

**DETERMINANTS OF IMPLEMENTATION OF PERFORMANCE  
CONTRACTING IN THE KENYAN JUDICIARY: A CASE OF LAW COURTS IN  
NAIROBI CITY COUNTY, KENYA**

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## DECLARATION

This research project report is my original work and has not been presented for academic purposes in any other university.

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## **DEDICATION**

I dedicate this research project to my mother- Catherine Adikinyi without whose strength and determination to see me through school this would not have been possible. I also dedicate it to my siblings Joab and Collins for their moral support.

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## **ABBREVIATIONS AND ACRONYMS**

<b>CEO</b>	Chief Executive Officer
<b>IC</b>	Intellectual Capital
<b>JTF</b>	Judiciary Transformation Framework
<b>KM</b>	Knowledge Management
<b>NPM</b>	New Performance Management
<b>PC</b>	Performance Contracting
<b>PMMSC</b>	Performance Management and Measurement Steering Committee
<b>PMMU</b>	Performance Management and Measurement Understanding
<b>RBV</b>	Resource Based View
<b>SPSS</b>	Statistical Package for Social Sciences
<b>UK</b>	United Kingdom
<b>USA</b>	United States of America

## **ABSTRACT**

The purpose of this research was to determine the factors influencing the implementation of Performance Contracting in The Judiciary. The research intended to find out how institutional structure, performance measurement, implementer participation and management commitment influence implementation of Performance contracting in The Judiciary. The study used descriptive design. The target populace for this study consisted of 203 judicial officers and staff in law courts within Nairobi City County from whom a sample population 133 was singled out. Primary data was obtained using questionnaires and analysed using Statistical Package for Social Sciences (SPSS Version 22.0) by way of descriptive statistics: Quantitative variables frequencies, percentages, mean score and standard deviation for all the quantitative variables and information presented in form of tables and graphs. The qualitative data from the unstructured questions was analysed using conceptual content analysis. Pearson correlation coefficient was used for deductive analysis; establish the association between the dependent and independent variables. The results are expected to be useful to The Judiciary management and staff in their implementation of performance contracting, as well as other institutions that have adopted use of performance contracts, and academicians in the field. The study concludes that organizational structure influences implementation of performance contracting in The Judiciary. Performance measures like quarterly and annual reviews encourage employees to perform or otherwise get poor results. Performance measurement allowed The Judiciary to identify over ambitious targets and gaps in performance review. Implementer participation programme encourages better manager-employee relations as well as fostering innovation and accountability. The study recommends continuous capacity building of staff on PC as well as development of customised tools per court and department for a fair evaluation.

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background of the Study

The pursuit for development that is sustainable and economic growth that is not only quantitative but reflects in the qualitative life of citizens has seen several countries join in the public sector reform band wagon. Tracking of this economic development has shifted from state declarations to actual assessment of state agencies performance inculcating a culture of government accountability to its citizenry (World Bank, 2004).

Larbi, (2010) argues that performance agreements arise from strategic plans, which are based on strategies and targets. He further indicates that execution of strategy is a way in which organizations plan how to pursue their strategy most effectively. Therefore, performance contracts may be used as a management tool for achieving strategic targets (Setumbi, 2015).

Pearce and Robinson, (2007) argue that strategy execution is largely dependent on the organisation structure of a company. The structure determines the company's schedule of activities and the coordination involved in order to attain the firm's strategic objectives. A structured organisation places staff according to their skills. This enhances efficiency through ensuring maximum output at minimum cost; as well as obtaining customer feedback. Countries and governments across the world face pressure to reform their public sectors.

Performance contracting practitioners started at the United Kingdom (UK), New Zealand, Australia, United States of America (USA) and finally the rest of the world (Setumbi, 2015). The use of PC in the Public service for performance measurement was first instituted in France in the late 1960s and was later applied in Pakistan, Korea and India. Toward the close of the 19<sup>th</sup> century, several countries had applied the PC model in management of public sector agencies (Hope, 2013). Ayee, (2008) argues that the reforms that have been witnessed in the public service from the 1980s to date are greatly due to a change in politics that favoured progressive reforms targeting qualitative well-being of citizenry in addition to quantitative socio-economic growth.

In Africa, the end of colonialism resulted in the massive growth of the public service. Unfortunately employment into the public service was a cookie dangled by those in leadership as reward for loyalty to cronies as well as a means of ensuring key sectors were not manned by foreigners (Setumbi, 2015). This resulted in governments being in a state of perpetual borrowing from multi-lateral lenders in order to fund the ballooning public wage bill relative to Gross domestic product and to meet operational costs (Muathe, & Cheche, 2014). The World Bank and the International Monetary Fund imposed structural adjustment programs for public service reforms on most governments indebted to them hence instigating a wave of reforms in the Public service.

Larbi, (2010) therefore credits the introduction and adoption of performance contracting in several 3<sup>rd</sup> world countries to the World Bank, as its Public Sector reforms focus on cost containment. Swaziland and Gambia enacted policy and implemented PC on Semi-Autonomous state agencies and key state corporations and departments (Mohanani et al. 2016). Ghana through its Civil Service Performance Improvement Programme of 1996, focused on client needs and their views of the program to inform the contents of their performance agreements (Wuepper & Sauer, 2016).

In Kenya, Performance contracting is one of the initiatives of the government of Kenya aimed at performance improvement and enhanced service delivery to members of the public. It has been considered as an alternative to privatization, such that instead of diverting government investment to the private sector, effort should be made through methods which can improve efficiency and effectiveness like performance contracting among others. The government of Kenya has recognized the importance of rendering efficient service to the citizenry (Muathe, & Cheche, 2014). Attempts have been made, since 1980s to ensure that this is achieved. From the year 2003, the Kenyan government instituted performance contracting in order to enhance performance in various ministries and State Corporations.

The principle of performance contracts operates on the basis of social agreements, where parties involved, decide to pursue mutual targets and calls for commitment from either side. The Kenyan government has acknowledged that Public service delivery has been marked by inefficiencies especially in the Judiciary. Prior to the implementation of the constitution in 2012, the Judiciary had lost public confidence. This was compounded by case determination delays resulting in huge instances of case backlog. According to the

Judiciary Transformation Framework (JTF) of 2012, the Judiciary of Kenya is described as a system which had internalized privilege and entitlement, rather than service.

The Judiciary of Kenya obtains its mandate from the Kenya Constitution. It is mandated to administer Justice equitably as well as ensuring that the Constitution is upheld. In order to fulfil this mandate, The Judiciary embarked on a Transformation journey (Judiciary Transformation Framework, 2012-2016).

The Kenyan Judiciary has a history of instituting reforms processes in order to gain public confidence in the judicial system. The Promulgation of the constitution in 2010 heralded the beginning of a conscious deliberate effort by The Judiciary to implement reform processes it had long purposed to undertake. The Judiciary Transformation Framework (JTF) set out Judiciary's strategy for undertaking reforms to be an effective independent arm of government. The strategy targeted a change in the institutions management practices through institutionalisation of performance management and evaluation. The result would be an institution that is results oriented and accountable to Kenyan (JTF-2012-2016).

The Judiciary Blueprint, anchored on the Kenya Constitution is founded upon four pillars: Justice, Transformative leadership, Infrastructure and Information communication and technology (ICT), and targeted at 10 key result areas (KRAs), and has been under implementation since May, 2012 (Judiciary- Corporate Strategic Plan, 2014-2018).

A Performance Contract can be defined as an agreement that is entered into after a series of consultations between two parties for instance the State and a sectoral agency. The agreement details the objectives of the sector, performance targets for measurement and the rewards mechanism for achievement (Trivedi, 2003). Kobia, 2006, states that the agreement is freely entered into by both parties. She further explains that performance contracting places emphasis on outputs rather than processes; it's what gets measured that gets done; and measurement determines that which is seen as success to be rewarded or failure to be corrected.

A Performance Contract can also be defined as what management uses to define expectations and appropriate responsibility for involved parties with the aim of attaining set targets (OECD, 1999). The principle of performance contracts operates on the basis of

social agreements, where parties involved, decide to pursue mutual targets and calls for commitment from either side. The target acts as driving force. The motivating factor is that both parties are aware on how the targets are set and are ready to work to achieve them. Thus, performance contracting is based on mutual agreement and commitment to achieve predetermined targets.

The Honourable Chief Justice Willy Mutunga in his address to the nation after a few months in office described the state of The Judiciary as an institution destined to fail due to the frailty of its structures with highly centralised core of power and authority and almost non-existent accountability (Judiciary Transformation Framework 2012-2016). The above sentiments opined an institution for which reforms were way overdue.

To accelerate public service reform, the Government of Kenya invested in strengthening of government service delivery via financing and a leaner Public service, with better wages for employees. In the Economic Recovery Strategy for Wealth and Employment Creation (2003 – 2007), the government states that “One Key element of the civil service reform strategy and activities that are envisaged for implementation by June 2004 included developing, introducing and institutionalizing performance based management practices in the public service.”

New public management view suggests that performance measurement enhances service delivery. The focus on results oriented performance management is influenced by the unity of purpose of employees in pursuit of a common goal, (Balogun, 2003). In 2013, the Judiciary established a Performance Management and Measurement Steering Committee (PMMSC) tasked with institutionalising performance measurement in the Judiciary (Institutionalising Performance Management and Measurement in The Judiciary, 2015)

During the FY 2014/15, the Judiciary embarked on a process of creating performance standards synchronised with the best international standards for continuous performance improvement in the courts. The culmination of this process was the development and signing of the Performance Management and Measurement Understandings (PMMUs) as a tool of performance management and as a part of the wider strategy of enhancing transparency, accountability to the public and ensuring that the Judiciary delivers justice expeditiously (State of The Judiciary and the Administration of Justice, 2014-15)

The first performance contracts for the Judiciary were negotiated by the PMMSC and various heads of Courts and Directorates and subsequently signed on April, 2015 at a ceremony witnessed by the Honourable Chief Justice of Kenya. The contracts are in their first cycle of implementation; however there have been notable challenges in the implementation of the same. Therefore, this study will endeavour to establish the factors that are critical in the implementation of Performance Contracting in the Judiciary of Kenya.

