EMPLOYEE PERFORMANCE MANAGEMENT PRACTICES:

A CASE OF COURT REGISTRY STAFF IN NAIROBI

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DECLARATION

This project is my original work and has not been submitted for a degree in any university

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DEDICATION

To my loving family my wife Rose, my son Bruce and
my daughter Laura

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ABSTRACT

Human resources constitute the principle assets of an organization. Managers have a great responsibility in promoting the optimum utilization of the available human resources.

A manager's key responsibility within an organization is the conversion of corporate strategy, customer requirements, shareholders needs and all other strategic issues into achievable action plans for their team.

This process goes on right across and down the organization. It is the movement from the rare field and atmosphere of strategy into the arena of getting things done.

Performance management is a process which is designed to improve organizational, team and individual performance. It is owned and driven by line managers. Nevertheless, if we were to manage performance effectively, we need to ensure that our various interventions are well coordinated and that they are aligned with the organizations goals.

Employees feel special when their talents are discovered, nurtured and developed. Managers therefore, need to consciously and consistently work to transform talents of the employees into strengths which will in turn help build a successful organization.

Each individual employee can make a significant contribution towards the overall success of his or her organization. However, the fundamental dilemma facing managers today is how to fairly and objectively manage their employees performance and by so doing make optimum utilization of their talents and enhance their contributions towards attainment of overall organization objectives. This survey research was undertaken to establish employee performance management practices in the Kenyan Judiciary with a specific focus on court registry staff.

The results indicate that employee performance management practices are applied in court registries.

The results of the performance management practices are used in making a variety of human resource management interventions and employment decisions

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CHAPTER 1

INTRODUCTION

1.1   BACKGROUND

The human resource component is inevitably the most valuable factor of production among the other factors, i.e. land, capital and equipment. Through the human resource component, an organization can make the most significant contribution towards realization of its objectives.

Each employee can make a difference to the overall success of his or her organization. However, the fundamental dilemma that is facing managers today is how to fairly and objectively manage their employee's performance so as to maximize both personal contribution and overall organizational objectives.

Heneman et al (1983:114), state that the most significant human resource outcome involves the contributions employees make to the organization's goals. The contributions are called employee performance, meaning how effectively an employee carries out job responsibilities. This position is supported by Sinha (2004:4) who states that: -

"We all know talents of employees are special for any organization. Yet, there are a large number of employees who yearn for their talents to be discovered and unleashed. This is quite painful as both the employees as well as the organization suffer. Managers who cannot spot talent infact stifle employees and do a great disservice to the organization. But merely spotting or discovering talents of their employees by giving them opportunities to apply their gifts in roles that suit and stretch those talents, results in an explosion of strengths within the organization. The best managers know how to spot the talents of employees, turn their strengths by nurturing and developing them and thus increase their organizations productivity exponentially"

According to Armstrong and Baron (1998: 219-236), performance management can be defined as a strategic and integrated approach to delivering sustained success to organizations by improving the performance of people who work in them and by developing the capabilities of teams and individual contributions. Performance management processes have therefore come to be viewed in recent years as means of providing a more integrated and continuous approach to the management of performance than was provided by previous isolated and often inadequate merit rating or performance appraisal schemes.

Performance management is based on the principle of management by agreement or contract rather than management by command. It emphasizes the development and initiation of self managed learning plans as well as the integration of individual and corporate objectives. It can, infact, play a major role in providing for an integrated and coherent range of human resource management processes which are mutually supportive and contribute as a whole to improving organizational effectiveness, Armstrong (1996:232).

The main objective of performance management therefore is to focus employee's efforts on achieving organizational goals, Davis (1995:23-28). Performance management is composed of five key components, planning, monitoring, developing, appraising and rewarding performance.

Planning work and setting expectations involves setting goals and measures, establishing and communicating performance elements and standards to the employee. Monitoring performance includes measuring performance and providing feedback. Developing entails addressing poor performance and improving good performance. Appraising means summarizing and rating performance over a period of time. Rewarding performance means recognizing and rewarding good performance, OPM (2001).

An effective employee performance management system contributes to business success by:

- Increasing management control over work and results
- Increasing management ability to Identify or "red flag" problems early.
- Linking employee objectives and functions to overall organization objectives, thereby creating a sense of contribution for the employee.
- Motivating employees by allowing them input into and ownership of their objectives and standards of performance.
- Enhancing communication by ensuring there is clear understanding of management expectations about results.
- Supporting remedial action or disciplinary action because a breach of standards can be defined objectively and in a measurable way.
- Providing a system where feedback can be given to employees on a more objective basis, and not on management's subjective criterion.
- Providing objective criterion that management can use to make decisions regarding pay, benefits and promotion. Backal (1997).

Kwach et al (1998:27), pointed out that both criminal and civil litigation start and end in the court registries. An inefficient registry can be frustrating both to litigants and judicial officers. Therefore, court registry staff play an increasingly prominent and important role in the Kenyan Judicial system. Records obtained from the Human Resource section in the judiciary show that there are over 2000 court

registry staff in various courts across the country on duty five days a week (Monday through Friday) except on public holidays. The registry staff work during official government hours of work 8.00am to 5.00pm excluding one hour lunch break and in many situations they work well before and after official hours depending on circumstances and work demands.

The management structure in the registries can be described as a two tier system of management in which one system deals mainly with legal procedures and processes whereas the other deals with general management practices.

Thus since the administration of Justice is the main function of the judiciary, the administrative head of a registry is the magistrate in charge/Deputy Registrar or the presiding judge as the case may be depending on whether it is a subordinate court, high court or the court of appeal registry. The magistrates, deputy registrars and presiding judges are judicial officers who spend most of their working time undertaking judicial duties either in open courts or in chambers.

The fact that most of the time they are engaged in judicial duties does not allow them to effectively undertake the day to day management of the functions of the registries. Due to this fact, the management of registries is placed on the executive officers, with the most senior in

rank (where there are more than one executive officers) being the in charge of the management, inspection and supervision of the registry operations and staff.

However, since the nature of duties in the registries are to a much extent regulated by law and therefore the processes and procedures should conform to the legally established standards, the court executive officers and other registry staff categorized as paralegal staff are required to have a strong understanding of the general law practices and procedures to enable them to become more effective in the performance of their duties.

The availed records also indicate that court registry staff comprise the bulk of Judiciary employees as it is in the registries that court transactions and processes begin (registration) and end (storage).

The Researcher has also noted that there are various categories of court registry staff that include Executive officers, Clerical officers, Archivists, Cashiers, Secretaries, Typists, Process servers, Court bailiffs and Subordinate Staff.

These staff provide mainly official facilitative services to litigants, counsels, Magistrates, Judges, Senior Court Administrators and other parties of interest including police officers, prison officers, probation officers, children officers, state counsels etc.

According to Kapila (1975), various schedules for duties (duty rosters) for court registry staff and subsequent observation, most court registry staff spend a considerable amount of their working time doing mainly procedural clerical work which includes Registration of cases, receiving of requisite court fees, opening of files, taking files before the trial or presiding magistrate or Judge(s), typing, serving court orders/summons, compilation of statistical returns, interpretation, writing summonses, writing of warrants, drawing of cause list, extracting orders, drawing and sealing decrees, swearing witnesses, compiling and proof reading typed records, preparing payment vouchers, entering results in the register, preparing records for appeal, filing and retrieval of files and records.

Other registry staff duties include attending to inquiries from litigants, advocates, police officers, probation officers, prison officers, state counsels and other parties including members of the public. This requires that some members of the registry be assigned to the registry reception/counter to attend to the requirements of interested parties (customers) who seek information or require court services.

Due to the rising crime rate and litigation and the nature of court business, the performance or work load of court registry staff cannot be easily quantified as there is no control as to the number of cases to be filed per day or as to the number of litigants, counsels and other

consumers of justice that can be attended to. Moreover, the registries workload keeps increasing each day as new cases are filed whereas existing cases take time to be finalized due to procedural and other bottlenecks.

Statistics obtained from the judiciary's strategic plan (2005-2008:26) for example indicate that during the period January – April 2004, 97578 cases were filed and 89341 cases were determined in various courts across the country. Apart from the usual procedural work aspects as outlined above, most court business in the registries is conducted on an adhoc basis i.e. as the work situation demands as long as it is official in nature.

The registry staff, therefore play a very important role in determining and ensuring provision of quality services to the courts' customers and since they are the first and last employees to get into contact with service seekers, the success in their operations plays a significant role in the attainment of the Judicial departments' vision, that is to be an independent and accessible provider of quality justice for all. To the employer, their performance therefore determines to a much extent the success or failure of its services and like in all management situations, well-managed employees are a source of competitive advantage, Decenzo et al (1988:2-5).

1.2 STATEMENT OF THE PROBLEM

Effective Performance management helps in minimizing employee complaints and like in all management situations, several concerns have been raised by court registry staff among which staff are demanding better salaries, benefits, merited promotions, a clearly outlined career structure and an end to victimization through favouritism and nepotism.

The above complaints are an indication of the need by the Kenyan Judiciary to analyze the performance management systems in use in court registries.

According to Backal (1997), effective performance management creates a feeling of equity among the parties to the employment contract. The complaints highlighted above are an evidence of a feeling of inequity on the part of court registry staff.

Previous studies which have been done in this area include Njagi (2003) and Gichira (2001) on the application of performance management principles in the Kenyan commercial banking industry and employee performance management practices in the private security services industry respectively. However, there is no known research done in this area in respect of the court registry staff and thus the proposed study is intended to fill this gap.

This study will investigate employee performance management practices in Court registries in Nairobi as a response to the stated conflict between the Judiciary Administration and the registry staff expectations.

