

**STRATEGIC PLANNING PRACTICES IN THE KENYAN  
JUDICIARY**

**BY**

**LUCY LILLIAN MUTHUSI**

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENT FOR THE AWARD OF THE DEGREE OF MASTER OF  
BUSINESS ADMINISTRATION, SCHOOL OF BUSINESS, UNIVERSITY OF  
NAIROBI**

**NOVEMBER 2014.**

## **DECLARATION**

I hereby declare that this is my original work and has not been submitted for any award at any other institution.

Student:

Signature.....

Date.....

**Lucy Lillian Muthusi**

**D61/64980/2013**

Supervisor:

This research project has been submitted for examination with my approval as the university supervisor.

Signature.....

Date.....

**MR. J.N. KAGWE**

Department of Business Administration

School of Business

University of Nairobi.

## **ACKNOWLEDGMENTS**

First and foremost, I sincerely thank the Almighty God for giving me the strength, providing means to undertake this study, for His sufficient grace and favours. To Him be all Honor and Glory.

I take this opportunity to express my deep and sincere gratitude to my supervisor, Mr. J. N.Kagwe for his invaluable support towards this project. His constructive criticism, careful guidance and patience enabled me to complete the project in time.

To my parents am grateful for supporting, encouraging and believing in me in my entire study life. Many thanks to my brother Emmanuel Muthusi who was always there to give me a push when I felt it was too overwhelming. I also extend my gratefulness to all my friends and relatives for their moral support and encouragement that has helped me to complete this project.

I would also like to thank the Registrars and Directors for availing data that was crucial for the project report would not have been possible without their help. A special thanks goes to the proposal presentation panel and colleagues who were present during the presentation of project proposal.

## **DEDICATION**

This research work is dedicated to my dear my parents Mr. & Mrs. Muthusi, my brother Emmanuel Muthusi , my nephew Justin Muthusi and my mentor Mr. Maina for their immeasurable love, support, prayers and inspiration. God bless you all.

## ABSTRACT

Strategic planning is viewed as a way to increase the efficiency and effectiveness of an organization by improving its operations both now and in the future. Strategic planning forms a framework for management to formulate a vision, mission and objectives that will guide the organization achieve its intended goals. The strategic management process is used by the management to set objectives, goals and schedule activities for achieving the set goals. This also includes establishing ways of monitoring, evaluating and measuring progress. This study is aimed at examining strategic planning practices at the Kenyan Judiciary. The research design used was a case study. The researcher used primary sources of data for this study. The primary data was collected through an interview guide. This allowed the respondents sufficient time to respond to questions asked bearing in mind that the interviews were administered during working hours. The interviewees of the study were Registrars for the Supreme Court, Court of Appeal, High Court and magistrate courts. Also interviewed were directors for Information Communication Technology, Human Resource, Performance Management, and Finance. The collected data was examined for completeness and clarity and was analyzed using content analysis. The findings show that there is a strategic plan at the Kenyan Judiciary. The study established that the Kenyan Judiciary applies the following strategic planning practices; developing of key strategies that contribute to the overall vision, development of specific measurable realistic and time bound strategic goals, communication of organizational vision, mission and key policies, development of short and long term operational goals; subdividing goals and allocating sub-goals with careful attention to details, participating, schedules and milestones, monitoring and evaluation. The study established there are several factors influencing strategic planning these are the release of vision 2030, the new constitution, resources such as human resources, government policies and donor funding. Also, the study looked at the challenges encountered in the implementation of strategies and how they have been dealt with. The challenges include: resources are not well distributed, lack of well formulated strategies, lack of monitoring, evaluation and review directorate or unit, organizational structure, lack of proper understanding and cohesion and lack of leadership and direction. Some of the mechanisms adopted to deal with these challenges include: allocation and proper distribution of resources, change of top leadership that saw the creation of directorates and appointment of registrars representing different courts, engaging staff in the strategy implementation, adoption of modern and sound human resource management frameworks; policies, rules, regulation, systems and practices that attract and retain qualified, competent, talented and motivated staff of high integrity will be prioritized and improved of communication channels. The study recommends that the management should employ competent and qualified individuals at the management level. In addition they need to form a unit of monitoring and evaluation and restructuring of the organization in order to ensure efficiency and effective strategy implementation.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

Strategic planning has its origin traced back to the 1950s and early 1960s. Under conditions of extreme competitive turbulence, the rediscovery of the strategic planning concept is hardly a surprise (Dierdoneck and caeldries, 1988). Strategic planning always involves some view of the future. Strategic planning is important because it reorients the organization or institution to the needs of the community. While the knowledge explosion and the emergence of new technologies brought about by advances in science, information and communication technology blur our vision and make us less able to visualize the future, the nullifying effect of the inundation of new knowledge and technology for efforts in strategic planning underscores the need for planning.

