



KENYA FILM CLASSIFICATION BOARD

TERMS OF REFERENCE FOR CONDUCTING A SURVEY ON THE BOARD'S FILM AND BROADCAST CONTENT REGULATORY SERVICES

1. INTRODUCTION

The Kenya Film Classification Board (KFCB) is a State Corporation established under the Films and Stage Plays Act Cap 222 Laws of Kenya to regulate the creation, broadcast, distribution and exhibition of film and broadcast content to conform to national aspirations, values, culture and morality. Further, the Kenya Information and Communications Act (KICA) empowers KFCB to impose age restrictions on programs to protect children and minors from exposure to harmful content.

Arising from the Board's Corporate Plan 2020 – 2022 and the need to remain responsive to the needs of its stakeholders and continuously improve service delivery, the Board purposes to conduct an annual study on the film and broadcast content regulatory services to inform policy in a dynamic and ever-changing regulatory environment.

The Board therefore invites suitable consultants to submit proposals to conduct a study on the Board's Film and Broadcast Content Regulatory Services.

2. OBJECTIVE OF THE ASSIGNMENT

The Kenya Film Classification Board's Performance Review Policy calls for periodic independent evaluations of its policies, programs, projects and operations. The results contribute to better informed decision-making, foster an environment of learning by doing and promoting greater accountability for performance.

The successful deployment of the film and broadcast content regulatory services are mission critical to realization of the Board's mandate and have thus been selected for evaluation to identify performance levels, achievements and lessons learned with a view to ascertain results to date for use in determining optimal strategies moving forward.

Value added from this evaluation is expected to be achieved through lessons learned and the development of more efficient and effective service delivery and responsiveness to stakeholder needs.

The purpose of the assignment is to evaluate the relevance, effectiveness, efficiency and impact of the content regulatory services from both an internal and external perspective and document lessons learnt and identify opportunities for improvement in service delivery.

3. SCOPE OF WORK AND INPUTS

In respect of the Film and Broadcast Content Regulatory Services, the consultant(s) will be required to undertake the following:

3.1. RELEVANCE: Evaluate the extent to which the boards intervention logic is still **RELEVANT** and **EFFECTIVE** in:

- i. Protecting Kenyan children from exposure to harmful content.
- ii. Promoting the culture, national values and aspirations of Kenyans as enshrined in Article 10 of the Constitution of Kenya 2010.

In assessing the continued relevance and effectiveness of the boards interventions the consultant will also be required to assess the continued effectiveness of the existing legal, policy and regulatory frameworks towards the achievement of results at the outcome, output and impact levels.

The consultant will also be required to evaluate whether the Board's interventions continue to be consistent with beneficiaries' requirements, country needs, national development priorities and wider stakeholder needs.

Some of the following evaluation questions will be useful in evaluating relevance;

- i. What is the Board's intervention logic?
- ii. In a rapidly changing environment is the logic still relevant?
- iii. Based on a situational analysis, what has since changed in the regulatory environment?
- iv. Have changes in the operating environment changed the Board's ability to achieve intended outcomes?
- v. Should the project intervention logic be adjusted to remain coherent and focused on the problem that the board was established to resolve?
- vi. If so, what can be done at policy, legislative or administrative levels to retain the Board's ability to fulfil its mandate optimally?

3.2. EFFECTIVENESS: Evaluate the extent to which the Board's intervention's objectives were achieved at output and outcome levels, or are expected to be achieved, taking into account their relative importance relative to:

- i. Film Classification
- ii. Enhancing Compliance with the Films and Stage Plays Act Cap 222
- iii. Ensuring film and broadcast content compliance as stipulated in the Kenya Information Communication Act [KICA] provisions.

- iv. Awareness creation and provision of consumer advise on clean media content and online safety among children, youths and parents and other consumers of the film and broadcast content in general.
- v. Monitoring broadcast of film content and programs to ensure content intended for adult audience is not broadcast within the watershed period (5am-10pm).

In determining the outputs from the Board’s interventions, the consultant will also be required to collate and analyze data generated over time arising from the film and broadcast content regulatory services offered to discover useful trends, patterns and information useful to the board for forward-planning, decision-making and policy formulation.

In presenting and visualizing the data; the consultant may propose development of applications, systems or online portals as applicable, cost-effective and practical that show past trends, current situations, upcoming renewals of licenses, expected new licensees or other client projections (for the Board’s film and broadcast content regulatory services) based on predictive analytics.

3.3. EFFICIENCY: Evaluate how efficiently resources/inputs (funds, expertise, human resource, time, etc.) have been converted to results and develop a co-relationship between project costs and results.