## **1.2 Statement of Problem**

The lack of ethics and accountability in the Judiciary has hampered effective service delivery to citizens. Institutionalisation of Performance Management being one of the key components in Judiciary transformation was initiated in the financial year 2015/2016. This was done through the adoption of the Performance Management and Measurement Steering Committee report which outlined 10 performance measures. The launch of the report was followed by target setting, negotiation and signing of performance management and measurement understandings (PMMUs).

The PMMUs have now been implemented over the last 12 months. During the implementation, a number of concerns have arisen regarding the implementation process. Some of the challenges include resistance from some courts, lack of sufficient knowledge on setting smart targets, a feeling of non-involvement of all employees in the process and low awareness levels by staff on the entire process and how it cascades to individual employees.

Locally, Mburai, (2008) studied the effects of performance contracts on employees at the Kenya Institute of Education and discovered an improvement in the performance of core activities at the institute due to adoption of performance contracting. However, he noted challenges including training and capacity building on performance as well as provision of requisite resources and incentives. Omar (2012) studied the effects of performance contracting on service delivery at municipal council of Mombasa. The study concluded that shortage of staff, political interference and negative attitude by stake holders, lack of adequate facilities and technical staff was the major sources of challenge. Maina, (2010) studied performance contracting and the implementation challenges in district hospitals in Central Kenya Counties. The study concluded that performance contract is affected by many challenges including poor training on performance contract and government



policies. However from the reviewed literature the scholars did not consider the determinants of implementation of performance contracting specifically in the Judiciary of Kenya. This study therefore attempts to establish some of the factors that affect the implementation of performance contracting in the Judiciary of Kenya.

This study comes in handy to identify the important factors that are critical in implementation of Performance Contracting in the Judiciary through a study of specific law courts within Nairobi City County i.e. the Supreme Court, the Court of Appeal, Milimani Law Courts, Milimani Commercial Court, Kibera and Makadara Law Courts.

### **1.3 Purpose of the Study**

This study sought to determine the factors in implementation of Performance Contracting in the Judiciary.

### **1.4 Objectives of the Study**

This study specifically sought to:

- i. To determine how organizational structure influences implementation of performance contracting in the Judiciary of Kenya.
- ii. To evaluate the influence of performance measurement on implementation of performance contracting in the Judiciary of Kenya.
- iii. To establish the influence of implementer participation on implementation of performance contracting in the Judiciary of Kenya.
- iv. To determine the influence of management commitment on the implementation of Performance Contracting in the Judiciary of Kenya.

### **1.5 Research Questions**

The study sought to address the following research questions:

- i. How does organizational structure influence implementation of performance contracting in the Judiciary of Kenya?
- ii. In what ways does performance measurement influence implementation of performance contracting in the Judiciary of Kenya?

- iii. What is the influence of implementer participation on implementation of performance contracting in the Judiciary of Kenya?
- iv. How does management commitment influence the implementation of performance contracting in the Judiciary of Kenya?

### **1.6 Significance of the Study**

The research results are beneficial to the management staff in the Judiciary, employees and the Judicial Service Commission. The management staff charged with the responsibility of managing and implementation of performance contracts may use the results of the study and recommendations as a pointer to the factors influencing implementation of performance contracts. The management will have a chance to re-evaluate their present performance measurement with respect to performance contracting and in line with the New Performance Management (NPM).

The Judicial service commission will use the findings herein to inform policy in the formulation of effective mechanisms of ensuring that the performance contract concept achieves intended objectives. Additionally, it will ignite a discussion on current status of implementation; what practices are to be sustained and what needs improvement.

The findings of this study will also help employees understand what performance contracting is, factors that influence its implementation and the benefit of implementation to the whole organization.

Finally, academicians in research used the findings from this research to broaden their understanding with respect to performance contracting and use the results of the study to further their research.

### **1.7 Delimitations of the study**

The study focuses on the determinants of implementation of Performance Contracting in the Kenya Judiciary. The study was conducted among the law courts within Nairobi City County: the Supreme Court, the Court of Appeal, Milimani Law Court, Milimani Commercial, Makadara and Kibera Magistrates courts. The population comprised of various cadres of staff: Judges, Magistrates, Directors, and operational staff.

### **1.8 Limitations of the study**

The study suffered under representation since it was carried out among specific courts within Nairobi City County excluding the court Martial, Nairobi Kadhi's Court and Tribunals - out of the two hundred and forty three courts country wide. To eliminate this problem the researcher ensured that the sample was as representative as possible. The researcher did not have any control over the respondents' attitude thus the results of the study were limited to the extent to which the respondents were objective and were willing to provide honest responses.

In addition, the information that the study was seeking was relatively personal and therefore some respondents were reluctant to disclose information that they perceived to be revealing of personal and organisational failures. Respondents were thus assured that all information they provided was confidential. Due to the nature of the work the respondents do they did not have adequate time to respond to the questionnaire and in order to evade a situation where questionnaires were not returned, the same were individually administered by the researcher which as well helped in explanation of aim of the study.

### **1.9 Basic assumptions of the Study**

The respondents were co-operative and made time to fill in the questionnaire objectively and honestly as required. The data given by the respondents was correct and accurate. The study assumed that Judiciary authorities permitted the researcher to administer the questionnaire to the employees. A further assumption was that the composition of the target study group would not change so as not to interfere with the data sample. Finally, the study assumed that during the data collection period the weather would be conducive and therefore the respondents would be readily available.

### **1.10 Definitions of Significant Terms Used in the Study**

**Implementer Participation:** refers to employees putting into practice that which is contained in the contracts in order to achieve set targets.

**Implementation:** Refers to Negotiation, Target setting, Signing, Monitoring and Evaluation of the contracts.

**Management Commitment:** refers to responsibility the leadership takes in the implementation process of performance understandings in The Judiciary.

**Organisational structure:** refers to how an organisation attains its objectives through its set up in terms of role distribution, coordination and management.

**Performance Management and Measurement Understanding (PMMU):** a freely negotiated agreement between heads of court stations, Registrars, Directorates (1<sup>st</sup> party) and the Resident/ Presiding Judges and the Chief registrar of The Judiciary (2<sup>nd</sup> party) for delivery of outputs with specific interventions by the institutions accounting officer in facilitating the same.

**Performance Management and Measurement Steering Committee (PMMSC):** the committee appointed by the honourable Chief Justice and president of the Supreme court of Kenya to spearhead the institutionalisation of Performance Management in The Judiciary.

**Performance Measurement:** refers to identification of outcomes of an individual or firm with reference to set goals.

### **1.11 Organization of the study**

This study has been organized into five chapters; Chapter one provides the background of Performance Contracting, research problem, research objectives, research questions and hypothesis, significance of the study, scope, assumption of the study definitions of significant terms and the limitations that was encountered in the course of the study.

Chapter two presents literature review on the investigation of the determinants of implementation of Performance Contracting and a conceptual framework. Chapter three focuses on the methodology which explains and describes the methods and procedures which was used in conducting the study.

In chapter four the data is analysed and interpreted using descriptive findings, inferential statistics and hypothesis tests as per the objectives. Chapter five provides a summary of findings, discussions, conclusion and recommendations for policy action.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

Several public service agencies in Africa face a number of challenges that hamper service delivery capabilities ranging from human resource factors relating to bloated staff establishment, excessive regulatory controls, constant political interference, and lack of proper management, poor attitudes and scarce financial resources (Ayee, 2012). This chapter presents previous studies that have been done and theories advanced in human resource management more so related to performance contracting. It is meant to form a framework within which the research findings are interpreted. Its conceptual and empirical review provides the literature necessary to show the reader how the study supplements the work that has already been done on the topic. The chapter is hence broken down into empirical review; theoretical review, conceptual framework and summary of the chapter.

#### 2.2 Performance contracting

David Norton & Robert S. Kaplan, 1992, Harvard Business Review came up with the concept of the Balance Score card which is credited for the introduction of performance management and measurement as we currently know it. The two wrote an article in the Harvard Business Review about the role of qualitative aspects of organisation management in value creation. The two insist that measurement is imperative for managers in order to improve the management of an organisation's intangible assets. This therefore called for the integration of measurement of intangible assets into organisation management systems.

David Norton and Robert S. Kaplan, (1992) found that the concept of management by objectives elaborated by Peter Drucker, seen as the father of management, 1954 was simply a bureaucratic exercise that did not clearly describe nor communicate top-level strategy to middle- level managers and front-line employees in a manner they could understand and internalize.

According to David Norton and Robert S. Kaplan, (1992) the balance score card is founded on four parameters: Financial metrics, Customer Focus, Internal Business Processes and Learning and Growth. Financial metrics focuses on the profit generation

ability of an organisation. In an institution like the Judiciary, tax-payers money and donor funds are what pay for projects and human resource, hence they are accountable on the expenditure of these funds and their services ought to provide value for money. Customer focus is representative of the impression customers have of the institution. The Judiciary customers need to perceive it as an independent institution of excellence in the delivery of justice to all as per its vision. This it will achieve through internal business processes focusing on what it will do to expedite delivery of justice.

## **2.2 Implementation of performance contracting**

Implementation of performance contracting is dependent on an organisations definition of success, selection of performance measures, collaboration with providers, assurance of capacity in providers, staff and contractor training, and internal management systems (Nthuku, Obino and Wangoki, 2014). They further opine that system inefficiencies should guide the drawing of contracts; as well as stakeholder involvement in the planning process. The performance indicators should be measurable, fair and reliable, and have a defined baseline before setting expected performance targets. There should be adequate training on processes and procedures prior to implementation of performance contracting.

Politics plays a significant role in public service reform. Balogun, (2003) opines that performance management in the public service is tied to internal conflict anticipation and management. The politics and management system of an organisation as well as the regulations concerning conflict should be analysed to determine their impact on performance.