Pearce and Robinson, (2001), indicated that strategic planning enables an organization to identify the prevailing environmental opportunities and threats, and also to figure out or estimate the organization's resource capabilities taking into account the strengths and weaknesses of its resources so as to align itself accordingly to battle with the environmental challenges. To determine the future direction of the organization, it is important to understand its current position and the possible channels through which it can pursue certain courses of action.

The Kenyan Judiciary recognizes that for success to be sustained, a strategic fit between the organizational goals, capabilities and the changing, unpredictable and complex social and operating environment is required. In order to attain this fit, a focused strategic practice in organizations is needed. There is need for the strategic planning and practicing



to be properly managed and maintained in full participation in order for the Judiciary to have a strategic direction towards being the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence.

### **1.1.1 Strategic Planning Practices**

Strategic planning according to Pearce and Robinson (2002) is defined as the set of decisions and actions resulting in the formulation and implementation of strategies designed to achieve objectives of an organization. Strategic planning is about success and failure, about ability to plan wars and win them. Strategic planning is a tool for organizing the present in order to project the desired future. Ansoff, who is considered by many as the father of strategic management, defines strategic planning as, a rational analysis of the opportunities offered by an environment and of strengths and weaknesses of the firm, and selection of a match (strategic) between the two which best satisfy the objective of the firm” (Ansoff, 1976). Drucker, who is also known as a management guru defines strategic planning as, “the continuous process of making present entrepreneurial (risk-taking) decisions systematically and with the greatest knowledge of their futurity; organizing systematically the efforts needed to carry out these decisions; and measuring the results of these decisions against the expectations through organized, systematic feedback (Drucker, 1974).

Strategic planning process involves formulation of mission statement, formulation of vision statement, performance of situational analysis and finally strategy formulation (Pearce, et al, 2002). Starkey, (2004), points out that the mission is the first step of the strategic plan that defines the long-term; According to Young (2003:4) vision of the

organization is the future that defines the fundamental purpose of an organization, its values and its boundaries; a situational analysis of the organization; this includes a 'stakeholder analysis', which is an analysis of persons, groups or organizations whose interests and concerns are of key importance to the overall strategic process; and Strategy formulation which is the process by which an organization chooses the most appropriate courses of action to achieve its defined goals. This process is essential to an organization's success, because it provides a framework for the actions that will lead to the anticipated results.

According to Odongo, (2008), for organizations to properly plan their long term projects and activities it is imperative that the goals and objectives of the organization are in overall alignment with those of the business. According to Bryson (2005), strategic planning is a disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is or other identity is what it does and why it does it.

### **1.1.2 The Kenyan Government Context**

The Kenyan Government consists of three arms, the Executive, the Legislature and the Judiciary which are supposed to be independent, complementing each other in the functions of the state. The Executive is the arm of government that implements Government Laws and Policies. It exists at both the National and County Government levels. The National Executive shall comprise of the President, the Deputy President, the A.G., Cabinet Secretaries, Principal Secretaries and the entire National Civil Service. At the county level, it shall comprise of the Governor, Deputy Governor and the entire Public Service.

The Constitution of Kenya 2010 establishes a legislature that is fundamentally different (in terms of structure, membership and powers). It exists at both the national and county level. At the national level, there is established a two-chamber Parliament consisting of the National Assembly and the Senate. Members of the Cabinet are not to be drawn from outside the legislature. The Judiciary is not devolved i.e. the County Governments do not have a distinct judiciary. A four tier structure is created at the top of which is the Supreme Court being the highest court in the land. A Judicial Service Commission has been created and is key to most judicial appointments. Serving judicial officers are being vetted. Today the government is trying to embrace technology and thus the Judiciary is going through profound changes and has not been left behind. The strategic plan 2009-2012 was to provide the Judiciary with a strategic direction towards being the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence. With the release of the Vision 2030 it became necessary to align the Judiciary's strategic thinking and direction towards upholding the rule of law as a key component of good governance. (<http://go.worldbank.org/4CE7W046K0>)

