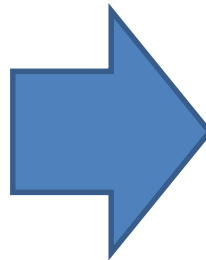


Facilitation for Consideration Approval from Government Agencies Act, 2015 and Service Level Agreement (SLA)

Current Situation

- Numerous laws, regulations, and cabinet resolutions affecting citizens and businesses
- Citizens and businesses need to contact multiple ministries/agencies
- Unclear criteria for consideration (prerequisites and qualifications)
- Unclear documentations requirement
- No service time specified
- Limited access to complete and correct information

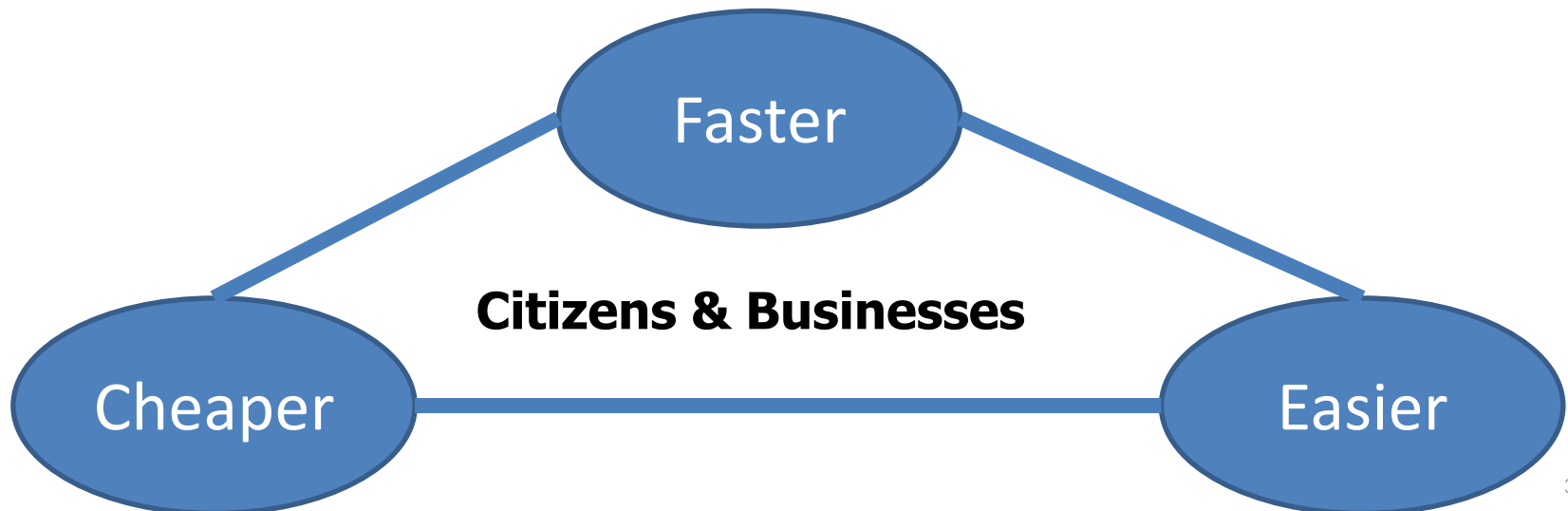


Problems

- Lost productivity – excessive opportunity cost in terms of time and expenses
- Negative impact on national competitiveness – barriers and lack of transparency are disincentives to trade and investment
- Reduce quality of life for citizens

Facilitation for Consideration Approval from Government Agencies Act, 2015 is the remedy. It aims to tackle the problems by strengthening transparency and accountability in every consideration and approval process.

Primary objectives are to make dealings with the government and other public sector agencies:



The driving principles of the law are:

- **Convenient and Modern Channels** - improving access.
- **Clear and Consistent Information** - easy to understand and consistent information made readily available to everyone.
- **Zero Touch** - reduce need to appear in person.
- **Commitment to Service Delivery** - stating consideration time.
- **Clear Decision Making Criteria** - having clear criteria for consideration and publicizing them.
- **Automated Processing** - increase use of ICT system to speedup processing time.
- **Ask for Less** - reduce documentations requirement and not requesting information the public sector already has.
- **One Time Data Request** - can only request additional documents once.
- **Reducing Duplication in Decision Making** - reduce steps in consideration process.

Scope of Coverage

It covers all instances whereby citizens and businesses have to contact the government to obtain approval to do something or must do so to comply with the existing laws and regulations.