1.3   OBJECTIVES OF THE STUDY

The objective of the study will be to establish employee performance management practices in court registries with a specific focus on court registry staff in Nairobi.

Specifically, the study will seek to establish the following issues.

(a)   The extent to which an employee performance management system is used in court registries as a human resource management tool.

(b)   How performance standards are set and evaluated in Court Registries.

1.4   IMPORTANCE OF THE STUDY

(a)   The study may encourage human resource managers in the Judiciary to institute performance management processes if there are none or compare their existing employee performance management system and practices with current human resource management practices.

(b)   Other researchers and academics in this area, as well as human resource practitioners may also benefit from this study.

CHAPTER 2

LITERATURE REVIEW

2.1   BACKGROUND

Employees' performance is important because it serves as an important outcome variable in evaluating human resources. However, before performance can be so used, it must first be measured, and that is why assessing outcomes is a personnel/human resource activity.

Traditionally organizations have used performance assessments primarily to make administrative decisions about employees. Questions pertaining to promotions, layoffs, salary increases and transfers are illustrative of such administrative decisions. Anyone responsible for such decisions will need to obtain and use measures of performance for those types of decisions.

Use of performance assessments for administrative purposes helps place employees in positions where their abilities can be best used and can be helpful in assigning employees to appropriate future positions.

In addition, linking administrative decisions to performance has a strong motivational potential.

High performance is encouraged by rewarding the highest performers with such things as salary increases. In the terminology of expectancy theory, such actions strengthen employee's instrumentality perceptions between high performance and salary increases, Heneman et al (1983:115).

Armstrong (1996:235), states that employee performance management is increasingly coming to mean a general, integrated human resource strategy that seeks to create a shared vision of the purpose, aims and values of the organization. It also seeks to help each individual employee understand and recognize their part in contributing to them and in so doing to manage and enhance the performance of both individuals and the organization. Neal (1991:256-274) regarded performance management as a holistic system within the context of business planning and strategy. He suggested that: "Individual objectives are dealt with as part of the objectives of the organization as a whole".

Managers are encouraged to coach, counsel and train people to improve their performance. Appraisal is seen as a continuing, year round dialogue and pay is recognized as only part of the process.

Performance management is therefore an attempt to bring some coherence to driving the organization towards the realization of its goals. This involves setting and meeting objectives by the organization and individuals. The goals set must be related to organizational objectives communicated through a shared vision, Sloman (1997:47).

2.2   PERFORMANCE MANAGEMENT SYSTEM

A common blue print for a performance management system includes four phases: performance planning, ongoing coaching and feedback, appraisal of accomplishments and identifying areas of improvement.

Typically these elements follow an annual cycle, Marentette (2000). As illustrated in **Figure I**, the cycle begins with a planning process to set expectations for both the employee and the employer. Throughout the year the employee's performance is guided through on going coaching and feedback.

Toward the end to the cycle, the employee's performance is evaluated. Finally, this evaluation is shared with the employee to help improve his or her performance. However, missing from the blue print is the connection between the organizations' overall goals and expectations and employee performance.
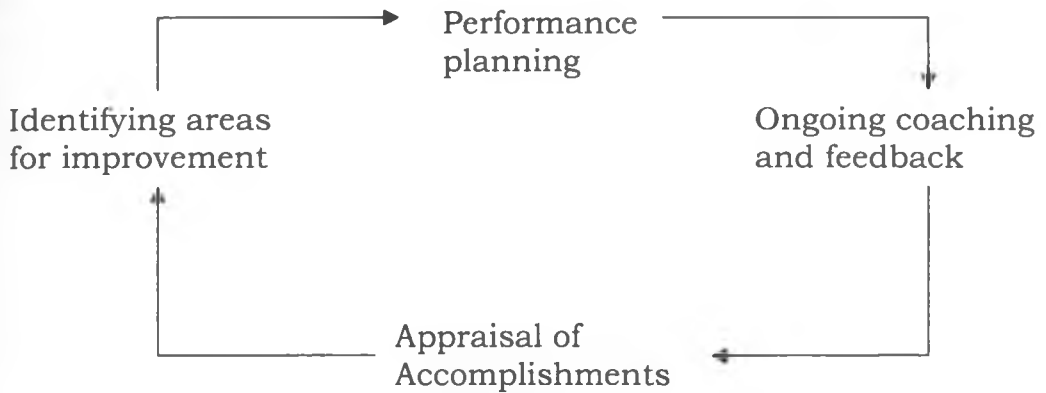
Figure 1: Performance Management System

Adopted from: Society for human Resource management survey report, 2000:27

Securing a strategic approach not only builds employee's confidence on the relevance of the process but also makes it possible to link the achievement of employees performance goals directly to the organizations operating results as shown in **Figure 2**. To create this link an organization must identify its strategic business goals, translate them into business plans and incorporate them into a "Performance model" that defines the performance needs required to achieve the organizations expectations and goals, Marentette (2000).

Strategic
Business Goals ————————————————→ Business
Plans

Performance Model

Performance
Planning

Identifying areas for
improvement

Ongoing coaching and
feedback

Appraisal of
Accomplishments
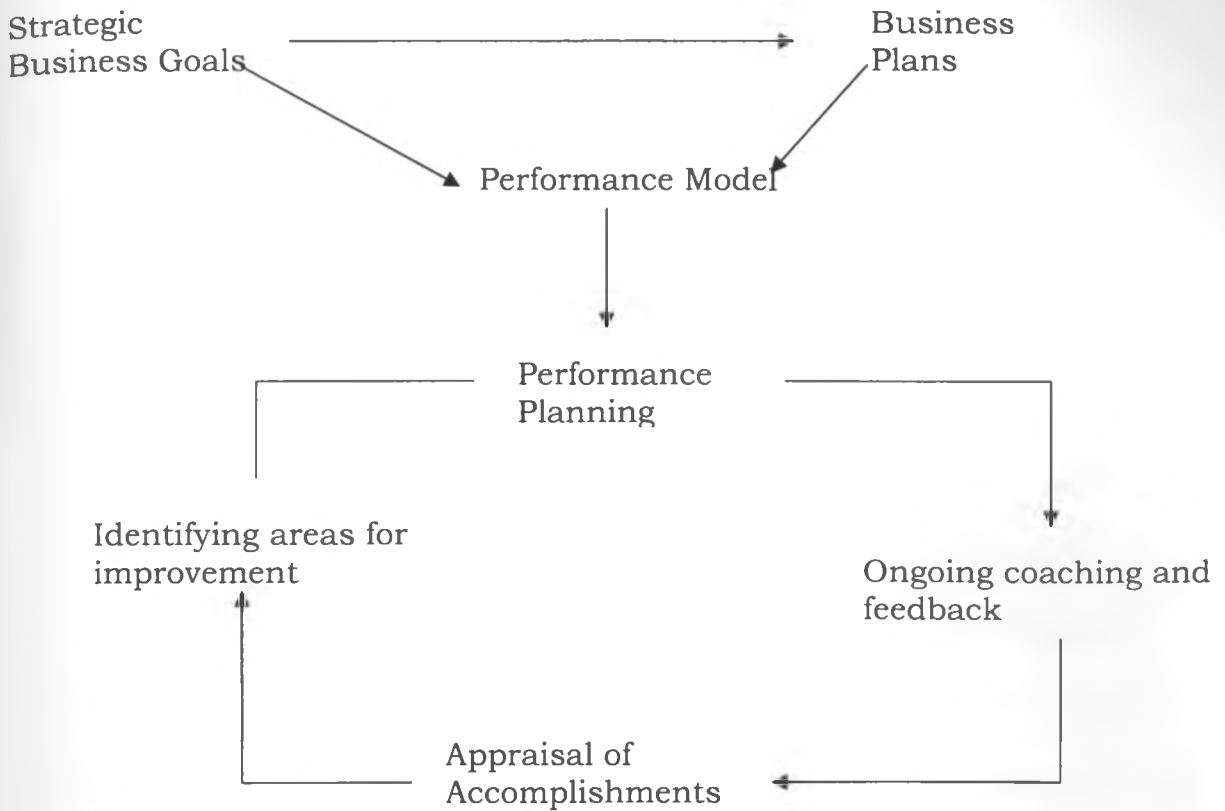
Figure 2: An Improved Performance Management System

Adopted from: Society for Human Resource Management Survey

Report, 2000:27

The performance model spurs management to recognize the needs of

the organization in human capital terms and understand the demands

the organization will place on its employees. The performance model

also helps in identifying the human resources that must be acquired

or developed to reach the performance expectations.   In addition,

linking organizational goals with staff development helps attract

executive support for a performance management system, Marentette

(2000).

2.3   PERFORMANCE PLANNING

Employees must know what they need to do to perform their jobs successfully, Davis (1985:46).   Planning means setting performance expectations and goals for individuals and groups to channel their efforts towards achieving organizational objectives. Getting employees involved in the planning process helps them understand the goals of the organization, what needs to be done, why it needs to be done, and how well it should be done. The shared view can be expressed in a variety of ways such as the job description, Torrington (1995:156) or duty schedules/rosters in the case of court registry staff. Planning employee's performance includes establishing the elements and standards of the performance appraisal plans. Performance elements and standards should be measurable, verifiable, equitable and achievable, Stebler and Robinson (1995:124).

2.4   PERFORMANCE ELEMENTS

Performance elements tell employees what they have to do and standards tell them how well they have to do it. Developing elements and standards that are understandable, measurable, attainable, fair and challenging is vital to the effectiveness of the performance management process, Stebler and Robinson (1995:147).

Three types of elements are identified in the literature reviewed: Critical elements, non-critical elements and additional performance elements, OPM (2001).