The following evaluation questions will be useful in evaluating efficiency;

- i. Has the Board optimized utilization of available resources to achieve its vision and mission?
- ii. Has the Board utilized available resources efficiently to achieve its vision and mission?
- iii. If it has not optimized resource utilization, what have been the challenges or shortcomings?
- iv. What can be done to optimize resource utilization and increase efficiency?

3.4. IMPACT & SUSTAINABILITY: Where practicable; evaluate the positive and negative, primary and secondary long-term effects produced by the board’s intervention, directly or indirectly, intended or unintended.

- i. The following evaluation questions will be useful in evaluating impact and sustainability;
- ii. What have been the long-term changes, intended and unintended – positive & negative resulting from the Board’s interventions?
- iii. Have the changes occasioned by the boards interventions resulted into long-

term knowledge, behavior, attitude and perception [KAPs] changes or other benefits that outlive the period of intervention or the project?

- iv. Has there been long-term and sustainable change in knowledge, attitudes, practices, perceptions, skills and subsequently behavior?

4. METHODOLOGY:

The Consultant will be required to use both qualitative and quantitative research methods as appropriate. This may include but not be limited to; structured interviews, in-depth interviews, questionnaires, key informant interviews and focus groups discussions.

The research methods will take into consideration the current COVID-19 situation in the country and be compliant to all guidelines issued by the Ministry of Health and other G.O.K. Agencies.

These interviews may be done individually or in groups. The sample will include consumers in at least 19 Counties (Nairobi, Machakos, Kiambu, Kajiado, Embu, Nyeri, Meru, Muranga, Nakuru, Bomet, Mombasa, Kilifi, Garissa, Tana River, Uasin gishu, Kakamega, Busia, Kisumu and Kisii Counties) minority groups and marginalized areas as well as those living with disabilities.

The Consultant will derive the sampling frame and size from the entire population of consumers of the Board's services, taking into account the spread of film and broadcast services, ICT services and in appreciation of the existence of County Governments. The Consultant will ensure that there are quality back-checks on data collected.

The sampling standards and guidelines from the Kenya National Bureau of Statistics may be used.

In evaluating the continued relevance, effectiveness, efficiency and impact of the board's film and broadcast content regulatory services to inform policy in a dynamic and ever-changing regulatory environment, the consultant will be required to apply the following methodology.

4.1. DESK REVIEW: Undertake a desk review and internal study of the Board's operations, services, inputs, outputs, performance against targets, challenges and results with a view to making a determination on their continued relevance, effectiveness, efficiency and impact upon achieving the Board's vision and mission relative to the film and broadcast content regulatory services.

4.2. EXTERNAL SURVEY: Undertake an external nationwide survey to evaluate the continued relevance, efficiency and effectiveness of the Board's film and broadcast content regulatory services and the extent to which their outputs and outcomes;

- i. Protect children from exposure to harmful content.

- ii. Promote the Culture, National Values and Aspirations of Kenya as enshrined in Article 10 of the Constitution of Kenya 2010.

The survey aims to determine continued relevance, efficiency and effectiveness levels of the outputs and outcomes of film and broadcast content regulatory services based on the categorization of the Board's external customers.

External customers of the Board include but are not limited to consumers of broadcast content, licensees, Film Agents, Film Industry (Creators and Producers), Film distributors and exhibitors etc.

5. EXPECTED OUTPUTS:

- 5.1.** A determination of whether the Board's current intervention logic is still relevant in a rapidly changing operating environment characterized by Political, Policy, Economic, Social, Technological, Ecological and Legal changes.
- 5.2.** A determination of whether the existing legal, policy and regulatory frameworks are adequate to enable the Board achieve its mission and vision relative to the film and broadcast content regulatory services.
- 5.3.** Proposed solutions on necessary interventions if any, in terms of policy reviews, amendments to existing legal or regulatory frameworks etc. Such interventions could include lobbying and advocacy, strategic partnerships etc.
- 5.4.** A report on how efficiently resources/inputs (funds, expertise, human resource, time, etc.) have been converted to results and develop a co-relationship between project costs and results. The consultant will be required to make suggestions if necessary and applicable, on how improvements in efficiency can be achieved.
- 5.5.** Determine the Board's responsiveness to stakeholder service needs as follows;
 - i. Continued relevance of services to stakeholder needs
 - ii. Speed, quality and availability of the Board's service/product
 - iii. Affordability of the Board's services.
 - iv. Availability of information on services/products, procedures.
 - v. Adherence to the commitments set out in the service charters
 - vi. Accessibility of the Board's services through telephone, internet, information dissemination and physical premises or any other means that increases their accessibility to the consumer.
 - vii. Responsiveness to customer's feedback
 - viii. Any other relevant dimension of service as perceived by the Board's customers.