The challenges the government has faced while doing their strategic planning are: Inadequate effective involvement of citizens such that when they come up with strategic plans they are not favourable to the citizens, Weak Monitoring and evaluation particularly participatory monitoring and evaluation this has seen most of the strategic plans not being effected, Competitive Demands / Prioritization in allocation of Public resources where by some of the allocation is not adequate to all the government units, sustainability of programmes this means programmes are only good on paper and that is

the end of those programmes, poor linkage of policy, planning and budgeting especially in the District and lower levels therefore making it difficult to put aside resources for strategic planning and inadequate staffing levels which leads to an organization not having enough man power delegated to the strategic planning process.

( <http://www.oecd.org/dev/poverty/44282750.pdf> )

### **1.1.3 The Kenyan Judiciary Structure**

The Kenyan Judiciary is the third arm of the government that is headed by The Hon. Chief Justice. The mandate of the Judiciary is administration of justice. It does this through the Supreme Court that is headed by the chief Justice, Court of Appeal headed by the president of the Court of Appeal, the High Court that is headed by a Principal Judge, the Magistrates' Courts, Kadhis' Courts is headed by a Chief Kadhi, the Judicial Service Commission and the National Council for Law Reporting. The Judiciary's mandate is derived from the Constitution of Kenya, Article 159 provides that: Judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution. The Judiciary has developed a Judiciary Transformation Framework (currently at validation stage) that has placed it on the path of institutional transformation.

The main challenges are resource are not properly allocated, absence of a well formulated strategy and lack of leadership and direction. Lack of an appropriate mechanism for implementation of the Plan, Lack of individual initiatives in formulating operational plans, No monitoring and evaluation system, inadequate staffing levels, high staff turnover. (<https://archive.org/details/KenyaJudiciaryStrategicPlan2009-2012>)

## **1.2 Research Problem**

It is argued that strategic planning results in a viable match between the firm and its environment leading to greater and better firm performance. Strategic Planning determines where an organization is going over the years and how it is expected to reach there. This will entail assessing the current position and the challenges facing the industry vis-à-vis the organization's anticipated performance. As much as the strategic planning practices are quite clear and specific, there is no one clear way advocated by scholars on how institutions should go about in conducting or practicing its strategic planning.

The Judiciary like any other arm of the Government is going through profound changes. With the release of the vision 2030 it is necessary to align the Judiciary's strategic thinking and direction towards upholding the rule of law as a key component of good governance. The strategic plan 2009-2012 was to provide the Judiciary with a strategic direction towards being the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence. (<https://archive.org/details/KenyaJudiciaryStrategicPlan2009-2012>).

This therefore means that the strategic planning is very important in the Kenyan Judiciary and therefore it is important for the organization to get it right when they are coming up with a strategic plan and more importantly look at the best practices of implementing the strategic plan.

According to Mintzberg (1999), in undertaking environmental scanning, strategic managers must first be aware of many variables within the societal and task environments. The societal environment includes general forces that do not directly touch on the short run activities of the organization but that can influence its long run decisions.

These forces include; economic, technological, political, legal and socio-cultural forces. The task environment includes those elements or groups that directly affect corporation and in turn are affected by it. These are governments, local communities, suppliers, competitors, customers, creditors, employees, special interest groups and trade associations. An organization's task environment is typically the industry within which the firm operates. An important concept of strategic planning practices is an understanding that in order for an organization to flourish, everyone needs to work to ensure the team's goals are met (Johnson and Scholes, 1993).

A number of studies that have been done locally on strategic planning practices some of which include and not limited to (Kibuchi ,2012), Strategic Planning practices by Kenya Medical supplies agencies (Wanjohi, 2002), Strategic Planning in the insurance firms in Kenya, (Wendy, 2011), Strategic Planning Practices in Dairy Industry in Kenya, (Murega, 2011), Strategic Planning Practices at the Barclays Bank of Kenya, (Kiprono, 2013), Strategic Planning Practices by large law firms in Nairobi, Kenya, among others. Studies that have been undertaken on the Kenyan Judiciary are challenges faced by the Judiciary in the implementation of its strategic plan in Kenya (Muneeni, 2011-10) which looked at the challenges and how the Kenyan Judiciary is coping with those challenges, strategic change management at the Judiciary of Kenya (Wambua,2012). According to my research, it is apparent strategic planning practices in the Kenyan Judiciary have not been covered. The purpose of this study is therefore to fill this gap in knowledge by the question: "What are the strategic planning practices adopted by the Kenyan Judiciary?"