2.5   PERFORMANCE STANDARDS

These are management expressions of the performance threshold(s), requirement(s), or expectation(s) that employees must meet to be appraised at particular levels of performance, OPM (2001). They tell the performer in advance what is expected in terms of such considerations as the quality, quantity, timeliness and manner of performance.   They are a frame of reference for monitoring performance and the basis for appraising it and also facilitate feedback in the evaluation of developmental needs, Brumback (1988:93).

Monitoring.

Monitoring performance, or performance appraisal, means measuring performance and providing feedback to employees.

Ideal monitoring means consistently measuring performance and providing feedback to employees and work groups on their progress towards reaching their goals, OPM (2001).

Continuous monitoring provides the supervisor with the opportunity to check how well employees are meeting predetermined standards and to make changes to unrealistic or problematic standards. By monitoring continually, supervisors can identify unacceptable performance at any time during the appraisal period and provide assistance to address such performance rather than wait until the end of the period. As one author noted, "one-minute" praising as well as

"one-minute reprimanding" should be equally major parts of a manager's job, Glen (1990:213).

Feedback.

Effective and timely feedback addressing employee performance on elements and standards is an essential component of a successful performance management programme, OPM (2001). People need to know in a timely manner how they are doing, what is working and what is not. Feedback is most effective in reinforcing or improving work performance when the employee has confidence on the basis of that feedback which can come from many different sources including, managers, supervisors, peers and customers. But of Course effective feedback should be specific, timely, and positively presented, Stebler and Robinson (1995: 179 & 183). Accurate, factual and complete feedback should be presented, OPM (2000).

Developing.

In an effective performance management system, employee developmental needs are evaluated and addressed. Developing in this instance means increasing the capacity to perform through training, giving assignments that introduce new skills or higher levels of responsibility, improving work progress, or other methods, OPM (2001). Providing employees with training and developmental opportunities encourages good performance, strengthens job related

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skills and competencies, and helps employees keep up with changes in the work place, such as the introduction of new technology or work methods.

2.6 PERFORMANCE APPRAISAL

From time to time, it is useful to summarize and rate employee performance. This helps with comparing performance over time or across a set of employees. Rating means evaluating employee or group performance against the elements and standards in an employee's performance plan, OPM (2001).

Performance rating is based on work performed during an entire appraisal period. Many managers are reportedly uncomfortable in the role of Judge. This attitude is evidenced by performance appraisals which are often months overdue. The result of such problems is that appraisal schemes have often either been abandoned or become a hurried and meaningless annual ritual as pointed out by McGregor (1972:132). In addition, literature abounds pointing out that traditional performance appraisals do not work as mentioned by Heath Field (2001).

Some management theorists have argued that one of the performance appraisals problems is that its administrative and developmental objectives are contradictory. McGregor (1972:160) first articulated the

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argument. McGregor felt that conventional (trait oriented) performance appraisal forces supervisors to play the uncomfortable role of Judge while facing the more modern and incompatible expectation of being a helper or coach to subordinates.

Nevertheless, there is a general consensus that formal performance appraisals are an important and integral part of any organization, Cleveland et al (1989:217).

Rewarding

Rewarding means recognizing employees, individually and as members of groups, for their performance and acknowledging their contributions to the organization's mission. A basic principle of effective management is that all behavior is controlled by its consequences.

Those consequences can and should be both formal and informal and both positive and negative, Bramback (1988:37). A question of fundamental importance to human resource management is, to what extent, if at all, should links exist between performance appraisal and pay decisions. Different approaches have been advocated. Anderson (1980:68) observed that in the UK and USA, there was a general shift towards relating pay to performance.

2.7   THE JUDICIAL SYSTEM

With an increased population, poverty level, commercialization, automation and rapidly increasing insecurity in the country, an increasing number of Kenyans are relying on the Judiciary to resolve disputes and in enforcing the country's laws for the protection of life and property by punishing wrong doers in accordance with the due processes as stipulated by law. The Judicial department employs over 3000 staff in various courts spread across the country.

The capital investment in the Judiciary is estimated at several billion shillings. The objectives and mode of operation of the judicial system are different from those of the police. While the police seek to protect the public at large, the role of the Judiciary is to adjudicate in both civil, criminal and traffic matters as stipulated by Law through enforcement of the relevant civil, and criminal procedure codes and the Traffic Act.

More over the police generally apprehend criminals after they have committed crime(s), thus deterring potential criminals from committing future crimes. The Judicial system, by contrast seeks to adjudicate and give deterrent sentences to offenders in matters that are criminal in nature as stipulated by the criminal code, resolving disputes that are civil in nature between litigants with a view to

arriving at a just settlement of the dispute as per the Civil Procedure Act, and adjudicating on traffic matters as per the Traffic Act.

Mulwa (1999), states that a significant degree of competition exists between the court system and other alternative dispute resolution mechanisms /methods. The alternative dispute resolution (ADR) methods developed mainly due to the inadequacy of the existing court system and arbitrations.

ADR originated in the USA when litigation system and to a large extent arbitration had become inefficient and expensive (something a kin to what we are going through) as a result thereof, the center for public resources (CPR) was established in New York to promote ADR. Others however, view ADR not as an alternative to litigation but additional methods for dispute resolution, arguing that the court system as the process established by the state under the statutes provides the well recognized and understood process of resolving disputes between individuals and between the state and individuals.

As public service employees in the judiciary charged with responsibilities of facilitating court processes in the administration of justice, there is a strong need to have a sound performance management system to effectively manage court registry staff. Administration of justice like any other business needs to be managed properly and to be managed properly it needs personnel who are better

trained and managed and it is only through a sound procurement procedure, appropriate training and effective performance management practices that court registry staff will be able to offer quality services to the varied customers of the court system.

Working Conditions

Most court registry staff spend a considerable amount of their working time on their desks doing assigned tasks, some on their feet attending to customers at the counter or reception, others convey files and documents to judges/magistrates and return them back after being processed, while others effect services such as summons requiring attendance. Some court registry staff ensure proper storage and retrieval of files and records whereas some undertake interpretation duties in open courts.

As outlined the duties of court registry staff are varied and wide and therefore cannot easily be quantified or measured with precision. However, court registry staff should always be alert as the nature of duties that are assigned to them are regulated by law and therefore the processes and procedures should conform to the legally established standards.

There is, therefore, a strong need to train court registry staff in general law practices and procedures to enable them to become more effective

in the performance of their duties. Since most of the registry staff do not have prior knowledge in legal aspects before recruitment, the Judiciary to a large extent relies on, "on the job training" to make new employees proficient. This type of training tends to rely on the experiences of long serving employees to coach new employees on registry work aspects. However, there is a strong need to either establish a Judiciary training school to ensure that both new and existing employees are imparted with uniform skills so as to be able to offer consistent and appropriate services to customers.

Alternatively the Judiciary should liaise with the School of Law or any competent training institution to introduce a curriculum best suited to the Judiciary's needs and aspirations so as to train its staff to offer better and effective services.

In practice, assignment instructions are issued through a duty roster/schedule prepared by the Executive Officer in charge of the registry in consultation with the Administrative Head (Magistrate/Deputy Registrar in charge of the registry) detailing what each member of staff is required to do. The duty roster/schedule acts as a basis for assigning duties and forms part of the terms and conditions of service of an employee. Some minor assignments can also be expressed verbally depending on circumstances and if they are abrupt in nature however, it is crucial that all work assignments

should be in writing for accountability purposes, otherwise, where verbal instructions or assignments have been necessitated they should immediately be followed by written instructions.

Salaries and Wages

The salaries and wages in the Judicial department are on the whole guided by the terms and conditions of service as stipulated by the Judicial Service Commission which is the employer body. However, since the Judicial department is a non profit making service department and despite the fact that it levies various fees and fines for its services, the department is not in a position to raise enough revenue to pay staff salaries and meet other operational and development costs.

Thus the Judiciary is yet to be completely autonomous and relies on the executive through the exchequer to pay salaries and meet other budgetary requirements. Since it relies on the exchequer for payment of staff salaries, any matters concerning staff salaries have to be processed through the Directorate of Personnel Management a government body that is charged with the management of public servants.

CHAPTER 3

METHODOLOGY

3.1   RESEARCH DESIGN

This was a descriptive survey research aimed at determining employee performance management practices in the Kenyan judiciary with a specific focus on court registry staff in Nairobi.

3.2   POPULATION OF STUDY

The population of study comprised the twelve executive officers in charge of court registries in Nairobi. There are twelve court registries in Nairobi, (Appendix 3).   The court registries are managed and supervised by the executive officers, who rank in seniority as follows: - The chief Executive Officer, the Senior Executive Officer, the Executive Officer I, the Executive Officer II, the Senior Executive Assistant and the lowest in the cadre being an executive assistant.   Since the research surveyed all population items, it involved   conducting   a Census Survey on all executive officers in   charge   of   registries   in Nairobi.

3.3 DATA COLLECTION

Primary data was collected using structured questionnaires which were administered on a "drop and pick later" basis. The Questionnaires were distributed to the most senior executive officer in a registry and consisted of both open ended and closed ended questions to rate different variables of the study.

The Questionnaire consisted of six sections:

Section one sought for information on registry profile; Section two was to establish planning elements and standards; Section three had questions seeking for information on performance indicators; Section four dealt with aspects on evaluation of performance; Section five addressed issues of performance rewards; and the final section addressed aspects of dealing with non performance.

CHAPTER 4

DATA ANALYSIS AND INTERPRETATION

4.1 RESPONSE

All the twelve questionnaires were returned. This represents a 100%
response rate. All responses were coded and descriptive statistics used to
analyse the data. The results are pictorially presented by using tables and
graphs.