- ix. To identify critical gaps in the service delivery system and recommend interventions.
- 5.6. A determination of the effectiveness of the intervention logic at output level in terms of achievements of set targets versus actuals.
- 5.7. A determination of the effectiveness of the Boards outputs in achieving planned outcomes.
- 5.8. Identify and document lessons learnt and propose how the lessons can be applied to improve service delivery.
- 5.9. Determine and provide service effectiveness indices from the end-user's perspective on the extent to which;
 - 5.9.1. Children have been protected from harmful content as a result of the Boards interventions.
 - 5.9.2. The extent to which the Board has promoted national values.
- 5.10. Undertake data analysis of data generated over time arising from the Board's film and broadcast content regulatory services offered to discover useful trends, patterns and information useful to the Board for forward-planning, decision-making and policy formulation.

In so doing the following outputs are expected;

- 5.10.1. A summarized visualization of the datasets arising from the Board's film and broadcast content regulatory services offered over time and grouped logically in easily understood formats by volumes per period (Yearly), revenue per period (Yearly), growth / change rates over time and any other parameter as agreed with the Board.
- 5.10.2. A determination of the numerical reach of the board's services to its secondary service recipients by detailing the number of licenses, permits and authorizations issued to Agents, Film Producers, Exhibitors, Advertisers and Distributors [you can add other categories not listed here].
- 5.10.3. An inferential analysis of the data to help the Board draw conclusions from the data and understand quantities, volumes, trends, patterns, associations and how it has performed over time.
- 5.10.4. Using the data analyzed, undertake a predictive analysis showing "what is likely to happen in the future" in terms of future licensing applications, renewals or growth.

- 5.10.5. Where possible and applicable; undertake prescriptive analysis and data interpretation to help the board determine which action to take to improve performance, service delivery or solve a current problem or make business-critical decisions or inform policy formulation.
- 5.10.6. Undertake data visualization using either localized or online tools/ applications to make the data accessible, easy to view, understand, interpret and share as required at different levels of the organization and with stakeholders.
- 5.10.7. The data should be used to visualize and also generate alerts upon achieving targets and milestones and also highlight upcoming events such as upcoming license expirations, renewals, revenue projections etc.

6. DELIVERABLES/ REPORTS

	REPORTS	DUE DATE	DESCRIPTION
1	Inception Report & Survey Instruments	The Consultant shall, within the first week after being formally informed of the award, present an Inception Report	<p>The inception report will contain the following information as required in the Terms of Reference;</p> <ul style="list-style-type: none"> i. Identification of the customers to be surveyed and the service delivery responsibilities of the Board to each ii. Detailed description of the methodology and tools to be used in carrying out the survey including instruments and quality control tools. iii. A detailed time bound work plan for the carrying out of the survey, identifying the team and composition. <p>This report will be in MS word format and the Consultant required to submit 1 soft copy of the Final Inception Report.</p>

2	Progress Reports	Every 1 week	<p>The progress reports, in not less than 500 words, will outline the progress to date and will include the following:</p> <ul style="list-style-type: none"> • The progress report will be based on the work plan • The report will highlight operational details of the project any challenges faced during the period under review <p>The progress reports shall serve as a monitoring tool for the project's implementation. The report shall be submitted in MS Word Format and must be submitted as per agreed timelines via email.</p>
3	Draft Report For Evaluation and Survey	One month after commencement	<p>The draft will include the following but not limited to;</p> <ul style="list-style-type: none"> • The draft report will include but not limited to an Executive Summary, Background, Aims and Objectives, Methodology, Implementation of the project work and the activities, Outcomes, Conclusions and Recommendations <p>The report shall be submitted in Microsoft Word Format and three (3) hard copies and 1 soft copy.</p>

7. QUALIFICATIONS AND EXPERIENCE

The Board is looking for a recognized consulting firm with relevant and demonstrated professional experience in conducting surveys. The consultant should be well versed in design of scientific and approved data collection methodologies and should have a vast experience in areas such as media, consumer rights or market research.

The lead consultant must have at least a relevant degree and at least five (5) years' experience in research and appropriate area of specialization related to the task.

The successful consultant should also have the ability to work in harmony with the staff of the Board in a mutually supportive team approach.

8. WORK DURATION

The consultant is expected to complete all the above tasks in 45 days from the date of commencement.

9. STAFF/PERSONNEL REQUIREMENTS.

The consultant shall be required to provide three (3) key staff with Bachelor's degree in the following (one staff for each discipline):

- a) Economist
- b) Social scientist
- c) One staff with relevant qualification in the film industry.

10. TERMS OF PAYMENT

- i. Twenty (20) percent of the Contract Price shall be paid upon submission of an acceptable inception report.
- ii. Forty (40) percent of the lump-sum amount shall be paid upon submission of draft report.
- iii. Forty (40) percent of the lump-sum amount shall be paid upon submission acceptable final report.