Saxena, (2011) recognized lessons from Singapore which developing countries would do well to apply. She emphasised the importance of integrity and measures against corruption further enhanced by offering competitive salaries in public service; adoption of merit in the recruitment of talented staff; a results oriented institution which bases remuneration and job advancement on personnel outputs and innovation and policy initiatives. She further identified specific institutional reforms which include Boards and Public Sector corporations operating in autonomy while under the regulatory oversight and policy direction of central agencies; incentivising performance management through the rewarding of individuals and; encouraging continuous innovation; and leadership by example.

Performance contracting in the Kenya public service was implemented where 468 government agencies signed performance contracts between July and December, 2010 (GOK, 2012). The government made findings that the use of automation made the evaluation process more efficient; there was need for sensitization of all stakeholders on what the negotiation and evaluation process entails prior to undertaking of the exercise in order to ensure a common understanding, interpretation and application of the guidelines. Further, implementation of the contracts should be monitored quarterly and feedback provided if the process is to succeed. The entire process should be documented in order to capture successes and challenges; the same will inform future approaches to the implementation of indicators.

### **2.3 Organizational Structure and Implementation of Performance Contracting**

According to Larbi, (2006) implementation of specific reforms is dependent upon broader governance environment. Organizational structure is viewed as consisting of two main dimensions: the work division which distributes activities and tasks; and the coordination mechanism which include formalisation and standardisation (Meijaard, Brand, & Mosselman, 2015). As a matter of contingency, environment, technology, size, strategy, and owner or manager objectives pose a bearing on structure and performance of organizations.

The configuration of an organization is therefore fundamental to the coordination of performance contracting as it is cascaded from the highest point. According to Terziovski, (2010) leadership occurs when an individual can influence others to voluntarily perform their work roles beyond the minimum requirements.

Organizational leadership includes accountability for setting direction and winning the collaborative support of all employees collectively to work effectively. Good leadership evokes the warm and gratifying prospect of being part of a team, or organization, or nation. The effective leader is one whose style of leadership is appropriate to a specific situation in operation (Lin & Lee, 2011). Strategic leadership hence becomes indispensable for implementation of a strategy. Many organizations implement a performance management system that emphasises on evaluation and judgment rather than strengthening the process through coaching and supporting staff to help them perform at advanced levels.

According to Drucker, (1954) an organisation is propelled by its manager. He opines that management shows the belief that economic change can be the driving force behind human betterment and social justice. Balogun, (2004) further reiterates the need for a united leadership in an organisation to dispel tension that is often brought about by diversity among employees. Arbitrary behaviour by managers aggravates friction within a group and further stokes resentment.

Several studies have been undertaken on how organizational structure influences organizational performance. Maurice, (2011) found that organisational performance is influenced by structure, environment, strategy and performance measurement systems. Separately, Hao, Kasper and Muehlbacher, (2012) found that innovation and learning influenced the relationship between organisational structure and performance when they surveyed 90 and 71 Austrian and Chinese companies respectively.

Levent and Mehmet, (2014) studied the influence of organizational structure on implementation of performance contracts and performance. The study indicated that an organisation with a centralised authority and decision making set up negatively influenced performance as it had demotivated employees. Therefore, organizational structure is seen to influence the success of implementation of performance contracts.

#### **2.4 Performance measurement and Implementation of Performance Contracting**

Performance measurement refers to the way in which a company measures how it is meeting its targeted goals. The process is phased from stating objectives, choosing indicators, negotiation and target setting, performance monitoring and evaluation of results based on set targets. Unfortunately, practical measurement of output is done sans description of objectives or targets. Different governments have unique approaches to performance measurement; some keen on accountability use performance targets as a measure of performance yet emphasis on targets alone may result in dysfunction; other governments focus on management improvement where emphasis is on the steady improvement in performance of organisations. (OECD, 2000)

Armstrong, (2006) defines Performance measurement as an organisations means of identifying achievements and shortfalls so as to give feedback. Dooren and Thijs, (2010) argue that performance measurement should provide data that influences policy. Letsoalo, (2007) argues that performance measurement enhances individual and organisation



performance. Kariuki, (2011) argues that the success of Performance measurement is dependent upon ownership across all levels and that the process does not always lead to positive consequences.

Performance measurement therefore focuses on practical implementation of targets. Dooren and Thijs, (2010) also argued that it is imperative for every organization to create PC suitable to its own needs. This will in turn help determine the approach an organisation is to adopt, provide guidance to staff on what performance management activities they are expected to carry out.

Schein, (2004) argues that performance goals can only be met where the implementing unit has consensus on the means to use to achieve the set goals. Even with ambiguous goals, there must be agreement on the organisation structure, designing, financing, building, and selling of the products or services. The pattern of these agreements will determine: the style of the organization, the basic design of tasks, and the division of labour, accountability and reporting structure in addition to the incentives, control and information systems.

In the Judiciary, the contracts are signed by various implementing units on the assumption that necessary resources will be provided by the Judiciary's Chief financing officer i.e. the Chief Registrar of the Judiciary, hence the financial environment in its indicators is not reflected adequately. Timely, credible and relevant information is a prerequisite for a results-oriented approach to development. Therefore governments need to instil performance feedback mechanisms complementary to the budget, human resource and audit systems. (World Bank, 2004)

The performance management sequence consists of the following activities: corporate strategies; Business plans; Role definition; performance agreement; personal development plan; action; continuous monitoring of performance management, performance reviews, evaluation, scoring and reporting. Balance scorecard could be employed as a measurement instrument for organizations that intended to measure their performance and whether or not performance targets were achieved or not. The concept of the balanced scorecard required managers to look at the business through the clients view, internal process, improvement and learning, and financial (shareholders) views. This approach was originally conceived by Kaplan and Norton (2011) as a means of measuring organizational performance. The need to align individual and corporate objectives had led

some organizations to adopt an integrated approach to performance measurement and review, using the balanced scorecard headings and criteria as the framework for individual performance, and motivation.

A relatively new and useful tool in use is the results framework which displays graphically the strategies needed to achieve a development objective departmentally or section-wise. (OECD, 2000)

Pippa, (2014) said that the people at the top and those at the bottom perceived organizations in different ways and that both perceptions are valid for the different sets of people. This implies that there is no universal model that satisfies all aspects. McCarthy, (2013) supported the argument by stating that performance contracts were intended to evaluate individual employees, then departments and finally the entire organisation.

This was further facilitated through management by objectives (MBO) system of management where results expected of each department or section or individual would be established and quantified or measured at designated intervals in order to establish any deviations from the expectations/objectives in order to take necessary corrective actions. Performance as per the objectives right from the bottom level would guarantee to some meaningful degree of confidence that the objectives (results) expected up through the hierarchy would be achieved.

In the event that anomalies occur, then failure right from the bottom to the top would be the same. Letangule & Letting, (2012) stated that for measurement to be credible it must state clearly the organisation goals and individuals role in achieving them; it should show clearly and well defined differentiated reward programme. Kaplan and Norton, (2011) added that the measuring tool must state clear and realistic targets, the targets must be communicated in advance through consultations between the employee and his immediate manager, and there should also be a window for reviewing the targets to adapt with the changes in the operating environment.

Murray Petrie, OECD, (2002), states that the public sector harbours a complex relationship between outputs and outcomes as neither may be readily observable. This is attributable to the fact that most factors that influence outcomes may be beyond the agency's control. There is a difficulty in specifying and measuring performance and the contract approach of PC should be carefully approached.

## **2.5 Implementer participation and Implementation of Performance Contracting**

The commitment of top management determines success of PC implementation. The expectancy theory infers that employee commitment to the organisation's goals is largely dependent upon the expectation that in so doing he/she will get a favourable outcome and will be rewarded. Muthaura, (2010) explains that unless employees identify and are motivated by perceived gains from a process, they oppose change. This therefore implies that staff commitment depends on perception of what they stand to gain from PC implementation.

Muturi, (2013) in his research on factors affecting implementation of performance contract in National Social Security Fund found that implementation had not been fully done due to poor resource allocation. Performance contracts have not been keenly adopted and it is for this reason that most employees don't take them with a lot of weight. Wambui, (2012) on the other hand gives a different view on resource allocation. In her research, she attributes success of any implementation plan to financial resource availability.

This in the view of the researcher might not be always true because financial resources without other resources like Human, environment, equipment and tools might not yield a lot in terms of output. Kaplan and Norton, (2011) noted that employee performance is pegged on provision of requisite tools which are up to standard. Okunishi, Tanaka, Tian and Bai, (2015) further stated that team effort rather than individualism should be encouraged and included in the balance score card. Poor implementation of PC results on the focus being on possible monetary gains by employees rather than the wholesome approaches it entails.

The Judges, magistrates, staff and litigants perception of Performance Contracting has an effect on its implementation in the Judiciary. As Balogun, (2004) indicates; all stakeholders tend to have individual, environmental and organisational attitudes, insecurities and fears which in turn determine the direction performance takes.

Buytendijk, (2009) avers that optimal performance is reliant on people collaboration by choice and not imposition or force. A study on relationship between employee productivity and participation in target setting by Kinanga and Partoip, (2013) revealed

that target setting led to improved employee performance. These findings confirmed findings by Kobia and Mohammed, (2006).

Letangule and Letting, (2012) in a study on implementation of PC at the Ministry of Education in Kenya found integration of PC and departmental work plans established that performance contracting affected efficiency, consistency, service quality, and employee creativity at the ministry of education to a great extent. Kariuki, (2011) in a study at Maua Municipal Council found 59% of employees participated in PC. Gatere, Keraro and Gakure, (2013) established that individual employee contracts were inter-linked with departmental work-plans and overall institutional targets. These findings indicate a great extent of PC cascading to lower cadre levels.