These instances are cover *licenses, permits, registrations, renewals, paying taxes, customs procedures, etc.*

The Law has extensive coverage and is applicable to all public sector agencies:

- government departments
- state owned enterprises
- autonomous public organizations
- independent agencies
- local administrative organizations.

Exemptions

- a) Parliament and the cabinet.
- b) Judicial process - court proceedings, investigation, and enforcement.
- c) Criminal penal code proceedings.
- d) Approvals related to laws governing natural resources and the environment. (Note - the Council of State is ruling on scope of exemptions)
- e) Approvals related to national security matters, laws controlling munitions, and laws governing privately owned munitions plants.

Key Stipulations of the law are:

1) Citizen Manual – a binding document

All agencies covered by the law must prepare a manual for every instance it requires contacts by citizens and businesses

a) *Type of Interaction* – approval, registration, issuing license/permits, paying taxes, renewal, etc.

b) *Service Outlets* – service outlets

c) *Criteria for Consideration (eligibility/prerequisites)* - all critical information an applicant needs to know, and is written in easy to understand language, no bureaucratese.

- d) Major Processes** – specifying time (minute/hour/day/month) and responsible units for each process + total time
- e) Documentations** - specifying all required documents
- f) Fee** – stating total fee to be paid
- g) Complaints** – stating all channels for filing a complaint; addresses, phone numbers (such as the Office of the Prime Minister 1111 Hotline), fax, emails, etc.
- h) Forms and Instructions** – providing links for all relevant forms and instructions for their completion.

Several hundred public sector agencies in existence will be required to produce over 5,000 manuals under the law!!!

Examples of Agencies with Their Citizen Manuals

Agencies	Number of Manuals
Board of Investment	48
The Excise Department	10
Department of Fisheries	23
Department of Lands	83
Department of Industrial Works	75
Food and Drug Administration	193
Bangkok Metropolitan Administration	217

2) Accepting the Application (also see section on Punishment)

- Immediate inspection - officer accepting the application is obligated to immediately inspect the documents for completeness and correctness.
- . Additional documents can only be requested once and anything not in citizen manual cannot be requested! Documents to be resubmitted and resubmission date must be agreed to in writing between applicant and official.

3) Reporting Requirement (also see section on Punishment)

In case of delays, the agency must notify the applicant and the Office of the Public Sector Development Commission (OPDC) in writing every 7 days until consideration process is completed. The OPDC analyzes government wide performance and report findings to the cabinet on periodic basis.

4) Punishment

- a) Disciplinary action or charges of dereliction of duty under Thailand's criminal penal code is warranted if the applicant is denied approval based on incomplete or incorrect documentations resulting from negligence or corruption by the officer accepting and inspecting the application.
- b) If authorized officer fails to notify the applicant and the OPDC every 7 days in case of service time violation, the authorized officer is considered guilty of dereliction of duty under Thailand's criminal penal code.

5) Legal and Regulatory Review

- Review relevant laws and delegations every five years to determine if approval is still mandatory, or whether it could be replaced by other measures.
- If necessary, the approving public agency can propose amendments to the relevant law(s), or other measures that would shorten service time.

6) Automatic Renewal

In cases where a permit or license is necessary for businesses to operate unimpeded, the Law empowers the cabinet to declare that acceptance of renewal fees constitutes renewal of said permit or license.

7) Joint Service Centers – to improve service channels

Current Initiatives

- a) Ministry joint service center
- b) Provincial joint service
- c) Sector joint service (e.g. investment, trade, or construction)

These centers are empowered to accept and process applications and disseminate complete and correct information for ministry/province/sector.

Future Initiative

To establish one stop service center able to accept and process applications and provide all necessary information for every ministry and public sector agency in Thailand.

Implementation

The law allows 180 days grace period for preparation.

22 Jan 2015

21 May 2015

21 July 2015



(Number of Days)

120

180

Promulgation

Drafting Manuals

**OPDC
Evaluation &
Adjustments**

**Public
Distribution**

Developing IT System

The Law is supported by a new paperless internet based IT system. The system has four modules or sub-systems:

- Citizen Manual System
- Delay Notification System
- Complaint System
- Process Analysis System

The system allows the OPDC and agencies to analyze performance and identify improvements, while giving citizens and businesses access to complete and correct information and ability to track progress, delays, and file complaints online.