RESPONDENTS REGISTRY	REGISTRY STAFF	JUDICIAL OFFICERS	TOTAL
Court of Appeal	30	10	40
HC* Criminal Division	32	5	37
HC* Civil (Central)	70	10	80
Family Division	17	4	21
HC* Commercial (Milimani)	37	5	42
Chief Magistrate Civil (Milimani)	85	13	98
Chief Magistrate Criminal (central)	75	15	90
Traffic	7	1	8
Nairobi Children's Court	10	2	12
Anti Corruption Court	6	1	7
Chief Magistrate's CR* Court (Kibera)	33	4	37
Chief Magistrates CR* Court (Makadara)	49	6	55
TOTAL	451	76	527

CR* Criminal

HC* High Court

Figure 3: Employees in respondents court registries

Court Registry staff make up 87% of total employees in the largest registry and up to 86% of the total employees in the smallest registry. This is explained by the fact that the larger the Registry the more the number of court Registry staff. There was no marked difference between the response from the large or small registries.

4.2 PERFORMANCE MANAGEMENT SYSTEM

All respondents indicated that they have an employee performance management system for registry staff. This shows that employee performance management practices are applied in all the registries.

Responsibility.

Out of the twelve respondents, nine indicated that line managers (executive officers) were responsible for the registry staff performance appraisal, two indicated that the magistrate in-charge was responsible while one indicated that both the line manager and the magistrate in-charge were responsible for registry staff performance appraisal.
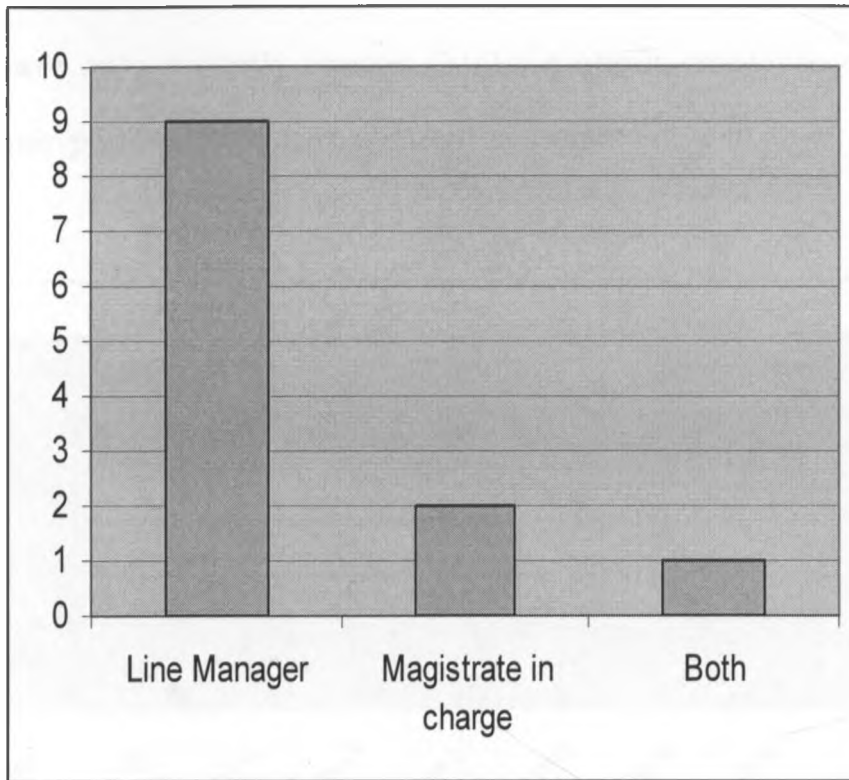
Figure 4: Responsibility for registry staff performance appraisal

This response indicates that registry staff performance and their performance management are tied to registry operations. Interestingly, respondents in large registries were among those who indicated that operational line managers (executive officers) were responsible for performance appraisal.

System Satisfaction

Respondents were asked to rate their satisfaction with ten performance management system components and their system as a whole. 90% of the respondents were satisfied with feedback (how the work is being done)

performance planning (75%) and discipline (70%). Only 42% were satisfied with the development-planning component. This may indicate that Registries have only recently started thinking about employee development as part of their performance management system.
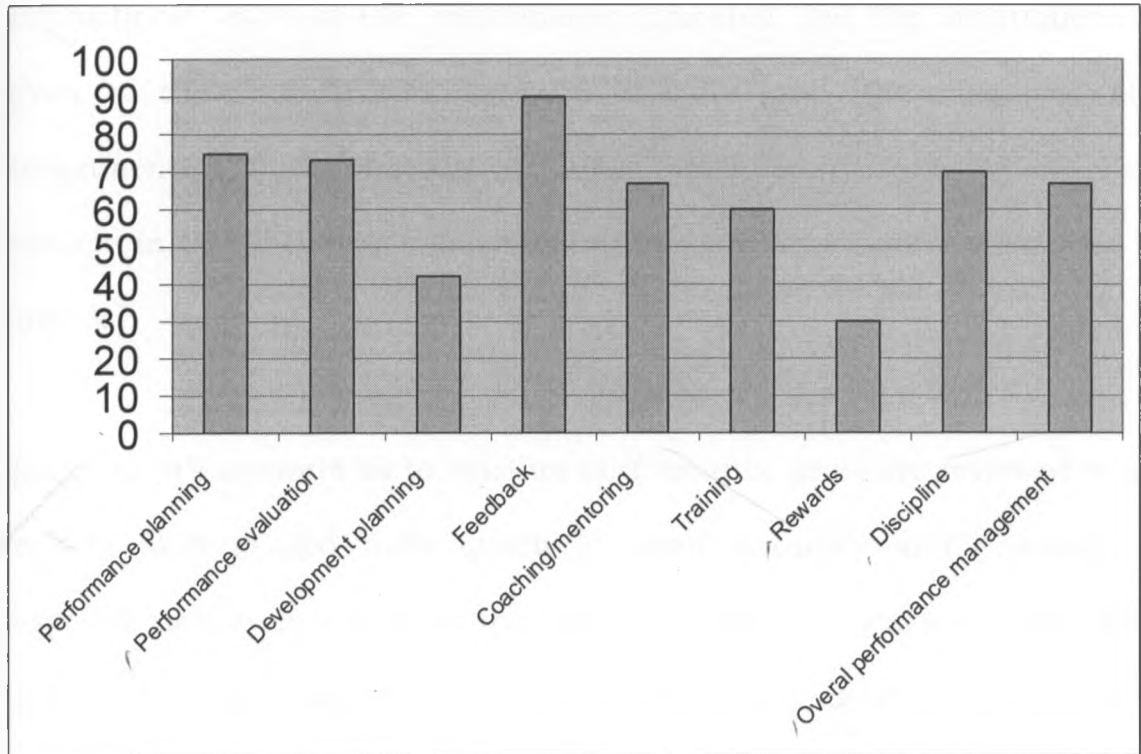
Figure 5: Percentage satisfied with current performance management system components

4.3 PERFORMANCE PLANNING

75% of the respondents indicated that their registries had performance plans for their staff. As observed earlier performance planning in the registries appeared to be tied to operations. All the 12 respondents indicated that

performance plans were based on duty rosters/schedules and assignment instructions. The assignment Instructions are a set of tasks and procedures assigned to staff. Operationally then, the performance goals are set by the Registry management which comprise the line managers and the magistrate in charge. These goals are then passed on to the staff as performance instructions. 87% of the respondents indicated that the instructions were given to the staff in writing, 67% verbally and 10% displayed at the assignment. These instructions were amended as and when changes occured in the Registry arrangements. For instance, additional duties to be covered.

Respondent's answers as to whether performance goals are reviewed with the registry staff ranged from quarterly, semi annually and annually. All respondents indicated that the registry staff performance was directly connected to the Registry performance goals. This again goes to give weight to the operational orientation of the performance management systems in the court Registries.

4.4 PERFORMANCE INDICATORS

The court Registry staff were in all cases supervised regularly. According to one respondent, management supervision supplemented the routine supervision carried out by the registry supervisors. The general objective for the supervision was to ensure that registry staff were present in their

assignment and carrying out their assigned duties/tasks. Respondents also indicated that supervisory visits were, in addition to checking on the registry staff, used as opportunities to consult with customers and obtain feed back on the staff's performance and the general standard of service being provided to customers.

Supervisor

While on supervisory duties the supervisor looks for the following performance indicators.

- Staff have reported on duty

- Staff are smartly dressed

- Staff have the required equipment

- Staff are alert and responsive

- Staff are aware and understand what is required of them

These were expectations that staff were made aware of at the time of being assigned duties. One respondent added, "being sober" as one other performance indicator.

This would imply that intoxication while on duty can be a performance problem.

Management

From a management point of view, all respondents checked all of the following as indicators of good performance (or otherwise).

- Misplacement/Loss of documents

- Minimal complaints from customers

- Increase in demand for registry services

- Positive employee/public relations.

Customers

According to the respondents, customers for court registry services look for the following performance indicators.

- Punctuality

- Alertness

- Knowledge of assignment

- Prompt and fair service delivery

- Supervision

Additional indicators reported by respondents were smartness and courtesy. The presence of standard indicators amongst respondents show that there exists certain standards in the judicial system which all court registry staff endeavor to measure and achieve. Few problems were reported between the staff and supervisors with regard to the assignment of tasks/duties because neither of them was involved in the planning process. Those that arise due to failure to do something were resolved by the line manager (Executive

Officer) and if not adequately addressed, by the administrative head in consultation with the executive officer in charge of a registry.

4.5 PERFORMANCE EVALUATION

Frequency

Perhaps because of the nature of the work, this aspect of the research questionnaire was equated with supervision. A majority of the respondents indicated that evaluation took place on a daily basis and therefore an on going management activity.