The Judiciary has various stakeholders to satisfy in its mandate of justice dispensation including but not limited to the legal fraternity, Prison's department, Office of the DPP, the Police, Parliament, litigants and the general public. In addition to try and meet expectations of the various stakeholders, the employees also have to meet internal expectations as per the contract stipulations. As Murray notes the public sector is faced with the dilemma of multiple principals as well as objectives. This situation may result in an agency being pulled in different directions in an attempt to satisfy competing stakeholders and/or having different aspects of agency operations being run by different principals. (OECD Journal on budgeting, 2002)

Stakeholder involvement in target setting is crucial in ensuring accountability and transparency. Kosgei, *et al.*, (2013 A study on PC in Nairobi City County by Nzuve and Njeru, (2013) determined that 82% of employees believed there was no active stakeholder involvement in performance contracting. These findings aver to the fact that employee and stakeholder involvement in target setting is imperative for ownership creation and by extension, commitment. There is however a gap with regard to stakeholder involvement impact in PC.

## **2.6 Management Commitment and Implementation of Performance Contracting**

Management commitment to the strategic direction of an organisation is crucial for strategy implementation. Top management loyalty to the implementation process gives a positive signal to employees. For the full implementation of strategy, top management

must ensure a uniform perception of the strategy, its implementation and rationale across all cadres through constant sensitisation and reminders on the same (Setumbi, 2015).

Kenyan agencies PC arrangement involves annual cyclic negotiation and evaluation by independent professionals as per international best practice. A key weakness of this approach is differing teams of negotiation to those of evaluation. This results in misplacement of the rationale behind targets set plus lost time taken in understanding the agency before target setting. (Muathe & Cheche, 2014). This is similar to the case in The Judiciary since the PMMSC teams that negotiate and set targets with the various courts are not the same that evaluate them. Additionally, some of the PMMSC members and its secretariat head PC implementing units and, therefore might give a perception of conflict of interest (Wuepper & Sauer, 2016).

According to Obong'o, (2009) the demand for results from public agencies has increased and requires willing public servants to commit beforehand on the deliverables, to take responsibility for system failures and accept praise for meeting targets. Ayee, (2012), states that senior managers' influential power in an organisation can aid innovation and implementation of projects within the organisation. Management support for PC is demonstrated through strategic plans and full implementation of the action plans (Eckel, Green, Hill & Mallon, 2015).

The success of new initiatives in an organisation is tied to support from management. Top management support is what encourages innovation and their commitment informs adoption and implementation of the same. Management policy dictates levels of employee empowerment and participation through sensitisation and training, institution of an incentive scheme to inform employee behaviour and the encouragement of team work. This in turn benefits PC. Support should be from all quarters of management including middle-level managers and departmental heads to encourage cross-departmental cooperation and to synchronise practices (Bashir, 2012).

Schein, (2010) infers that top management demonstrates ineffectiveness when they bypass middle level managers and get information directly from junior officers and give directives to them, resulting in a communication breakdown along the chain of command of implementing units. This results in avoidance of conflict and value adding discussions.

Okunishi, Tanaka, Tian and Bai, (2015) state that in adoption of PC, management fails to make necessary trade-offs and instead end up creating vague strategic objectives lacking in direction for adoption or formulation of sound process.

Terziovski, (2010), mentions that middle level managers play a pivotal role along communication chain and in giving direction towards the achievement of organisation goals. In addition to an organisations adoption controls especially budget wise, Maurice, (2011), identifies three other types of control i.e. results/output control, action/behavioural control and personnel/cultural control.

Hao, Kasper and Muehlbacher, (2012) recognised that support of senior management determines the probability of change in an organisations processes through decision making. Improved decision making for management of strategy is crucial in a project. Senior management support is imperative for mitigation of strategy. Without management support, the success of any initiative in an organisation precariously hangs in the balance. It is senior management that decides the organisations mission, objectives and strategies for implementation of PC activities (Setumbi, 2015).

Strategic decisions are the root of sub-decisions that must be carefully managed (Meijaard, Brand, & Mosselman, 2015). Middle level managers are held accountable for institution of these decisions and their medium/short term execution for a favourable output. A lack of management commitment can thus hamper the identification, adoption and execution of strategy. Wong further reiterates that the best implementers of decisions are those who commit themselves as they are aware of the expected outcomes.

## **2.7 Theoretical Framework**

This study is anchored on resource-based view theory, stakeholder theory, McGregor's theory X and Y and socio-technical theory.

### **2.7.1 Resource-Based View Theory**

The theory generally implies that an organisations capability in assembly; integration and deployment of valued resources determines its performance as well as the business routines and processes (Dsouza & Paquette, 2011). These capabilities according to Chen, Wang and Lin, (2011) are classified such that specialised roles are integrated into functional roles for instance marketing, manufacturing and IT capabilities which will

further be integrated into cross-functional roles such as customer support and product development, etc.

Payal and Debnath, (2015), explain that the basis of Resource Based theory is the construct of total organisation abilities from financial muscle to human resources. RBV places emphasis on the utility of resources and capabilities by an organisation in order to have a competitive advantage for value creation and achievement of organizational effectiveness. In order to achieve organizational effectiveness the firm must allocate its resources and capabilities wisely against competing needs as a result of changing business environment. RBV depicts an organisation as the sum total of all its resources (human, capital, physical for conception and implementation of strategy) and capabilities suited for market competition (Kianto, Ritala, Spender & Vanhala, 2014).

Management of knowledge refers to the ability and capacity of an organisation to provide important knowledge when needed. RBV theory implies that a value creating organisation performs well when it implements strategies using its internal resources and capabilities. Modern strategic management leans towards the deployment of Intellectual Capital (IC) in an organisation (Inkinen, Kianto & Vanhala, 2015).

Intellectual capital is an organisations most significant strategic resource. Knowledge management i.e. acquisition, conversion and application of knowledge were used to increase and manage social capital, improve organisation performance and maintain a competitive advantage in the market (Grant, 2010). RBV perceives an organisation as a system of knowledge with knowledgeable employees whose work is coordinated to add value to the organisation and create knowledge (Spender, 2011). The absorptive capacity of a company is determined by its ability to utilise knowledge management in its acquisition and application of new information, while still making use of existing knowledge by adding value to the Social Capital while retaining its competitive edge. This theory is therefore relevant in determining whether resource allocation influences implementation of performance contracting.

### **2.7.2 Stakeholder Theory**

The stakeholder theory according to Oghifo, 2011, is built from the fields of economics, sociology, politics and ethics; concentrating on systems theory, organisation theory, corporate planning and corporate social responsibility literature. Freeman, (1984) is

credited with founding the stakeholder theory, defines stakeholder group formation through shared interests. Freedman explained the link between a firm and its behaviour within its external environment. According to this model, the firm is at the centre having dyadic relationships with various stakeholders. These relationships are mutually independent (Wagner, Alves & Raposo, 2011).

According to Savage, (2010) stakeholder theory is premised on the relationship a firm enters to with interested parties that are affected or affect the firm. Thus the theory focuses on these relationships looking at the processes and outputs for the firm and for the stakeholders, their specific and unique interests.

According to Atkinson et al., (1997) stakeholder theory provides an alternative means of performance measurement of an organisation. Stakeholders are defined as the internal and external publics of an organisation that have a stake in the organisation and/or can influence its performance. The theory divides organisations stakeholders into five groups: shareholders, customers, communities, employees and suppliers. The shareholders, customers and community define the performance standards expected of the organisation while the suppliers and work hand in hand with the organisation to meet the external performance standards to satisfy the afore-mentioned.

The theory elaborates how a firm's decision making is influenced by stakeholder needs. Management therefore is tasked with understanding the various needs of its stakeholders and balancing out their interests. Baldwin, (2012) therefore defines the concept as an organisation's tool for identifying and analysing stakeholder characteristics being influenced by organisational behaviour. Thus, for any procurement process to be effectively implemented, an organisation should consider the interest of its surrounding knowing that the success of its procurement activities is dependent on the interest of other involved stockholders. Therefore, agreement is a three-step process involving stakeholder identification, needs and interests' analysis and interpretation and building of relationships founded on the organisations objectives. The theory is therefore important in determining stakeholder and implementer influence on implementation of performance contracting in The Judiciary.



### **2.7.3 McGregor's Theory X and Y**

McGregor, 1960 developed this theory to explain managers perception of subordinates. It is based on several assumptions on individuals and work, (Mullins, 2010). McGregor calls these assumptions Theory X which implies that people value security hence prefer taking directions as opposed to responsibility. Managers who adopt this theory lean towards control and supervision of employees.

The basic assumptions of Theory Y are the people's ability to self-direct and be innovative when properly motivated (Arogundade, 2015). The motivation may include proper work environment, incentives, an alignment of both individual and organisation goals, etc. Stewart, (2009) explained Theory X implies that the average employee can only deliver under strict supervision and fear of sanctions for non-performance. On the other hand Theory Y perceives employees as ambitious and willing to grow and take responsibility and therefore the best way to manage them is minimum supervision; through delegation of responsibility and accountability. This theory therefore advocates for employee encouragement on performance improvement leading to their retention.

The theory is therefore relevant in determining the influence of management commitment and implementer participation on implementation of performance contracting in The Judiciary.