### **1.3 Research Objectives**

The objectives of the study were to:

- i. Identify the strategic planning practices in the Kenyan Judiciary and the factors that influence strategic planning practices.
- ii. Determine the challenges facing strategic planning practices adopted by the Kenyan Judiciary and how the Kenyan Judiciary addresses these challenges.

### **1.4 Value of the Study**

The findings from the study may particularly be useful in providing additional knowledge to existing and future organizations on strategic planning practices. This study may also be beneficial to both the government and private sectors because it would enhance the realization and importance of strategic planning practices that are majorly employed. The findings may also provide a useful reference document to stakeholders in the government and academicians in their endeavours to formulate work plans to meet the strategic plans of the organization.

Students, scholars, and other researchers may find the study helpful in identifying further areas of research. The study may be a source of reference for future researchers on other related topics and help other academicians who undertake the same topic in their studies. The study may highlight other important areas that require further research in strategic planning not only at the Kenyan Judiciary, but also other government ministries and the private sector.

This study is important to both the public and private policy makers to identify important areas in their organizations and make appropriate decisions to ensure that strategic planning is critically emphasized. Also, leaders and managers in the government may learn and make responsible strategic plans and policy decisions that will facilitate and manage organizational and national resources so that organisations and the society can benefit from them in the future.



## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter is concerned with the review of literature related to the study. An overview of theoretical foundation of the study, factors influencing strategic planning practices, challenges of strategic planning, and coping with strategic planning challenges, are discussed below.

#### **2.2 Theoretical Foundation**

Strategy is a disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is, what it does and why it does it. To deliver the best results, strategic planning requires broad yet effective information gathering, development and exploration of strategic alternative, and an emphasis on future implications of present decisions” (Bryson, 1995). For this reason, a good strategy should always specify: i) What is to be accomplished; ii) where the product, markets, or industries that are to be focused, and; iii) how resources and activities are to be distributed. It requires challenging the status quo, changing behaviors, implementing new procedures, hiring different people, and putting new systems in place in order to deliver on the strategy, (Hatfield, 1996).

The resource-based view of a firm (RBV) has experienced a rapid diffusion throughout strategic management literature (Priem & Butler, 2001). Firm’s aim must be to achieve competitive advantage over its competitors. According to Barney (1991) resources can be classified into three categories: physical capital resources such as plant and equipment, human capital resources such as training relationships and experience, and organizational

capital resources, for example, reporting structure, formal/informal planning and controlling. For firm resources to be the source of a sustained competitive advantage, they must pass the valuable, rare, imperfectly imitable, (non-) substitutable) test (Barney). Resources can occur in different forms such as patents, relationships or processes.

Barney (1991) further argues that the contrary is applicable for informal strategic planning. Informal planning can occur parallel to the formal process simply by top management engaging in unofficial talk. In contrast, a few firms have chosen to do away with all formal procedures, thereby implementing an emergent and autonomous approach to strategic planning. Shell is a prime example: the company sees strategic planning as a learning process and refrains from formal frameworks as much as possible (De Geus, 2008). The planning process can be characterized as a functional competence in that it deals with distributing a firm's resources to fit the strategic alignment of the firm. Strategic initiatives need to be distributed and executed as dictated by the strategic plan.

Planning can be viewed as a capability. However, dynamic capabilities can only be sources of sustainable competitive advantage when imitation is prevented through learning mechanisms (Teece et al., 1997). This is to say that organizations perform activities via routines that evolve over time. The 'dynamic' aspect of the capabilities approach can only be partly attributed to planning processes and strongly depends on the organization in question. This argument is in line with the concept of learning mechanisms: they are rooted in firm behavior and differ since every firm has diverging learning paths.

Another theory that can shed light on strategic planning is institutional theory which recognizes the embedment of institutional actors in an environment of formal and informal rules. Institutional theorists suggest that organizational actions and processes are driven by their actors in order to justify and plausibly explain their actions. According to this perspective, strategic planning processes are rationally accounted for by organizational actors and rooted in the normative and social context that motivates actors to seek legitimacy (Dacin, Oliver et al., 2007).