Input

All respondents indicated that line managers (executive officers) have a direct input into the staff performance evaluation process except in the case of line managers themselves wherein the magistrate/Deputy Registrar in charge of the registry undertakes their performance evaluation.

Review

As alluded earlier, there does not appear to be a well-structured and written performance management system in any of the respondent court registries. Performance appears to evolve around work and not the individuals.

In answer to the question of how frequently the performance system is reviewed by management, seven respondents indicated that it was reviewed

annually, three respondents reported that it was reviewed semi annually while two respondents indicated that it was reviewed quarterly.

Measuring effectiveness

Respondents listed the following rating criteria for the effectiveness of their performance systems.

- Customer/clients comments/complaints on quality of service provided (92%)

- Staff absentee rate (58%)

- Employee desertion from duties (25%)

- Lack of commitment at work (67%)

- Misplacement/loss of records/document's (100%)

Integration

Respondents indicated that the various components were well integrated. However, responses to other sections did not support the high rating of integration between:

- Performance and evaluation.

- Development and career planning

- Feedback, Coaching, Training and Development and

- Rewards

Importance of objectives

In a scale of 1-5 respondents were asked to place seven performance management system objectives in rank order based on their importance. Results showed that the highest ranked objectives were:

- Clarifying organisational/client expectations

- Gathering information for making employment decisions on promotion, transfer of staff from one assignment to another.

- Providing information to line managers and supervisors for coaching purposes.

- Provide information to employees about perceptions of their performance.

- Provide documentation on performance for employee records.

- Provide information to employees about their development needs

- Provide information to managers for making pay decisions.

Objectives	Rank
Clarify organizational/ client expectations of employees	1
Gather information for making employment decisions	2
Provide information to line managers/supervisors for coaching purposes	3
Provide information to employees about their performance	4
Documentation performance for employee records	5
Identify development needs	6
Gather information for making pay decisions	7

Figure 6: Objectives of performance management systems

4.6 REWARDING PERFORMANCE

Salaries and Incentives

Salary decisions are in all cases guided by the judicial service commission and the Government through the Directorate of personnel management and the treasury.

None of the respondents indicated that performance results are used in making salary decisions.   However, ten respondents indicated that performance results were used in making incentive decisions like recognition and promotions, nine indicated that performance results were used in making retention decisions, seven indicated that the results were used in making transfer decisions while four respondents indicated that performance results were used in making training and development decisions.

Other management decisions

Performance results are used in making a variety of employment decisions as shown in **figure 7.**
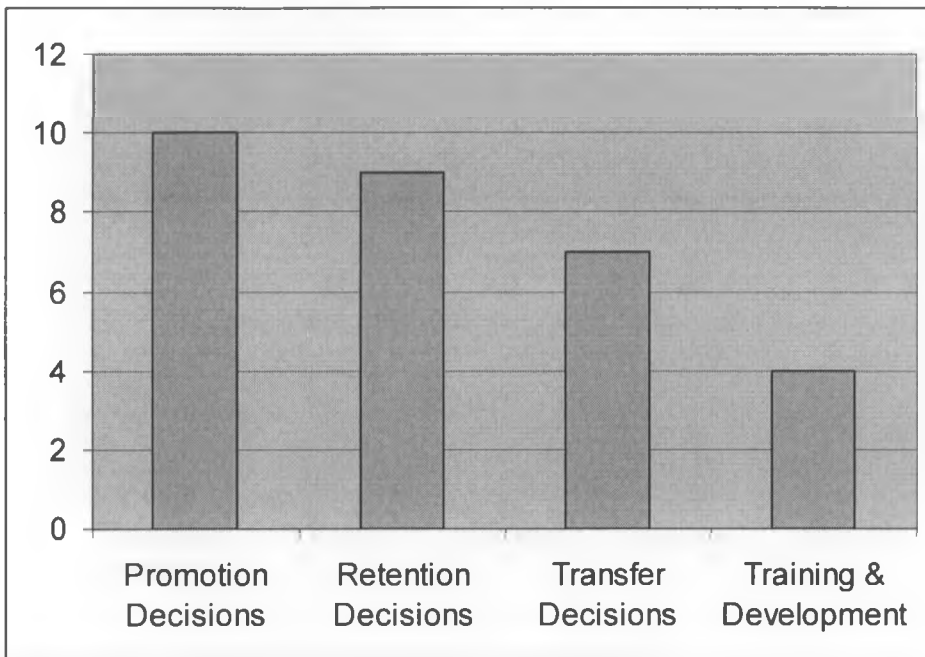
Figure7: Using performance management results for decision making

4.7 DEALING WITH NON PERFORMANCE

Various employee decisions are made on grounds of non-performance. These include identifying training and development needs, transfer from assignments or location, demotion if one is on an acting position, cautionary measures like warnings and termination of employment for non-permanent staff.
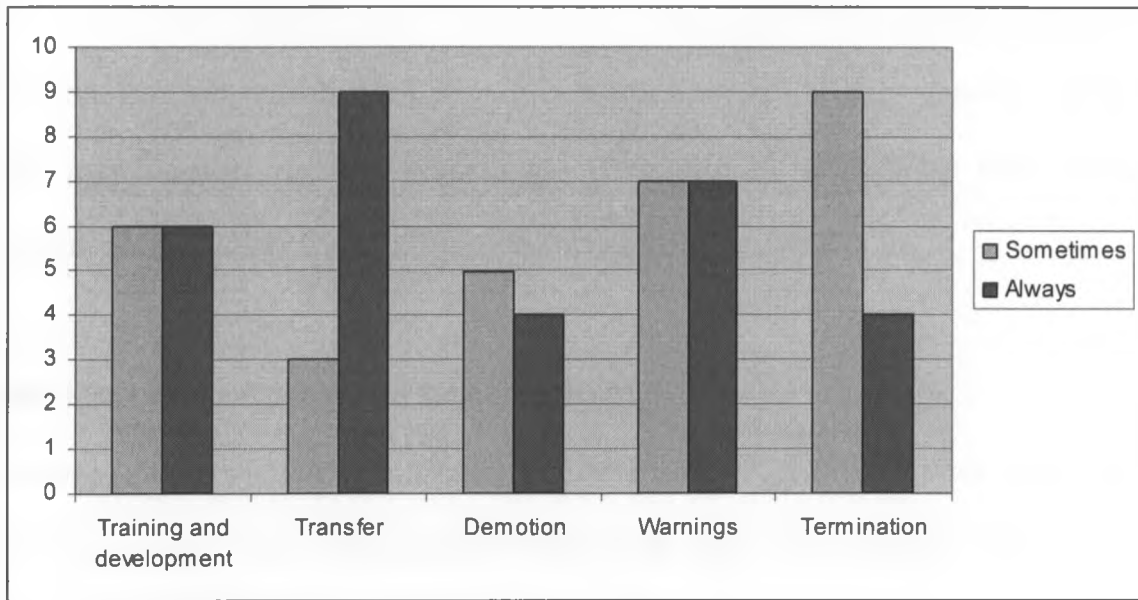
Figure 8: Performance based decisions

Training and Development plans

According to the survey, there exists training and development opportunities for all cadres of registry staff. The training and development arm of the government is the Directorate of Personnel Management which has a specified timetable for training of different cadres of public servants that runs through a financial year. However, it was noted by the researcher that a substantial number of court registry staff were not aware of the available training programmes as in most cases the Directorate's circulars reached registries late and in some instances the circulars did not reach them at all.

This training is supplemented by departmental training that is organized by the Judiciary itself and in some instances supported by external sponsors. However, the bulk of the training and development is undertaken through the on the job training as it is much cheaper, reliable, practical and does not much affect routine workflow. Owing to its suitability this method is much preferred by the Judiciary's top administrators.

Methods of Training and Development

Survey results 100% indicated that internal training was popular and preferred. All the respondents indicated that they conducted on the job training mainly through the use of experienced employees. Only 20% of the survey results indicated the use of other methods of training.
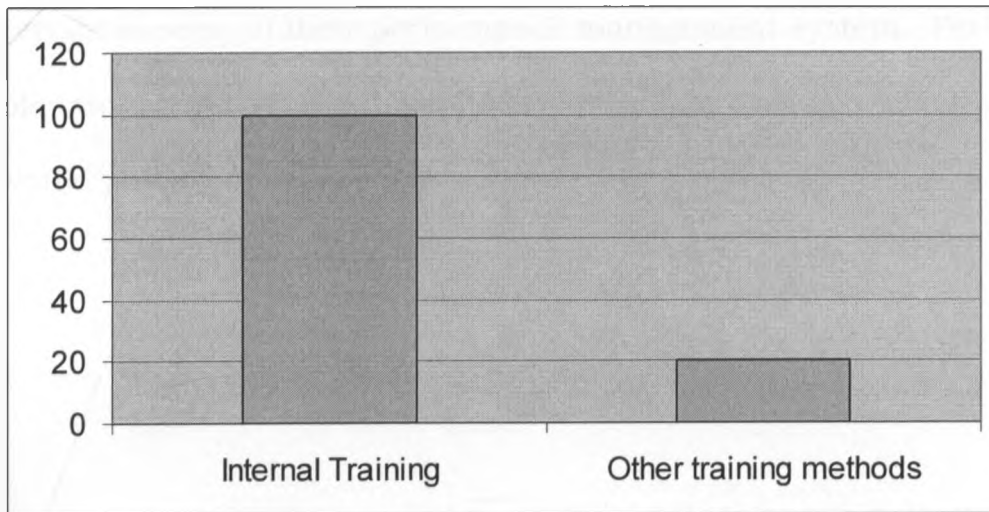
Figure 9: Percentage of development method usage

Effectiveness of Training and Development methods

Respondents were asked to rate the effectiveness of training and development methods used. Survey respondents viewed on the job training as the most effective, followed by Job assignments/Job rotation, internal consultants and off the Job training in that order.