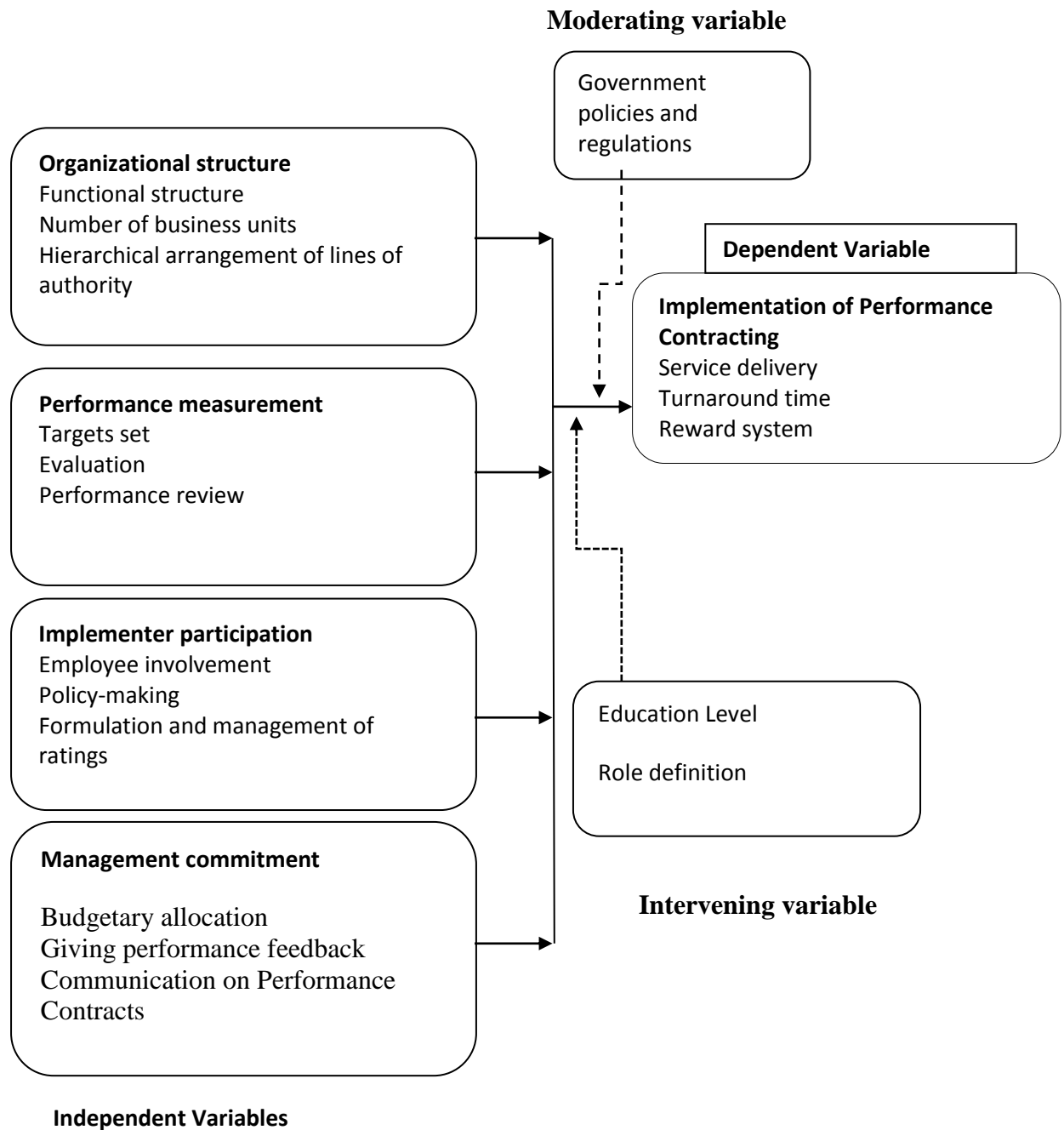
### **2.7.4 Socio-Technical Theory**

Boston and Heinen, (1977) are credited with this theory which assumes that an organisation and/or its work system is a social-technical perspective. The perspective identifies facilitating systems as being independent but correlated. According to Sele, (2012), socio-technical thinking is often supported by conflicting set of values: A belief in the prominence of human principles and management values. Human principles will focus on the quality of working environment and employee job satisfaction to add value to the organisation.

Socio-technical principles are tools for achievement of economic objectives. Human principles are valuable for enhanced employee performance that leads to achievement of economic goals. Conversation between Trade unions and employers are usually targeted at embrace of humanistic principles. (Matos & Miguel, 2013). Alexy & Reitzig, (2012) elaborated the theory thus: a social system dealing with structures of authority, people

attributes and relationships and reward systems; and a technical system concerned with processes, tasks, and technology. This study identifies the composition of the Social system as the organisational structure, culture and people, while the technical system is represented by Information Technology. The theory therefore helps determine the influence of organisation structure, performance measurement implementer participation and management commitment on implementation of performance contracting in The Judiciary.

## 2.8 Conceptual Framework



**Figure 1 Conceptual Framework**

### 2.8.1 Summary and Knowledge Gap

The research observed gaps as shown in the table below.

**Table 0.1: Summary and Knowledge Gap**

VARIABLES	AUTHOR & YEAR	FINDINGS	KNOWLEDGE GAP
Organisational Structure	Levent & Mehmet, 2014 Maurice, 2011 Larbi, 2006	Decision making in an organisation influences implementation of performance contracting	How decision making in the Judiciary of Kenya impacts implementation of PC.
Implementer Participation	Nzuve and Njeru, 2013 Maina, 2010 Balogun, 2003	Found that employees and stakeholders played a critical role in implementation of performance contracting	How Judiciary of Kenya employees participate in the implementation of PC
Performance Measurement	GOK, 2012 Kariuki, 2011	Found that continuous monitoring influenced implementation of performance contracting	Monitoring of PC in the Judiciary of Kenya
Management Commitment	Gakure, 2013 Muturi, 2008 Gakuru, 2009	Resource allocation and management willingness influenced implementation of performance contracting	Judiciary of Kenya management role in PC implementation

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter presents the methodology that was adopted in the operationalization of the study and achievement of the objectives. This section highlights the procedures used in data collection: the research design, target population, sampling, data collection instruments, pilot testing of the reliability and validity of the instruments, data processing and analysis, ethical considerations and finally operationalisation of variables.

#### **3.2 Research Design**

This study used descriptive survey design. Creswell, (2012), describes research design as the structure for data collection and analysis in an objective way and procedural economy. According to Babbie, (2010) descriptive research is used to find out present conditions of a phenomenon to explain what occurs within specific parameters. Descriptive research process involves data collection in situ (Creswell, 2012). This study considers this design appropriate since it contributes towards minimizing bias and maximizes data reliability.

#### **3.3 Target Population**

Saunders, Lewis and Thornhill, (2009) define a population as the total collection of elements from which we can infer in this instance being 832 judicial officers and staff in specific courts within Nairobi City County according to Judiciary Case Audit and Institutional Capacity Survey, Volume 1 (August, 2014).

**Table 0.1: Target Population**

	<b>Frequency</b>	<b>Percentage</b>
Supreme Court	56	7%
Nairobi Court of Appeal	10	1%
<a href="#">Milimani Law Courts<sup>1</sup></a>	529	64%
Milimani Commercial Magistrate Court	113	14%
Makadara Magistrate Court	57	7%
Kibera Magistrate Court	67	8%
<b>Total</b>	<b>832</b>	<b>100%</b>

Source: Judiciary Case Audit & Institutional Capacity Survey, Volume I August, 2014

### 3.4 Sample Size and Sampling Procedure

Sampling is the process of choosing a fraction of people from whom data is collected in a study and the findings are an inference of the larger group represented by the selection (Kumar, 2005). This study has a sample population of 549 which was as a result of a calculation using Kothari, (2004) formula; confidence level at 95% and an error of 0.05.

$$n = \frac{z^2 \cdot N \cdot \hat{p}^2}{(N - 1)e^2 + z^2 \hat{p}^2}$$

Where

n = Sample size

N = Total population

e = Margin of error

$\hat{p}$  = Standard deviation; applying 0.5 as it is unknown

Z = Variance of 1.96 at 95% confidence level.

Respondents were selected using Stratified random sampling since the technique is unbiased as it groups heterogeneous population into homogenous subsets from which

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<sup>1</sup> Milimani Law Courts houses the High Court, Environment and Land Court, Employment and Labor Relations Court and the Chief Magistrates Court.

individuals are selected to ensure representativeness of the entire population (Garg & Kothari, 2014). Stratified random technique is representative as it divides the population into homogenous strata (Saunders, *et al.*, 2009).

**Table 0.2: Sample size**

	Frequency	Ratio	Sample size
Supreme Court	56	0.66	37
Nairobi Court of Appeal	10	0.66	7
Milimani Law Courts	529	0.66	349
Milimani Commercial Magistrate Court	113	0.66	75
Makadara Magistrate Court	57	0.66	38
Kibera Magistrate Court	67	0.66	44
<b>Total</b>	<b>832</b>		<b>549</b>

### 3.5 Data Collection Instruments

Data was collected from the source using questionnaires; with both structured and unstructured questions. Structured questions provided restricted choices for respondents to choose while the unstructured questions allowed respondents to respond comprehensively without restraint, highlighting that which is dear to them individually. According to Saunders, *et al.*, (2009), open-ended questions allow for uninhibited responses while closed-ended questions are evaluated easily.

#### 3.5.1 Pilot study

A pilot test is administered in order to determine weaknesses in the research tool and design and to give alternate data for selection of probability sample. Questionnaires were piloted to ensure they are simple, applicable and effective. Kothari, (2004) suggests that 1% of the study population is adequate for pilot testing. A pilot study was conducted in the Chief Magistrates Milimani Commercial Court where 55 staff responded to the questionnaire. The pilot study respondents were excluded from the main population study sample.

### **3.5.2 Validity of the Research Instruments**

Validity refers to the correctness and significance of conclusions from research results. Pilot testing is done to ascertain questionnaire validity (Bryman, & Bell, 2011). Content validity makes conclusion from the findings of sample study as representative of the population; it thus focuses on the sample-population representativeness. To ascertain validity of the research instrument, the researcher compared the tool to other instruments used previously by other researchers in the reviewed literature. A pilot study was conducted where the researcher personally administered questionnaires and observed the ease of completion of the questionnaire, picked up ambiguity that needed rephrasing and correction of spelling errors. Content validity was ensured through consultation with the supervisor to ascertain suitability of the instrument to collect the necessary data. Upon adjustments and correction; the final tool was printed for data collection. Sekaran and Bougie, (2010) emphasised that information required from a research questionnaire should be representative of the information held by the population in order to achieve greater content validity through having more scale items representing the domain of the concept being measured.