### **2.3 Strategic Planning Practices in Organizations**

Strategic planning practice involves formulation of vision and mission statement, performance of situational analysis and finally strategy implementation and choice (Pearce and Robinson, 2008). According to Young (2003:4), a strategic planning process usually involves the following six activities: first, the formation of a vision for the future that defines the fundamental purpose of an organization, its values and its boundaries; second, a situational analysis of the organization; this includes a 'stakeholder analysis', which is an analysis of persons, groups or organizations whose interests and concerns are of key importance to the overall strategic process; third, the development of general goals, specific targets or objectives, and performance measurements to gauge organizational progress which will involve forecasting developments inside and outside the institution and preparing scenarios of how to respond; fourth, specification of tactical 'action' strategies to indicate what will be done to accomplish the goals and objectives; fifth, the implementation of detailed operational plans; and sixth, an evaluation component to monitor and revise the overall strategic approach as it unfolds the process

of strategic planning may vary from one agency to another reflecting difference such as the agency's legal, institutional, political, and resource constraints, the agency's internal processes, and the ways agencies choose to involve external stakeholders in the strategic planning process.

## **2.4 Factors Influencing Strategic Planning Practices**

Strategic planning begins with the development of “framework policies” of mission, vision, and values and the goals that will direct all organizational activities during the period covered by the plan. Some reasons that make strategic planning essential in an organization are; the existing plan may be out of date; the need of a focused plan; the need to match its business to its resource capabilities; the organization would like to highlight areas of future investment/development, to allow new ideas to take root; the new plan itself would allow the mission statement of the organization to be questioned; the plan would ensure that management is pulling in the same direction and finally the plan would provide a reference document for long-term strategy development (Alex, 2004). Also, analyze the performance of an organization.

Risseuw and Masurel, (1994), find that planning intensity increases with environmental complexity and firm size and planning intensity decreases with firm's age and specialization rate. Strategic planning is influenced by a number of factors: Communication is one of the major factors. Strategic planning processes are successful when a bottom up and top down communication approach is taken. It starts off with communication to all levels of employees informing them that a strategic planning process will be undertaken. It includes how they will be involved in this process. This is

the bottom up communication. Employees will provide input to the strategic planning process through feedback surveys, focus groups, meetings, etc. regarding their ideas for organizational direction, etc. It is followed by the top down communication.

A key element in the process is the engagement of all levels of staff throughout the organization. Staff engagement generates additional input and helps build their commitment to the end plan. Ensure their "buy-in" to help execute the strategies. The senior management team will not execute the strategies - staff will. Engage them and your strategy execution success rate will increase dramatically.

Organizational Culture is the commonly held attitudes, values, beliefs and behaviours of its employees. The culture of an organization is as unique and diverse as an individual's personality. If the employees of an organization believe that change is something to be feared and avoided, then change implementation is often reactive and haphazard. If the employees believe that all change should be aggressively implemented "from above", then change is seldom supported. However, if the employees of an organization believe that change is worthwhile and everyone's responsibility; then change and growth occur with relative ease. (<http://www.bia.ca/articles/5-Key-Factors-Successful-Strategic-Planning.htm>.)

Senior management should share the strategic plan with employees. Establish a clear and meaningful strategic planning process. Engage all levels of employees to ensure success. Communicate to employees throughout. Senior management should encourage change so as not to maintain the status. Lack of commitment to the strategic planning process may lead to failure of strategic planning process because the senior managers do not own the

process and therefore they will not embrace the strategic planning process. (<http://www.bia.ca/articles/5-Key-Factors-Successful-Strategic-Planning.htm>.)

Economic factors should also be put into consideration and therefore this means that during strategic planning, organizations should put into consideration the nature and direction taken by the economic forces, a firm should consider its economic status. An organization should keenly consider the availability of credit, the level of disposable income and the propensity to spend. (Pearce and Robinson, 2010)

Rational forces in strategy formulation influence organizational actors to use formal techniques of information collection, situation analysis, formal criteria of evaluation, decision-making, and to institutionalize formal processes of planning, coordination, and control. When influenced by rational forces, strategies tend to be explicit, formulated, comprehensive, and integrated at high organizational levels. Information used in strategic analysis must be regarded as objective, and actions are measured against and applied to achieve predefined, overall organizational goals (Gatignon & Reibstein, 1997).