Method	Rating
On the Job training	1
Job assignment/Job rotation	2
Internal Consultants	3
Off the job training	4

Figure 10: Development methods effectiveness

Future emphasis

Respondents indicated that they would in future put more emphasis on certain aspects of their performance management system. Performance planning, training and discipline were the key areas on which respondents would place more emphasis.
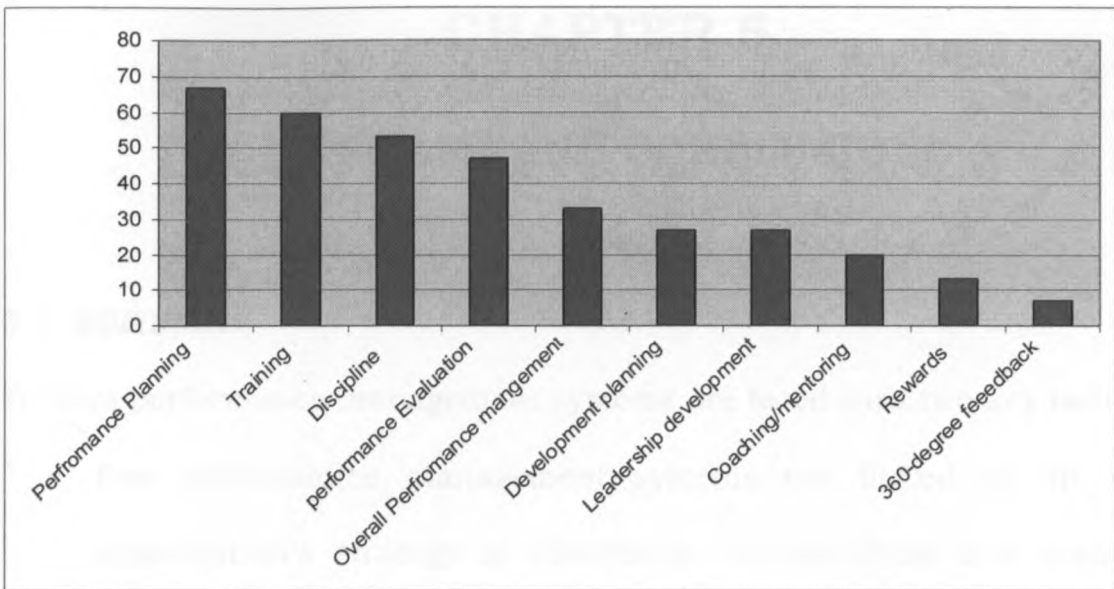
Figure 11: Percentage rating of areas of future emphasis

Perceived challenges

Respondents saw the following management issues as future challenges to their performance management system.

- Low levels of legal education on the part of staff

- Lack of proper management guidance

- Increasing customer expectations

CHAPTER 5

SUMMARY AND CONCLUSIONS

5.1 SUMMARY

To days performance management systems are faced with two key issues

- Few performance management systems are linked to the overall organization's strategy or objectives. Unless there is a connection between personal and organisational goals, employees can easily feel that they do not make a difference to the overall goals and success of the employer.

- Too many performance management systems are focused on measurement rather than development. Emphasizing evaluation and expectations puts employees on the defensive and demotivates them. As a result the full benefits of an employee performance management system are lost on both the employer and the employee.

The Judicial system in respect to court registry staff would appear to fall under the second category.

5.2 CONCLUSIONS

The research findings are:

- That court registries use an employee performance management system as a human resource management tool.

- A system or systems exist through which registry staff performance is planned, monitored, appraised and evaluated.

- The results of the performance management system(s) are used in making a variety of employee and employment decisions.

The functional roles of the respondents in their registries and the responses given in response to the various research questions shows an emphasis on work rather than people. However, the results of the study bring to light the fact that due to the nature of the Judicial system, work methods and procedures play a very important role in the development and use of a performance management system. Considering the salary levels in the judiciary, it is better to evaluate the negative effects of their reliance on government sanctioned salary guidelines as bench marks for the maximum or minimum salaries that the Judiciary can pay its court registry staff.

This reliance, plus the emphasis on work, rather than people, in their performance management systems, has no doubt contributed to the feeling of inequity cited in the statement of the problem.

To alleviate this problem, a much stronger connection between performance and rewards needs to be built into the performance management systems. Both extrinsic rewards, pay, benefits, Job security, promotions and intrinsic rewards-challenging work, personal development and opportunities to learn new skills are valuable to employees. Unfortunately, with the current system, there is little or no connection between performance management and extrinsic or intrinsic rewards.

The researcher appreciates the fact that this approach will lead to an increase in operating costs which will, inevitably, have to be passed on to the government and by extension the taxpayer will have to carry the burden of increased operating costs. The future challenges of low levels of legal education on the part of registry staff, increasing customer expectations and lack of proper management guidance identified by respondents are not insurmountable. The changing make up of the work force wherein people with advanced training are being deployed at the registries will help resolve the first two challenges..

A lack of management support is a common challenge cited when dealing with employee performance management. Clearly, executive support of performance management is critical to the success of the system. With the rising unemployment, people with advanced formal education are now joining the Judiciary as registry staff.

One respondent informed the researcher that there is at least one university graduate in all major court registries. The registry staff of tomorrow will ,therefore, be younger and well educated. They are likely to be concerned with having a quality working life. It does appear that Kenyans are prepared to build a career in the court registries. Time is, therefore, ripe for the court registries to give their performance management styles a new holistic orientation. This will lead to improved and better service delivery.

5.3 RECOMMENDATIONS

In light of the above, the following recommendations towards improved and better service delivery to consumers of justice (customers) by court registry staff are made.

- Performance management system(s) should be fully incorporated in court registries in Kenya wherein performance objectives and goals will be set across all registries and for individual registry staff. Actual performance will be measured and then compared with the set targets/goals. The results will be used to reward both positive and negative reinforcements.

- The judiciary should institute and emphasize on a sound human resource procurement procedure in the hiring of court registry staff so as to have highly qualified and competent personnel at the registries to enhance efficiency and better service delivery.

- The judiciary should put more emphasis on the training and development of court registry staff through such measures as the setting up of a judiciary training school or in the alternative liase with the school of law or any competent training institution to train and develop all cadres of registry staff with the objective of equipping them with the relevant knowledge, skills, and attitudes towards efficient and effective service delivery. These can be achieved by introducing a suitable curriculum for court registry staff that meets the needs and aspirations of the judiciary. Training and development should be an ongoing activity. A training and scheme of service handbook should be availed to all court registry staff to create awareness of the training opportunities available for them and career requirements.

- All cadres of court registry staff should have a sufficient and appropriate career structure/scheme of service that clearly outlines entry point requirements on each grade that should include academic qualifications required and the level of experience required in years among other requirements, for one to qualify to apply for a given grade/post.

The standardized requirements should apply to all court registry staff to avoid sentiments and accusations of favouritism and nepotism cited in the statement of the problem and also remove feelings of

inequity by ensuring equal treatment of all registry staff in career matters and more so on promotion procedures.

- Court registries should adopt modern information communication technology (ICT) through computerization of registries to facilitate speedier, effective and efficient service delivery. These can be achieved through provision of adequate computers and related equipment, development of an effective net work system and a comprehensive database and the training of registry staff. The judiciary can exploit ICT developments by addressing a number of problems in the registries such as the highly publicized issue of 'missing files', as appropriate software and networking will make the retrieval process of records and information much easier.
  ICT will also address issues such as case delays and backlogs which will contribute to better service delivery by court registry staff.

- The terms and conditions of service for Court registry staff should be continuously reviewed and improved so as to attract, motivate and retain competent and productive staff in the registries. To attract, motivate and retain the best talents in the market, the judiciary should endeavour to de-link its reliance on Government controlled salary and incentives guidelines and instead seek full financial autonomy in respect of the terms and conditions of its staff and more

specifically as concerns court registry staff. This will further give meaning to the constitutional provision regarding the judiciary and its independence.

- The court registries infrastructural facilities should be expanded and improved to enable a favourable working environment for court registry staff to enhance their productivity and efficient service delivery. The current infrastructure in the registries is inadequate and in some cases inexistent such as provision of adequate office space, furniture, fittings, photocopiers, computers, shredders, typewriters, fax machines and telephones among other infrastructural facilities.

- The scheme of service in respect of the line managers (executive officers) should be adequately addressed and expanded in terms of seniority and structure so as to be in line with other existing cadres such as human resource managers and accountants to avoid the current situation where officers in the cadre stagnate in one grade for many years and eventually retire in relatively junior positions due to an inadequate career structure. The role of executive officers in the management, supervision and inspection of registries is crucial and therefore, their career matters should be adequately addressed to enhance their motivation which will contribute to better service delivery in court registries.

- Performance evaluations and appraisals in respect of court registry staff should be done by the (executive officers) in charge in liaison with other line managers and supervisors in various sections where specific registry staff work in observance of the management principle of accountability and responsibility. However, their should be a provision for the magistrate in charge to endorse the appraisals except for the case of the executive officer in-charge wherein appraisal should be done by the magistrate/Deputy Registrar (administrative head) of the registry.

- Revenue collection and recurrent expenditure should particularly be streamlined by requiring the administrative head (magistrate in-charge) and the executive officer in charge of a registry to be more involved in the registry's/courts accounting system by such measurers that include acquisition of collections receipt books, checking daily collections against respective case files, banking and authorizing and monitoring expenditure and not leaving the entire accounting exercise to accounting personnel alone which has exposed the entire accounting system in registries/courts to massive rip offs on a consistent basis.