### **3.5.3 Reliability of the Research Instruments**

Bryman, (2015) defines reliability as measurement consistency ascertained through the test-retest method. It is enhanced by increasing scale objects that resemble by uniformly examining different people. To establish reliability and internal consistency of the research instrument, a pilot study was undertaken where 55 individuals were chosen from the target population. Internal consistency refers to the relationship between a set of items in a group and was calculated using Cronbach's Alpha with the help of SPSS. Cronbach Alpha ( $\alpha$ ) was determined for every objective which formed a scale in the research. According to Nunnally, (1978) a score of 0.70 and above is an adequate measure of reliability. The findings are as displayed below in table 3.3



**Table 0.3: Reliability Analysis**

<b>Variable</b>	<b>Cronbach's Alpha</b>	<b>Number of Items</b>
Organizational Structure	0.816	4
Performance Measurement	0.795	4
Implementer Participation	0.811	4
Management Commitment	0.782	4

An Alpha value of 0.7 and above is adequate to determine the internal consistency of data collection instruments (Gliem and Gliem, 2003). The table above reveals that all variables were reliable as their measures were above the recommended threshold of 0.7.

### **3.6 Data Collection Procedure**

The researcher obtained a letter of introduction from the university, which was produced to relevant authorities in order to be permitted to administer questionnaires to respondents. The researcher used the drop and pick method to administer questionnaires to allow respondents adequate time to give comprehensive responses. The researcher booked an appointment with head of stations before visiting to conduct the research. The questionnaires were individually administered by the researcher and this helped to establish rapport, elaborate the study aim plus clarify on uncertainties (Bryman & Bell, 2011).

### **3.7 Data Analysis**

Analysis of data was done with Statistical Package for Social Sciences (SPSS) Version 22.0. Quantitative variables were analysed using descriptive statistics and results displayed in tables. Descriptive statistics allow the researcher to explain the results using few indicators (Mugenda & Mugenda, 2003). Qualitative data was analysed using conceptual content analysis as per Smith, (2015) procedural suggestions: the data was collected, cleaned, arranged, coded and thematically analysed, interpreted and inferences made based on research objectives.

Inferential data analysis that is, association between the dependent and independent variables was obtained through Pearson correlation coefficient under the assumption that

data is normally distributed. Correlation is the technique applied to analyse relationship between two variables (Creswell, 2012).

### **3.8 Ethical Issues**

Ethical issues in research refer to the steps the researcher takes in ensuring he/she complies with the codes of conduct required by the authorities in the field of research. Ethical issues may include confidentiality, voluntary participation of respondents, and/or expected code of conduct (Babbie, 2010). To ensure compliance with ethical standards, the researcher obtained an introductory letter from the University, a research permit from the National Commission on Science and Technology and permission from respective heads of stations. The sensitive nature of work environment and respondent information, the researcher exercised strict confidentiality.

### 3.9 Operationalization of Variables

**Table 0.4: Operationalization of Variables**

<b>Objectives</b>	<b>Variables</b>	<b>Indicator</b>	<b>Measurement</b>	<b>Measurement scale</b>	<b>Tools of Analysis</b>	<b>Data analysis</b>
To find out how organizational structure influences implementation of performance contracting in The Judiciary.	Organizational structure	Functional structure Number of business units Reporting Lines	Organisational structure Number of departments Number of Hierarchies	Interval Ratio Interval	Percentage	Descriptive Correlation
To evaluate the influence of performance measurement on implementation of performance contracting in The Judiciary.	Performance measurement	Target Setting Evaluation criteria Performance review	Performance targets Types of evaluation criteria Number of reviews	Nominal Nominal Ordinal	Percentage	Descriptive Correlation

To establish the influence of implementer participation on implementation of performance contracting in The Judiciary	Implementer participation	Employee involvement Policy-making Formulation and management of ratings	Level of involvement Level of participation in Policy-making and Formulation and management of ratings	Interval Ordinal Ratio	Percentage	Descriptive Correlation
To determine the influence of management commitment on the implementation of Performance Contracting in The Judiciary;	Management commitment	Budgetary allocation Giving performance feedback Communication on Performance Contracts	Amount allocated Number and frequency of feedback Frequency of communication	Interval Ordinal Ratio	Percentage	Descriptive Correlation
	Implementation of	Service delivery	Service quality	Nominal	Mean	Descriptive

	Performance Contracting	Turnaround time Complaints handling Reward system	Amount of time Type of systems in place	Nominal Ordinal	Percentage	Correlation
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## CHAPTER FOUR

### DATA ANALYSIS, PRESENTATION AND INTERPRETATION

#### 4.1 Introduction

This chapter presents an analysis of the study results discussed through descriptive statistics. It covers respondent's background information, and research findings as per study objectives i.e. how organisational structure, implementer participation, performance measurement and management commitment influence implementation of performance contracting in the Judiciary of Kenya. The data was analysed using SPSS version 22 and results tabled as frequencies and percentages.

#### 4.2 Response Rate

The target sample for the study was 549 respondents from whom 466 responded amounting to an 84.88% response rate, from which inferences could be satisfactorily made. A 50% response rate is sufficient for running analysis and reporting; a response rate of 70% and above is deemed to be excellent (Mugenda and Mugenda 2003). Based on this assertion, the researcher achieved an acceptable response rate.

#### 4.3 Background Information

This section investigates the respondent's background information. Specifically the section investigates, age bracket, educational qualification and period of service.

##### 4.3.1 Period of Service in the Judiciary

Respondents were asked to select the period they had served in The Judiciary. The results are as tabulated in Table 4.2

**Table 0.1: Period of Service in the Judiciary**

	<b>Frequency</b>	<b>Percentage</b>
5 years or less	157	33.6
6 - 10 years	128	27.4
11 - 15 years	62	13.3
16 - 20 years	66	14.2
21 years and above	54	11.5
<b>Total</b>	<b>466</b>	<b>100</b>

From the analysis, 33.6% of the respondents have worked in The Judiciary for less than 5 years, 27.4 % of the respondents have worked for between 6- 10 years, 14.2% of the respondents indicated 16 - 20 years, 13.3 % of the respondents indicated a period of 11-15 years and 11.5 % of the respondents indicated to have worked in The Judiciary for 21 years and above. This therefore connotes that most of the respondents have worked in The Judiciary long enough to give credibility to their responses.

#### **4.3.2 Highest level of education**

Respondents were asked to indicate their highest level of education. Results are analysed in Table 4.3

**Table 0.2: Highest level of education**

<b>Level of Education</b>	<b>Frequency</b>	<b>Percentage</b>
Certificate	29	6.2
Diploma	181	38.9
Graduate	128	27.4
Post graduate	128	27.4
<b>Total</b>	<b>466</b>	<b>100</b>

Results obtained show that majority of the respondents as shown by 38.9% were diploma holders, 27.4% of the respondents possessed graduate and post graduate education each while 6.2% of the respondents indicated possessing certificates. This is indicative of high literacy levels among the respondents inferring to an ease of response to the research questionnaire.

### 4.3.3 Age bracket

The study sought to establish the respondent's age distribution. Results are analysed in Table 4.4

**Table 0.3: Age bracket**

<b>Age bracket</b>	<b>Frequency</b>	<b>Percentage</b>
18 – 30 years	173	37.2
31 – 40 years	194	41.6
41 – 50 years	33	7.1
51 – 60 years	41	8.8
61 – 70 years	25	5.3
<b>Total</b>	<b>466</b>	<b>100</b>

Results obtained show that majority of the respondents, 41.6% were aged between 31 and 40 years, 37.2% were aged between 18 and 30 years, 8.8% were aged between 51 and 60 years, 7.1% were aged between 41 and 50 years, while 5.3% were 61 years and above. This indicates a fair distribution of respondents with respect to age category.

## 4.4 Determinants of Implementation of Performance Contracting in the Judiciary of Kenya

This section investigated various determinants of implementation of performance contracting in the Kenyan Judiciary.

### 4.4.1 Organizational Structure

The study sought to determine the extent of influence of the following aspects of organizational structure systems on implementation of performance contracting in the Judiciary of Kenya. Results are analysed in Table 4.5



**Table 0.4: Influence of organizational structure systems on performance contracting**

	Strongly Agree	Agree	Disagree	Strongly Disagree
Organisation structure	44.4%	44.6%	4.7%	6.3%
Job Specification	53.0%	42.3%	3.8%	0.9%
Reporting Lines	49.0%	47.6%	2.6%	0.8%

From the analysis majority of the respondents agreed to a great extent that organisation structure, job specification and reporting lines influence implementation of performance contracting in the Judiciary.

#### 4.4.2 Performance measurement

The study sought to determine the extent of influence of the following aspects of performance measurement on implementation of performance contracting in the Judiciary of Kenya. Results are analysed in Table 4.6

**Table 0.5: Influence of Performance Measurement on Performance Contracting**

	Strongly Agree	Agree	Disagree	Strongly Disagree
Targets Set	39.6%	52.3%	7.5%	0.6%
Performance Evaluation	48.1%	48.2%	3.6%	0.1%
Performance feedback	47.8%	42.9%	8.3%	1%

From the analysis majority of the respondents agreed to a great extent that the following aspects of performance measurement influence implementation of performance contracting in the

Judiciary; target setting performance evaluation requirements and performance feedback. Respondents felt that targets were set in blissful ignorance of working circumstances but upon evaluation ignorance is no defence resulting in poor scores. For the Judicial officers, targets did not accurately reflect case nature hence a comparison amongst them would result in unfair results.