Learning forces influence strategy planning practices when organizational members experiment, self-organize, or behave in other self-directed ways, and when new patterns of action and norms of behavior that emerge from such actions are adopted and internalized at the organizational level. Strategy tends to emerge in an evolutionary way, spreading through feedback cycles, mutual adjustments, and experience accumulation among strategy actors. The organizational learning perspective emphasizes the importance of bottom-up processes that create learning by accumulating ideas and knowledge from all levels of an organization. (<http://www.bia.ca/articles/5-Key-Factors-Successful-Strategic-Planning.htm>.)

Political forces influence strategy formulation when individuals or subgroups of organizational actors pursue their own goals and promote their own interests, which are at least partially conflicting in nature. The consequences of internal politics have in general been viewed by political writers as positive and as a predominantly constructive part of organizational decision-making. Salancik and Pfeffer (1977), argue that despite the potential sub-optimization effects of internal politics, not allowing politics to influence strategic decisions would be worse, because the interpretations and preferences of managers would go unquestioned.

Strategy formulation becomes relevant when organizational actors share assumptions, beliefs, and mental schemes that lead to common patterns of behavior and ways of perceiving and reacting to organizational events, thereby enacting a common world view in making organizational strategy. In emphasizing the fundamentally cognitive nature of the managerial task of defining an organization's Strategic Logic, the competence view recognizes that the strategy process may be subject to “groupthinking” in which conformity to strategies that have worked in the past may lead managers to fall into a “success trap.” Hence, competence theory posits the importance of active use of higher-order control loops to continually check and challenge the viability of an organization's current Strategic Logic (Sapp and Seiler, 1981).

## **2.5 Challenges of Strategic Planning**

Strategic plans frequently remain in the form of untouched documents, failing to materialize as a part of the firm or its people. Research indicates that 90% of organizations fail to effectively execute their strategic plans (Burnes, 2004). Proponents of strategic planning have identified several challenges which include power and politics,

external control the predominant management styles and characteristics and the size of the organization. Strategic planning is also a much maligned endeavor, subject to the usual (and frequent) criticisms: too much time, too much money, and too little action. Pearce and Robinson (2002) argue that where the dominance of the CEO approach autocracy, the effectiveness of the firms strategic planning is likely to be greatly diminished. Some of the challenges includes:

Lack of leadership. If the leaders of the institution are not part of the plan, it will fail. This point seems obvious, but far too often leaders talk about the importance of the strategic plan as the planning process gets underway, only to show little interest down the line. Lack of leadership leads to the plan not succeeding because the leaders of the organization do not own the strategic plan. Lack of consensus is another challenge because strategic planning is about consensus building. Done correctly, the process promotes communication, participation, and collaboration. There are no formulas for the right amount of time. Too much and people lose interest or become mired in details; too little, and they feel unheard. (<http://www.aalgroup.org/newsletter/?p=279>)

Overly ambitious plans tend to outstretch resources and become complicated in the implementation phase. Overly ambitious plans tend to outstretch resources and become complicated in the implementation phase. They often have too many goals, including some that are simply unfeasible for the institution in a three-to-five-year window. Integrate the Plan into Culture is important because failure to integrate the plan into the culture, operations, and budget leads to failures because the strategic plan is divorced from the daily life of an organization.



Leaders must model the plan, and that includes talking about it often. Integration involves implementing specific, measurable objectives at all levels.

(<http://www.aalgroup.org/newsletter/?=279>).

Lack of momentum in the short term is also a challenge because the window of strategic plans continue to get smaller. Government regulation or deregulation or mal-regulation which may affect the initial plans of the implemented strategy hence forcing a strategic planner to go back to the drawing board since the strategy have to be within the government regulation. (<http://www.aalgroup.org/newsletter/?p=279>)

## **2.6 Coping with Strategic Planning Challenges**

Burnes, (2004) claims that the challenges observed above are mainly as a result of poor strategic planning creation process. Therefore, the main solution is the creation of a strategic plan that is perfect for the firm through prior collection of all the requisite information and involvement of all the stakeholders.

It is important to identify those steps that can be taken in the short term and move forward to implement them. Equally important is making sure that stakeholders know the institution has moved deliberately and decisively to act on the plan. Thus leaders must communicate their actions often and through a variety of media. Leaders contribute to the success of the plan. They should be present and engaged at the right times with the right people. Most important is their ongoing leadership responsibility: they think strategically. Strategic thinking is guided by the mission, vision, and values. Strategic thinking and consequent action aligned with a clear vision of the future are an antidote to the inevitable environmental changes that undermine the details of strategic plans.

Strategic thinking is ultimately about staying the course over time, in spite of detours caused by unforeseen circumstances.