  Revenue collection and expenditure control can further be enhanced by introducing various checks and balances in the accounting system

and more specifically by making more officers signatories in accounting documents and forms that should include the magistrate in charge, the executive officer in charge, the accountant, the supplies officer, the store keeper or the one in charge of stores.

By instituting such measures, revenue collection will be enhanced and an element of prudence will be encouraged in the spending of public funds. If revenue collection is improved, possibly there will be a strong case for the judiciary to demand for improved terms and conditions of service for its staff and more specifically for court registry staff.

- The disciplinary machinery in the judiciary/registries should be above board so that such measures are not used to selectively punish court registry staff through personal whims and likings of senior officers to the detriment of the affected court registry staff who in most cases do not have any redress. The disciplinary procedure should be based on a more objective basis and not on management's subjective criterion. The streamlining of the disciplinary process will address the issue of victimization cited in the statement of the problem.

- Court registry staff also referred to as paralegal staff should form an Association to represent their interests in the Kenyan judiciary. Currently only judges and magistrates have an Association that

propagates their interests. The association can also act as a welfare body that will address the varied needs of the paralegal staff.

Such a body will create a sense of belonging to all paralegal staff and thus enhance their motivation and productivity which will contribute to better service delivery in court registries.

5.4 LIMITATIONS OF THE STUDY

Existing literature

Existing literature on performance management assumes a formal work environment, It also assumes a more knowledgeable worker who understands the various components and meanings attached to performance management.

The Court registries setting is labour intensive, until recent times, the Judiciary has been attracting less educated staff to be deployed at the registries. Naturally then, the management style, systems and procedures adopted were those that people with this level of education would understand.

Population

The population studied could have been increased to encompass court registries throughout the country but it was not possible due to financial and time constraints.

Respondent's reluctance to participate

Two of the respondents were reluctant to participate in the survey because they felt that the issues raised were pro-employees and a potential source of problems for them that could bring conflicts between them and the judiciary's top administrators. It entailed an assurance of confidentiality contained in the introduction letter to make them change their stand. This clearly shows a lack of understanding or appreciation of the purpose and meaning of employee performance management in the court registries. In a wider sense, it can also be seen as court registry management lack of appreciation of the benefits to be derived from participating in an academic research.

Respondents:

All the questionnaires were completed by line managers (executive officers) and not human resource management staff. With due respect to the respondents, this posed a problem in understanding and putting into context the various human resource terminologies used in the questionnaire. This problem was resolved by visiting and providing explanations to the respondents.

5.5 SUGGESTIONS FOR FURTHER STUDY

There is a need for a more intense research on employee performance management practices in the court registries in Kenya. This is more so because the current focus is mainly on performance appraisal. It would be of interest to know what the registry staff themselves think of how their performance is managed, the purpose and benefits of performance management.

Further research could also be undertaken to establish how registries implement their performance management systems. At the academic level, this research has shown that more attention should be paid to this important sector of the Judiciary. The court registries contribution to the administration of Justice in itself justifies support from the human resource experts and the academia.

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APPENDICES

APPENDIX 1

<div align="right">

Mr. Ernest M. Oresi
P O Box 30041 - 00100
NAIROBI

July 2005

</div>

Dear Sir/Madam

MBA RESEARCH PROJECT

I am a student at the University of Nairobi pursuing a postgraduate course in Master of Business Administration (MBA) degree. I am undertaking a Research Project on employee performance management practices in the Kenyan judiciary (the case of court Registry staff in Nairobi). This research is part of the course requirements. You have been carefully selected to take part in this survey. Kindly spare sometime to fill the attached questionnaire as accurately as possible. The information being sought is purely for academic purpose and all responses are strictly confidential.

Your cooperation will be highly appreciated.

Thank you.

Yours faithfully

ERNEST M. ORESI
MBA STUDENT

APPENDIX 2

QUESTIONNAIRE

(COURT REGISTRY STAFF PERFORMANCE MANAGEMENT)

SECTION 1: REGISTRY PROFILE

1.1   Name of the Registry ....

1.2   Title or position of respondent ....

1.3   Postal Address ....

1.4   Administrative head of the registry (please tick as appropriate)

[   ] Presiding Judge   [   ] Magistrate in charge

1.5   What is the best term that describes the geographical scope of your Registry? (Please tick as appropriate)

[   ] Local (operating within a limited area)

[   ] National (operating within Kenyan borders only)

[   ] International (operating outside Kenyan borders)

1.6   Number of employees

Number of court registry staff	Number of Judicial Officers in the registry	Percentage of Court registry Staff to Judicial Officers
[ ] Less than 20	[ ]	_____
[ ] 21 – 50	[ ]	_____
[ ] 51 – 100	[ ]	_____
[ ] 101 and over	[ ]	_____

1.7 Do you have an employee performance management system?

[   ] Yes   [   ] No

1.8 Who is responsible for court registry staff performance appraisal in your registry?

[   ] Line manager (Executive Officer)

[   ] Magistrate in charge

[   ] Presiding Judge

[   ] Supervisors

[   ] Other (Specify)

1.9 If there is a performance management system in your registry, please rate the level of your satisfaction with the following parts of the system (check/tick one box per row)

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very Dissatisfied
Staff performance planning	[ ]	[ ]	[ ]	[ ]	[ ]
Staff Performance Evaluation	[ ]	[ ]	[ ]	[ ]	[ ]
Staff Development Planning	[ ]	[ ]	[ ]	[ ]	[ ]
Career Planning/ Scheme of service	[ ]	[ ]	[ ]	[ ]	[ ]
Feedback	[ ]	[ ]	[ ]	[ ]	[ ]
Coaching and/or mentoring	[ ]	[ ]	[ ]	[ ]	[ ]
Training	[ ]	[ ]	[ ]	[ ]	[ ]
Rewards	[ ]	[ ]	[ ]	[ ]	[ ]
Discipline	[ ]	[ ]	[ ]	[ ]	[ ]
Overall performance mgt system	[ ]	[ ]	[ ]	[ ]	[ ]

SECTION 2: PERFORMANCE PLANNING

2.1 Do the following categories of registry staff have written performance goal plans?

	Yes	No
Executive Officers	[ ]	[ ]
Supervisors	[ ]	[ ]
Clerical Officers	[ ]	[ ]
Archivists	[ ]	[ ]
Secretaries/Typists	[ ]	[ ]
Cashiers	[ ]	[ ]
Process servers/Bailiffs	[ ]	[ ]
Subordinate staff	( ]	[ ]

2.2 Who sets the goals? ....

2.3 What is the period/time frame of the goals? ....

2.4 What are the staffs performance plans based on?

	Yes	No
Assignment instructions	[ ]	[ ]

If no please specify

....

....

2.5 How are the performance expectations given to staff?

	Yes	No
In writing	[ ]	[ ]
Verbally	[ ]	[ ]
Displayed at Notice board	[ ]	[ ]

2.6 How frequently are performance goals reviewed with staffs from the following groups? (Check one box per row)

	Quarterly	Semi Annually	Annually	Every 2 years	Never
Executive officers	[ ]	[ ]	[ ]	[ ]	[ ]
Supervisors	[ ]	[ ]	[ ]	[ ]	[ ]
Clerical Officers	[ ]	[ ]	[ ]	[ ]	[ ]
Archivists	[ ]	[ ]	[ ]	[ ]	[ ]
Secretaries/Typists	[ ]	[ ]	[ ]	[ ]	[ ]
Cashiers	[ ]	[ ]	[ ]	[ ]	[ ]
Process Servers/Bailiffs	[ ]	[ ]	[ ]	[ ]	[ ]
Subordinate staff	[ ]	[ ]	[ ]	[ ]	[ ]

2.7 Which of the following categories of staffs have performance targets directly connected to your registry's overall performance targets or work plans?

	All	Some	None
Executive Officers	[ ]	[ ]	[ ]
Supervisors	[ ]	[ ]	[ ]
Clerical officers	[ ]	[ ]	[ ]
Archivists	[ ]	[ ]	[ ]
Secretaries/Typists	[ ]	[ ]	[ ]
Cashiers	[ ]	[ ]	[ ]
Process servers/Bailiffs	[ ]	[ ]	[ ]
Subordinate staff	[ ]	[ ]	[ ]

SECTION 3: PERFORMANCE INDICATORS

3.1 How often are registry staffs supervised?

....

....

3.2 What is the objective of the supervision?

....

....

3.3 What performance indicators does the supervisor look for?
(Please tick as appropriate)

[   ] Staffs have reported on duty

[   ] Staffs are smartly dressed

[   ] Staffs have required equipment

[   ] Staffs are alert and responsive

[   ] Staffs are aware and understand what is required of them

[   ] Other (please specify)

....

....

3.4 What performance indicators does management look for?
(Please tick as appropriate)

[   ] Misplacement/loss of documents

(   ) Minimal complaints from customers

[   ] Increase in demand for Registry services

[   ] Positive employee/public relations

[   ] Other (please explain)

....

3.5 What performance indicators do customers look for?
(Please tick as appropriate)

[   ] Punctuality

[   ] Alertness

[   ] Knowledge of assignment

[   ] Prompt and fair service delivery

[   ] Supervision

[   ] Other (please explain)

....

....

3.6 Please state the conflicts, if any, that arise between the staff and the
Supervisors in setting performance indicators

....

....

3.7 How are these conflicts resolved?

....

....