#### 4.4.3 Implementer Participation

This section investigated the influence of implementer participation on the implementation of performance contracting in the Judiciary. The study sought to determine the extent to which the following aspects of implementer participation influence implementation of performance contracting in the Judiciary. Results are analysed in Table 4.7

**Table 0.6: Influence of Implementer Participation on Performance Contracting**

	Strongly Agree	Agree	Disagree	Strongly Disagree
Employee Involvement	28.9%	58.3%	7.5%	5.3%
Policy Making	45.7%	47.6%	4.1%	2.6%
Formulation and management of scores	46.4%	49.5%	2.3%	1.8%

From the analysis majority of the respondents agreed to a great extent that following aspects of implementer participation influence implementation of performance contracting in the Judiciary: employee involvement, policy making and formulation and management of scores

#### 4.4.4 Management Commitment

This section investigates the influence of management commitment on implementation of performance contracting in the Judiciary of Kenya. The study sought to investigate the extent to which the following aspects of management commitment influence implementation of performance contracting in the Judiciary. The findings are as shown in table 4.8

**Table 0.7: Influence of management commitment on performance contracting**

	Strongly Agree	Agree	Disagree	Strongly Disagree
Budgetary Allocation	36.3%	59.1%	3.3%	1.3%
Performance feedback	37.6%	55.3%	2.5%	4.6%
Communication on PC	36.7%	58.6%	3.1%	1.6%

From the analysis, most respondents perceived the following aspects of management commitment as being influential to the implementation of performance contracting in the Judiciary: Budgetary allocation (communication on performance contracts, and giving performance feedback.

#### 4.4.5 Implementation of Performance Contracting

The study intended to assess the trend of the following aspects of reward system influence on performance contracting in the Judiciary of Kenya. The findings were as analysed in Table 4.9

**Table 0.8: Performance contracting trend in the Judiciary of Kenya**

	Strongly Agree	Agree	Disagree	Strongly Disagree
Service Delivery	49.2%	50.1%	0.5%	0.2%
Turn-around Time	40.4%	58.3%	0%	1.3%
Complaints Handling	27.2%	62.3%	7.9%	2.6%
Reward System	8.5%	14.3%	2.3%	74.9%

According to the subject respondents, there was a great improvement on service delivery), turnaround time and complaints handling. However respondents disagreed on the reward system

The research revealed that inception of PC in the Judiciary has had an overall positive effect on service delivery, turn-around time and complaints handling. Most respondents felt that the recognition of performance served as a motivating factor on improvement of service delivery.

#### **4.5 Correlation of determinants of implementation of performance contracting in the Judiciary of Kenya**

Correlation is the measure of association between variables. On the correlation of the study variable, the researcher conducted a Pearson moment correlation and found that there was strong relationship between the study variables as indicated by the statistically significant values at 99% confidence level as shown in table 4.10

**Table 0.9: Correlations**

		Implementation Of Performance Contracting	Organizational Structure	Performance Measures	Implementer Participation	Management Commitment
Implementation Of Performance Contracting	Correlation Coefficient	1.000	.553	.711	.672	.644
	Sig. (1-tailed)	.	.476	.439	.335	.958
Organizational Structure	Correlation Coefficient	.553	1.000	.142	.037	.001
	Sig. (1-tailed)	.001	.	.000	.003	.002
Performance Measurement	Correlation Coefficient	.711	.142	1.000	.046	.008
	Sig. (1-tailed)	.003	.001	.	.000	.000
Implementer Participation	Correlation Coefficient	.672	-.037	.046	1.000	.124
	Sig. (1-tailed)	.002	.000	.001	.	.002
Management Commitment	Correlation Coefficient	.644	.001	.008	.124	1.000
	Sig. (1-tailed)	.000	.001	.003	.000	.

The findings concur with Franks and Ceurswoth, (2003) who found out that strong positive correlation between implementation of performance contracting and performance measurement.

The findings further agree with Ayodele (2011) who found out that strong positive correlation between management commitment and implementation of performance contracting.

## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, DISCUSSION, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter highlights a brief of the findings, conclusion and recommendations as per the data collected and run analysis. All questions were structured as per the study objectives which were to establish how organizational structure influences implementation of performance contracting in The Judiciary, to evaluate the influence of performance measurement on implementation of performance contracting in The Judiciary, to investigate the influence of implementer participation on implementation of performance contracting in The Judiciary and to determine the influence of management commitment on the implementation of performance contracting in The Judiciary

#### **5.2 Summary of Findings**

The purpose of the study was to establish the determinants of implementation of performance contracting in the Judiciary of Kenya; a case of courts within Nairobi County. The study used descriptive research design. The target population were employees of the Judiciary of Kenya working in select courts within Nairobi County. Stratified proportionate sampling was used where a sample of 549 was selected from a population of 832 employees. Data was collected by use of questionnaires and analysis done with the help of statistical package for social sciences (version 22).

##### **5.2.1 Demographic Characteristics of Respondents**

65% of respondents had worked in the Judiciary of Kenya for over 6 years. Majority of the respondents also had higher education with 40% being diploma holders and 54% having undertaken graduate and post graduate studies. Respondents lied within the following age groups: 18-30 years (37.2%), 31-40 years (41.6%), 41-50 years (7.1%), 51-60 years (8.8%) and 61 and above (5.3%).

##### **5.2.2 Influence of Organizational Structure on implementation of performance contracting in the Judiciary of Kenya**

In this study organisation structure referred to the various departments in the Judiciary, job specifications and the lines of authority. Majority of the respondents felt that role definition determined implementation of performance contracting to a great extent. This could be

attributable to the fact that the contracts core indicators target court work. Respondents stated that irrespective of the unique area of department specialisation, for instance with respect to nature of cases handled and administrative duties; they signed similar contracts. The study as well revealed that majority of operational level staff believed that PC implementation was a preserve of Judges and Judicial officers and their specific roles had nothing to do with the same.

### **5.2.3 Influence of Performance Measurement on implementation of performance contracting in the Judiciary of Kenya**

This study considered performance measurement from the perspective of nature of targets set, performance review and evaluation. Majority of respondents felt that targets set, evaluation and performance feedback influenced implementation to a great extent. The study revealed that targets were set following directive from the organisation management without a complete understanding of the PC process by implementing units. This led to the exercise being performed as a ritual and therefore upon evaluation, poor scores were recorded as a result of over ambitious targets.

### **5.2.4 Influence of Implementer participation on implementation of performance contracting in the Judiciary of Kenya**

Implementer participation looked at employee involvement in the process of performance contracting. Majority of respondents stated that for successful implementation of PC in the Judiciary of Kenya, their active participation is requisite. Majority of the respondents revealed that they were not involved in the negotiation and target setting process hence had no interest in the same. The study also revealed that policy formulation influenced implementation in that respondents responded to management directives on adoption of PC.

### **5.2.5 Influence of Management Commitment on implementation of performance contracting in the Judiciary of Kenya**

The study noted that management commitment influenced implementation of performance contracting in the Judiciary to a great extent. Budgetary allocation, communication and feedback on performance were aspects respondents agreed to a large extent influenced implementation. Respondents revealed that provision of the necessary resources to implementing units eased the implementation process. The study further revealed that management communication to implementing units and employees on PC process aided implementation as employees felt that management involvement in the same translated to their progression resting on implementation.



### **5.2.6 Implementation of Performance Contracting in the Judiciary of Kenya**

The research revealed that inception of PC in the Judiciary has had an overall positive effect on service delivery, turn-around time and complaints handling. Since its inception, respondents stated that there has been a noticeable change in service processes. Majority of the respondents felt that there was no reward system in place to aid in implementation of PC. Most respondents felt that the recognition of performance served as a motivating factor on improvement of service delivery.

## **5.3 Discussions of the findings**

This section gives a detailed discussion of the findings of the study and relates it to previous studies on the same.

### **5.3.1 Influence of Organizational Structure on implementation of performance contracting in the Judiciary of Kenya**

As per the first objective, the study inferred that organizational structure influenced implementation of performance contracting in the Judiciary in Kenya to a great extent. The study also noted that the following aspects of organizational structure systems influence implementation of performance contracting in the Judiciary; functional structure, number of business units and reporting lines. The study established that organizational structure is a factor of organizational performance and the implementation of the PC system in Kenyan Judiciary is dependent upon the functional structure of the organisation. The findings are in line with Terziovski, (2010) who found that the configuration of an organization to be fundamental to the coordination of performance contracting as it is cascaded from the highest point. The study further found that for PC system to be effective, there should be awareness creation across all staff cadres as well as customised contracts specific to courts/departments. The findings concur with Qingmin, et al. (2012) who argue that ability by staff members to know each other in an organization and frequency of meetings indicate the extent to which an organization's structure is conducive for performance.

### **5.3.2 Influence of Performance Measurement on implementation of performance contracting in the Judiciary of Kenya**

As per the second objective, the study indicated that performance measurement influenced implementation of performance contracting in the Judiciary of Kenya to a great extent, further the research noted that that the following aspects of performance measurement influence implementation of performance contracting in the Judiciary; performance review, evaluation

criteria and targets set. Quarterly assessments and annual reviews of staff insure the delivery of set targets, failure to which a poor evaluation will result. Line managers at the Kenyan Judiciary should encourage one to one meetings with the employees at a designated time so that they can discuss the progress of work done. This should be done either on monthly or on quarterly basis. Managers should give total support to their subordinates especially in areas of noted underperformance. Top managers should clearly understand that their commitment is mandatory and it is upon them to show commitment to the strategic direction that the organisation is leaning to. Performance measurement will therefore allow the Judiciary to note performing and underperforming staff and/or departments; as well as identify the strong and weak employees, and institute appropriate measures. The findings are in line with Mackie (2008) who emphasises that employee and management buy-in determines the success of performance measurement; a lack of which will result in negative consequences: Kariuki (2011). The performance contract formulation process should thus be consultative as revealed in the research by Cole (2007) that consultation creates ownership that allows for realistic target setting.

### **5.3.3 Influence of Implementer participation on implementation of performance contracting in the Judiciary of Kenya**

As per objective number three, the study revealed that, implementer participation influenced implementation of performance contracting in the Judiciary to a great extent. Majority of the respondents revealed that they were not involved in the negotiation and target setting process hence had no interest in the same. The findings are in support of Kobia and Mohammed (2006), that stakeholder involvement is imperative in the PC process. For Performance Contracting to succeed; all departmental staff should be involved in the process as well as individual units forming PC coordinators to monitor and coordinate activities set out to aid in target achievement. This should be adopted in place of only heads of stations and/or departments participating in the negotiation and target setting process, whilst the overall evaluation mark will apply to the entire court and/or department.

