only responsible for identifying financial management problems and reporting on them, including the extent of their severity and recommendations for improvement. The Paymaster General of the MoFEA and the Permanent Secretary of the MoHSW are responsible for drawing up action plans for implementation of the CAG's recommendations and findings.

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Within the MoHSW, the Internal Audit Unit and the Audit Committee have the responsibility of monitoring and following up on corrective action to be taken internally. Externally, this responsibility belongs to the parliamentary oversight committees, in this case the Public Accounts Committee (for systemic issues) and the Social Services Committee (for implementation and adherence issues). We therefore request of these oversight bodies that actions be taken to:

- address malpractice;
- ensure the implementation of government commitments to provide better health services;
- improve the use of resources; and
- provide better information to parliamentarians.

Follow-up on the CAG report

1. MPs, and specifically the Social Services Committee, should ask the Minister whether and how the CAG's recommendations from the 2007/08 report were acted upon, who was found to be responsible for any malpractice or mismanagement identified by the CAG and what action was taken to hold them accountable, as per Articles 40 and 11.5 of the Public Audit Act 2008. This should be done in the Committee as well as in the National Assembly.
2. The Social Services Committee should seek a commitment from the Minister that systems and procedures will be changed to guard against malpractice and mismanagement. This means that action should be taken against Accounting Officers and the Paymaster General for any unfulfilled promises or action plans made in the previous year.
3. If action has not been taken, the Social Services Committee should demand time-bound commitments from the Minister.

Specific measurable changes

People and institutions are best held accountable when the issues raised are specific. Not surprisingly, the CAG does a good job of this since auditors deal in specifics. On the other hand, the performance of Parliament in raising detailed questions on the budget has been mixed.

In June 2008, the Social Services Committee raised a number of issues during the budget debate, including questions about free maternal and child health care and the lack of delivery kits. Of the 35 questions they asked, none were quantified. On the other hand, of the 22 issues raised by the official opposition in response to the budget, seven were quantified while two were requests for data.

There was some improvement in 2009 in the Committee's response to the 2009/10 budget estimates. Statistics were presented throughout, which was a welcome development. However, only one specific budget figure from the 2009/10 budget was presented - a figure that arose from analysis carried out by Sikika.

In 2010, we expect the Social Services Committee and MPs to carry out their oversight duties by:

1. Holding the Minister to account for his assurance in 2009 that "Regional Commissioners and Medical Officers had been ordered to ensure that services such as prenatal care for expectant mothers are provided free of charge."
2. Holding the Prime Minister to account for his 2008 commitment to ensure that "strong measures" would be taken against those who violate the policy of free prenatal care for expectant mothers.
3. Addressing these and other issues with specific reference to health commitments made in the 2009/10 budget.

For longer term change, we expect the Social Services Committee to demand the following:

1. Increased funding and human resources for research support to their committee.
2. A timely annual report from the MoHSW showing the amounts of funds received and spent, what the funds were spent on, what the funds were meant to achieve and whether they actually achieved it.
3. Earlier access to the budget estimates and MTEF for the MoHSW.
4. Data and analysis from groups conducting health budget monitoring such as Sikika, and others.

***This brief was prepared and issued by Sikika
(formerly known as Youth Action Volunteers).
Sikika works to ensure government accountability
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