SECTION 4: EVALUATION OF PERFORMANCE

4.1 How frequently are performance evaluations conducted for employees in the following groups? (check one box per row)

	Quarterly	Semi Annually	Annually	Every 2 years	Other (specify)
Executive Officers	[ ]	[ ]	[ ]	[ ]	[ ]
Supervisors	[ ]	[ ]	[ ]	[ ]	[ ]
Clerical Officers	[ ]	[ ]	[ ]	[ ]	[ ]
Archivists	[ ]	[ ]	[ ]	[ ]	[ ]
Secretaries/typists	[ ]	[ ]	[ ]	[ ]	[ ]
Cashiers	[ ]	[ ]	[ ]	[ ]	[ ]
Process servers /Bailiffs	[ ]	[ ]	[ ]	[ ]	[ ]
Subordinate Staff	[ ]	[ ]	[ ]	[ ]	[ ]

4.2 Who has direct input into the performance evaluation? (check all that applies in each row)

	Judge/ Magistrate in charge	Line Managers	Supervisor	Self	Customers	HR Manager
Executive Officers	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Supervisors	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Clerical Officers	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Archivists	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Secretaries/typists	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Cashiers	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Process servers /Bailiffs	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
Subordinate Staff	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

How frequent is your registry's performance management system

Reviewed by:

	Quarterly	Semi Annually	Annually	Every 2 years	Hardly ever
Management	[ ]	[ ]	[ ]	[ ]	[ ]
Human Res. Dept.	[ ]	[ ]	[ ]	[ ]	[ ]

How is the effectiveness of your performance management system measured?

[   ] Customer comments/bad service reports

[   ] Absenteeism

[   ] Employee desertion

[   ] Reports of staff idling at work

[   ] Misplacement/loss of records/documents

[   ] Other (please explain)

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4.3 In your opinion, how well integrated with each other are the following components of your performance management system? Performance planning and Evaluation

Very Well Integrated	Well Integrated	Slightly Integrated	Poorly Integrated	Not Integrated
[ ]	[ ]	[ ]	[ ]	[ ]

Please explain

....

....

Development and Career Planning

Very Well Integrated	**Well Integrated**	**Slightly Integrated**	**Poorly Integrated**	**Not Integrated**
[ ]	[ ]	[ ]	[ ]	[ ]

Please explain

....

....

Feedback, Coaching, Training and Development

Very Well Integrated	**Well Integrated**	**Slightly Integrated**	**Poorly Integrated**	**Not Integrated**
[ ]	[ ]	[ ]	[ ]	[ ]

Please explain

....

....

Rewards

Very Well Integrated	**Well Integrated**	**Slightly Integrated**	**Poorly Integrated**	**Not Integrated**
[ ]	[ ]	[ ]	[ ]	[ ]

Please explain

....

....

4.4 Please rank the importance of the following performance management system objectives to your organization by ticking on the appropriate box

    1=   Most important
    2=   Important
    3=   Item listed is not an objective of your registry performance management system
    4=   Slightly important
    5=   Not important

	1	2	3	4	5
Clarify Registry/client expectations of employees	[ ]	[ ]	[ ]	[ ]	[ ]
Provide information to managers/ supervisors for coaching purposes	[ ]	[ ]	[ ]	[ ]	[ ]
Provide information to managers for making pay decisions	[ ]	[ ]	[ ]	[ ]	[ ]
Provide information to managers for making employment decisions, promotion, demotion, transfer, termination	[ ]	[ ]	[ ]	[ ]	[ ]
Provide documentation on performance for employee records	[ ]	[ ]	[ ]	[ ]	[ ]
Provide information to employees about perceptions of their performance	[ ]	[ ]	[ ]	[ ]	[ ]
Provide information to employees about their development needs	[ ]	[ ]	[ ]	[ ]	[ ]

Other objectives (please specify)

....
....
....
....
....
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SECTION 5: REWARDING PERFORMANCE

5.1 What basis does your organization use in making salary and incentive Decisions for your staff? (Please tick appropriate box)

	Individual Performance	Organization initiated salary structure & policy	Collective union guidelines	Government salary guidelines	Other (please specify)
Executive Officers	[ ]	[ ]	[ ]	[ ]	[ ]
Supervisors	[ ]	[ ]	[ ]	[ ]	[ ]
Clerical Officers	[ ]	[ ]	[ ]	[ ]	[ ]
Archivists	[ ]	[ ]	[ ]	[ ]	[ ]
Secretaries/Typists	[ ]	[ ]	[ ]	[ ]	[ ]
Cashiers	[ ]	[ ]	[ ]	[ ]	[ ]
Process servers /Bailiffs	[ ]	[ ]	[ ]	[ ]	[ ]
Subordinate Staff	[ ]	[ ]	[ ]	[ ]	[ ]

5.2 How often are the results of your performance management system Used in making the following decisions?

	Always	Sometimes	Rarely	Never
Promotion decisions from clerical officer, supervisor, executive officer	[ ]	[ ]	[ ]	[ ]
Change in employment terms decisions from temporary to permanent and pensionable	[ ]	[ ]	[ ]	[ ]
Training and Development decisions	[ ]	[ ]	[ ]	[ ]
Transfer decisions	[ ]	[ ]	[ ]	[ ]
Salary and incentive decisions	[ ]	[ ]	[ ]	[ ]

SECTION 6: DEALING WITH NON PERFORMANCE

6.1 To what extent do you use the results of your performance management system in making the following employee decisions?

	Always	sometimes	Rarely	Never
Training and Development	[ ]	[ ]	[ ]	[ ]
Issuing of warning letters	[ ]	[ ]	[ ]	[ ]
Transfer	[ ]	[ ]	[ ]	[ ]
Demotion	[ ]	[ ]	[ ]	[ ]
Termination of employment	[ ]	[ ]	[ ]	[ ]

6.2 Please show category of employees from each group with a written training and development plan for the next 12 months.

	All	Some	None
Executive officers	[ ]	[ ]	[ ]
Supervisors	[ ]	[ ]	[ ]
Clerical officers	[ ]	[ ]	[ ]
Archivists	[ ]	[ ]	[ ]
Secretaries/typists	[ ]	[ ]	[ ]
Cashiers	[ ]	[ ]	[ ]
Process servers/ Bailiffs	[ ]	[ ]	[ ]
Subordinate Staff	[ ]	[ ]	[ ]

6.3 (a) Are the following training and development methods used in your organization (Tick Yes or No)

(b) For each method used in your organization, please indicate which Employee groups participate

(a) Yes	(b) No		Executive Officers	Supervisors	Clerks	Cashiers	Secretaries Typists	Process servers /Bailiffs	Archivists	Subordinate. Staff
[ ]	[ ]	In house instructor led classroom programmes	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	External instructor led classroom programmes	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	Independent study using traditional methods	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	Independent study using on line materials	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	Externally hired consultants	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

[ ]	[ ]	Internal consultants (HR Managers or other employees)	[ ]	[ ]
[ ]	[ ]	Systematic job assignments, job rotation	[ ]	[ ]
[ ]	[ ]	Action learning and other on the job training	[ ]	[ ]

[ ]   [ ]   [ ]   [ ]   [ ]   [ ]

[ ]   [ ]   [ ]   [ ]   [ ]   [ ]

[ ]   [ ]   [ ]   [ ]   [ ]   [ ]

6.4 How would you rate the following development methods used by your Organization?

	Very effective	Effective	Somewhat effective	Not effective	Very ineffective
In house instructor led classroom programmes	[ ]	[ ]	[ ]	[ ]	[ ]
External led classroom programmes	[ ]	[ ]	[ ]	[ ]	[ ]
Independent study using traditional methods	[ ]	[ ]	[ ]	[ ]	[ ]
Independent study using on line material	[ ]	[ ]	[ ]	[ ]	[ ]
Externally hired consultants	[ ]	[ ]	[ ]	[ ]	[ ]
Internal consultants (HR, managers or other employees)	[ ]	[ ]	[ ]	[ ]	[ ]
Systematic job assignments, job rotation	[ ]	[ ]	[ ]	[ ]	[ ]
Action learning and other on the job training	[ ]	[ ]	[ ]	[ ]	[ ]

6.5 Using the following scale, please indicate how much emphasis should your registry in future place on the following parts of its performance management system

	A lot more	slightly more	About the same	Little	Very little
Performance planning/goal setting	[ ]	[ ]	[ ]	[ ]	[ ]
Performance evaluation	[ ]	[ ]	[ ]	[ ]	[ ]
Development planning	[ ]	[ ]	[ ]	[ ]	[ ]
360 degree feedback	[ ]	[ ]	[ ]	[ ]	[ ]
Coaching and/or mentoring	[ ]	[ ]	[ ]	[ ]	[ ]
Training	[ ]	[ ]	[ ]	[ ]	[ ]
Leadership development	[ ]	[ ]	[ ]	[ ]	[ ]
Rewards	[ ]	[ ]	[ ]	[ ]	[ ]
Discipline	[ ]	[ ]	[ ]	[ ]	[ ]
Overall performance Management system	[ ]	[ ]	[ ]	[ ]	[ ]

6.6 What do you believe is the greatest challenge to improving your registries current performance management system?

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6.7 Please provide any other information which you think might be helpful to this study.

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THANK YOU FOR YOUR TIME AND PARTICIPATION IN THIS SURVEY.

Would you like to receive a copy of the final report? [   ] Yes   [   ] No

APPENDIX 3

COURT REGISTRIES IN NAIROBI

1. Court of Appeal Registry

2. High Court Criminal Division Registry

3. High Court Civil Registry (Central)

4. Family Division Registry

5. High Court Commercial Registry (Milimani)

6. Chief Magistrate's Civil Registry (Milimani)

7. Chief Magistrate's Criminal Registry (Central)

8. Traffic Registry

9. Nairobi Children's Court Registry

10. Anti Corruption Court Registry

11. Chief Magistrate's Criminal Registry (Makadara)

12. Chief Magistrate's Criminal Registry (Kibera)