Employee participation and empowerment translates directly into increased productivity and cultivates better manager-employee relations. The findings concur with Buytendijk (2009) who avers that success of an organisation's performance management system rests on employee buy-in and cooperative participation otherwise an imposed system will inculcate negative performance driven by figures on paper achieved through suboptimal processes

### **5.3.4 Influence of Management Commitment on implementation of performance contracting in the Judiciary of Kenya**

Descriptive results also show that the following aspects of management commitment influence implementation of performance contracting in the Judiciary; budgetary allocation, communication on performance contracts, and giving performance feedback. The findings concur with Buytendijk (2009) and Mackie (2008) who aver that success of an organisation's performance management system rests on employee buy-in and cooperative participation. Management should be loyal to the implementation process in order to give a positive signal to employees. The findings of this study are in conformity with the views of like scholars Jones & Hill, (2007) and Setumbi (2015) who averred that implementation will not be effective if the line managers are not in the right positions for effective implementation of a new strategy.

### **5.3.5 Implementation of Performance Contracting in the Judiciary of Kenya**

The research revealed that inception of PC in the Judiciary has had an overall positive effect on service delivery, turn-around time and complaints handling. Findings also showed that perceived reward opportunities influenced employee commitment in PC implementation. The findings concur with Letsoalo (2007) who avers that both individual and organisation performance can be enhanced by performance management. In addition to provision of resources and standard evaluation practices across departments, Judiciary of Kenya management should recognize the hard working employees by incentivising the process through promotions, tokens of appreciation, issuance of recommendation letters etc.

The research further revealed that for PC to be successful, the Judiciary of Kenya ought to be effective, adequately skilled and goal oriented. The institution thus needs to ensure consistent training and capacity building of its employees as well as encourage innovation, research and development aimed at sustenance of the PC process. The findings are in support of Nthuku, Obino and Wagoki (2014) and Kobia and Mohammed (2006), that there should be adequate training on processes and procedures prior to implementation of performance contracting.

## **5.4 Conclusion of the study**

The study concludes that organizational structure, performance measurement, implementer participation and management commitment influence implementation of performance contracting in the Judiciary of Kenya. Sound Organization culture is very important for implementation of performance contracting. The culture of healthy competition should be

embraced by the Judiciary for the effective implementation of performance contracting process in the organization. The research revealed that performance measurement enhanced employee efficiency and productivity. The study further concludes that implementer participation and empowerment translates directly into increased productivity. Implementer participation cultivates better management-employee relations and fosters employee independence that nurtures innovation.

The study finally concludes that commitment from the top managers is very important for implementation of performance contracting process. Further the institution should incentivise performance contracting and recognize the hard working employees by promoting them, tokens of appreciation, 13<sup>th</sup> salary etc.

## **5.5 Recommendations**

To promote the implementation of performance contracting in the Kenya Judiciary, this study recommends that the Judiciary of Kenya undertakes extensive training for all its employees on performance contracting, reasons for adoption of the same and highlight their respective roles in implementation.

This study further recommends that the tools used in the PC system be customised to suit specific departments to enhance the validity; reliability and simplicity of the same as they are the main determinants of organizational performance. To enhance the validity of the PC process and acceptance across court levels; the PMMSC should come up with case weighting measures in order to review court performance. The Committee should consider processes that are fundamental in handling specific cases and use the same to guide the measurement procedures as well as grading systems.

The Judiciary of Kenya should ensure constant communication on PC implementation progress and challenges to the stakeholders and employees. The organisation should also institute a reward and sanction scheme; awards to motivate growth and improvement and sanctions for poor performance. Line managers at the Kenya Judiciary should encourage one to one meetings with the employees periodically so that they can discuss the progress of work done. Further, it should also continually seek customer feedback on the PC process for improvement purposes.

## **5.6 Suggested further research**

Below are suggestions on supplementary research:

- a) Due to financial and time constraints the researcher only studied specific courts in Nairobi City County and therefore a further study with a larger scope covering the entire Judiciary of Kenya can be undertaken to establish whether the results will tally or vary.
- b) Since the study was undertaken in the first year (2015/16) of implementation of Performance Contracting in the Judiciary of Kenya, research can be carried out to investigate significant lessons learnt during the implementation process, if any.
- c) A comparative study between the Judiciary of Kenya and other public sectors can be undertaken on determinants of implementation of performance contracting.

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## APPENDICES

### Appendix I: Research Questionnaire

Kindly answer the following questions fully by either ticking the appropriate response in one of the boxes provided, or by providing a brief explanation where needed. Do NOT write your names anywhere in this questionnaire. Please try to be as honest as possible.

#### SECTION ONE: GENERAL INFORMATION QUESTIONS

1) Gender

Male  Female

2) Please indicate your age bracket in years (tick one)

18 – 30  31 – 40  41 – 50  51- 60  61-70

3) What is your designation?

Judge  Magistrate  Judicial Staff

4) For how long have you worked in The Judiciary?

5 years or less  6 - 10 years  11 - 15 years  16 - 20 years

21 years and above

5) What is your highest level of education?

Certificate  Diploma  Graduate  Post-graduate

#### SECTION TWO: DETERMINANTS OF IMPLEMENTATION OF PERFORMANCE UNDERSTANDING.

##### A. Organizational Structure

6) To what extent do you agree that the following factors of organisational structure influence implementation of performance contracting (PMMUs) in The Judiciary?

	Strongly Agree	Agree	Disagree	Strongly Disagree
Structure of the Organization				

(hierarchy)				
Job Specification				
Reporting lines				

7) In your opinion, how do the above factors of organisational structure influence implementation of performance contracting (PMMUs) in The Judiciary? Elaborate.

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**B. Performance measurement**

8) To what extent do you agree that the following aspects of performance evaluation influence implementation of performance contracting (PMMUs) in The Judiciary?

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Target Setting				
Performance evaluation requirements(criteria)				
Performance review (measurement and feedback)				

9) In your opinion, how do the above aspects of annual performance evaluation influence implementation of performance contracting (PMMUs) in The Judiciary? Elaborate.

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.....

**C. Implementer participation**

10) To which extent do you agree that the following aspects of institutional participation influence implementation of performance contracting (PMMUs) in The Judiciary?

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Employee involvement				
Policy Making				
Formulation and management of scores				

11) In your opinion, how do the above factors of institutional participation influence implementation of performance contracting (PMMUs) in The Judiciary? Elaborate.

.....

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.....

**D. Management Commitment**

12) To what extent do you agree that the following aspects of management commitment influence implementation of performance contracting (PMMUs) in The Judiciary?

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Budgetary allocation				
Giving performance feedback				
Communication on Performance Contracts				

13) In your opinion, how do the above aspects of management commitment influence implementation of performance contracting (PMMUs) in The Judiciary? Elaborate.

.....

.....

.....

**E. IMPLEMENTATION OF PERFORMANCE CONTRACTING**

14) In your opinion has there been an improvement of the following aspects of implementation of performance contracting?



	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Service delivery				
Turn-around time (change period)				
Complaints handling				
Rewards System				

**Thank you**

## Appendix 11: Letter from the Institution

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**UNIVERSITY OF NAIROBI**  
COLLEGE OF EDUCATION AND EXTERNAL STUDIES  
SCHOOL OF CONTINUING AND DISTANCE EDUCATION  
DEPARTMENT OF EXTRA-MURAL STUDIES  
NAIROBI EXTRA-MURAL CENTRE

Your Ref:

Our Ref:

Telephone: 318262 Ext. 120

Main Campus  
Gandhi Wing, Ground Floor  
P.O. Box 30197  
N A I R O B I

REF: UON/CEES/NEMC/26/407

20<sup>th</sup> September, 2017



### TO WHOM IT MAY CONCERN

RE: LINDA NAVAKHOLWE - REG NO L50/76068/2014

This is to confirm that the above named is a student at the University of Nairobi College of Education and External Studies, School of Continuing and Distance Education, Department of Extra- Mural Studies pursuing Masters of Art in Project Planning and Management.

She is proceeding for research entitled "Determinants of Implementation of Performance contracting in the Kenyan Judiciary: A Case of Law Courts in Nairobi."

Any assistance given to her will be highly appreciated.

for:   
  
**CAREN AWILLY**  
CENTRE ORGANIZER  
NAIROBI EXTRA-MURAL CENTRE

## Appendix III: Research Permit

**THIS IS TO CERTIFY THAT:  
MISS. LINDA NAVAKHOLWE LUKHALE  
of UNIVERSITY OF NAIROBI, 15218-400  
Nairobi, has been permitted to conduct  
research in Nairobi County**

**on the topic: DETERMINANTS OF  
IMPLEMENTATION OF PERFORMANCE  
CONTRACTING IN THE KENYAN  
JUDICIARY: A CASE OF LAW COURTS IN  
NAIROBI**

**for the period ending:  
9th October, 2018**

  
.....  
**Applicant's  
Signature**

**Permit No : NACOSTI/P/17/68564/19377  
Date Of Issue : 13th October, 2017  
Fee Received :Ksh 1000**



  
.....  
**Director General  
National Commission for Science,  
Technology & Innovation**

### CONDITIONS

1. The License is valid for the proposed research, research site specified period.
2. Both the Licence and any rights thereunder are non-transferable.
3. Upon request of the Commission, the Licensee shall submit a progress report.
4. The Licensee shall report to the County Director of Education and County Governor in the area of research before commencement of the research.
5. Excavation, filming and collection of specimens are subject to further permissions from relevant Government agencies.
6. This Licence does not give authority to transfer research materials.
7. The Licensee shall submit two (2) hard copies and upload a soft copy of their final report.
8. The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.



REPUBLIC OF KENYA



**National Commission for Science,  
Technology and Innovation**

**RESEARCH CLEARANCE  
PERMIT**

**Serial No.A 16176**

**CONDITIONS: see back page**