Key Lessons

- **Communications** – creating understanding and facilitate problem solving between OPDC and implementing agencies.
- **Legal Interpretation** – scope of coverage, completeness and correctness of documents, and time stoppage & establishing mechanism to resolve them quickly.
- **IT** – challenges of developing IT system from scratch & working with agencies when IT system is still evolving.
- **Political support** – support at the highest level has been essential in maintaining momentum.

Continuous Improvement – The way forward with Service Level Agreement (SLA)

Initial citizen manuals reflect current practices and service standards. To Improve, we plan to employ the *SLA*.

The SLA is a formal agreement between a service provider and a customer , spelling out the service standards mutually acceptable to both parties. It has three objectives:

- Align customer expectations with the service provider.
- Establish the service targets for the service provider.
- Facilitate monitoring and evaluation to improve services.

SLA Process - there are four major steps.

1) Identifying opportunities for improvement and setting targets for services, examining things such as:

- Time required to provide service
- The number of steps/processes involved
- Quality of outputs and services
- Accessibility of and types of services provided for customers
- Transparency
- Cost

2) Develop new business processes and draft the SLA based on findings of Step 1.

Consultation with customers or their proxies are an integral part of the SLA drafting process to ensure that customers' perspectives are accurately reflected.

3) Implement the SLA.

Implementation is divided into three improvement categories to reflect the improvement plan identified in step one. Corrective measures to cover:

- Process – improving business processes to boost efficiency.
- System – looking at how ICT can be utilized to support and automate new business processes.
- Human – training programs and induce paradigm shift to become more service oriented mindedness.

Examples

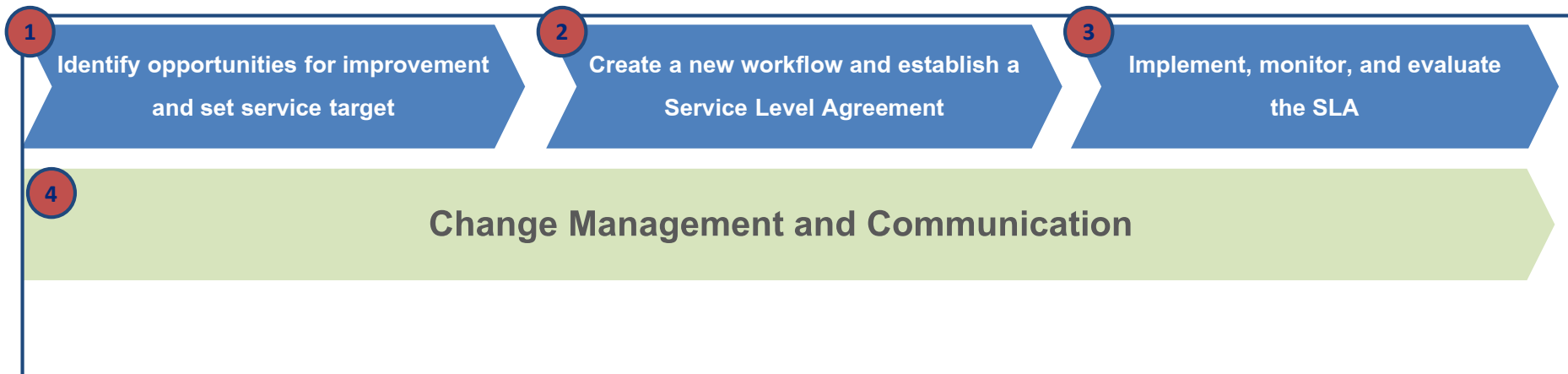
Summary of workflow improvement (33 Workflows)

System Improvement	Process Improvement	Human Improvement
<ul style="list-style-type: none">• Process application• Submit electronic documents• Make appointment• Test• Self-Assessment• Examine documents• Automatic process data• Report suggestion and opinion• Approve• Track progress/status• Online payment• Transfer money to account• Print documents• Link data with other agencies	<ul style="list-style-type: none">• Reduce/Combine duplicate procedure• Decentralization/assign authority to local office• Increase payment channels• Determine exact time frame• Determine clear rules and regulations• Confirm appointment• Increase notification channel• Add-on Advisory procedure• Clear list of supporting documents	<ul style="list-style-type: none">• Educate and train authorities to make a standard examination and consideration• Improve foreign language skill

4) Change management and communications

The final step does not happen in sequence. Rather, change management is an integral part of the entire SLA process, from step one through step three and is undertaken parallel to other activities.

SLA Procedures



Questions and Answers Thank You