Political issues are handled by ensuring that people who might be able to raise opposition in strategic planning process are involved in every step of strategic planning. It is important to note that leaders can also contribute to the politics that may be fronted in order to bar the implementation of strategic plans.

Momentum in the short term conveys the message that the planning process is a serious undertaking and that the resulting strategic plan is a living document. It is important to have good leadership to ensure successful strategic planning. People involved in strategic planning should not be too ambitious.

Integration involves implementing specific, measurable objectives at all levels. Tying decision making and resource allocation to the plan is vital to making it a part of the institution's daily life. From the departmental to the institutional level, all defining structures of the organization must be informed by the plan, including budgets, recruitment and development, curricula, etc. The planning process itself should create momentum, if the process takes too long, then those involved begin to lose their enthusiasm. Thus the timeline is important; staying with an aggressive timeline sends the message that the planning is a serious endeavor. Organizations that meet the challenges above have much better outcomes from their strategic plan.

(<http://www.bia.ca/articles/5-Key-Factors-Successful-Strategic-Planning.htm>.)

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter describes the research methodology used in the study. It covers research design, data collection and data analysis.

#### **3.2 Research Design**

This study employed a case study design which involved an in-depth collection of information at the Kenya Judiciary. A case study is a powerful form of qualitative analysis that involves a careful and complete observation of a social unit (Denscombe, 2007). As argued by Yin (1984), a case study has a value of retaining the holistic characteristics of real life events organizations and managerial processes.

A case study is the most appropriate in meeting the research objectives by providing detailed explanation of strategic planning practices at the Kenyan Judiciary. A case study also places more emphasis on full contextual analysis of fewer elements and their inter-relationships which relies on qualitative data (Cooper and Schindler, 2006). Mugenda, (2003) noted that a case study involved a comprehensive and complete observation of social units. The case study was aimed at getting detailed information regarding strategic planning practices. The method studied in depth rather than breadth and placed more emphasis on the full analysis of a limited number of events or conditions and other interrelations.

### **3.3 Data Collection**

In order to comprehensively study strategic planning practices at the Judiciary, the researcher used primary data. Primary data is information that is collected specifically for the purpose of a research project. The primary data was collected directly from the interviewees solely for the research project. The researcher interviewed 8 people who included Registrars were registrars for The Supreme Court, Court of Appeal, High Court and Magistrate Court and the Directors included directors for Information Communication Technology, Human Resource, Performance Management, and Finance because they are the people who seat in the management team and take part in strategic planning and will be in a position to give the relevant information in regards to this study.

The researcher used an interview guide to collect information because it enabled respondents give more details about the research objectives. The appointments with the interviewees were booked via email which had a brief of what the interview was about. The interview guide attached as appendix ii consists of open questions designed to elicit specific responses for qualitative analysis. It has two parts. Part A contains general information and part B contains strategic planning practices which has strategic planning practices, factors that influence strategic planning practices, challenges facing strategic planning practices and how challenges are addressed.

### **3.4 Data Analysis**

The data that collected was analyzed using content analysis. Content analysis is a research technique used to determine the presence of certain words or concepts within texts or sets of texts. The researcher quantifies and analyzes the presence, meanings and

relationships of such words and concepts then make inferences about the messages within the text. To conduct a content analysis on any such text, the text is coded or broken down, into manageable categories on a variety of levels; word, word sense, phrase, sentence, or theme and then examined using content analysis. The collected data was examined for completeness and clarity. The content analysis technique was used because it assists in making inferences by systematically and objectively identifying specific messages and relating them with their occurrence trend. The technique of content analysis to analyze data collected from a case study was successfully used by Denscombe (2007).

## **CHAPTER FOUR**

### **DATA ANALYSIS, FINDINGS AND DISCUSSION**

#### **4.1 Introduction**

This chapter covers data analysis, results and discussion. The main focus of the study was to determine the strategic planning practices adopted by the Kenyan Judiciary, the factors that influence strategic planning practices and two challenges they face during strategic planning process and how these challenges are addressed. To accomplish this, data was collected by use of an interview guide which contained open ended questions that aided in gathering of data.

#### **4.2 Data analysis**

Data was collected using interview guides administered to the top level management in the Kenyan Judiciary who included the Registrars and Director. In terms of gender, the majority of respondents were male as compared to the females. They each had different work experience in the Judiciary and therefore were well conversant with strategic planning activities at the Kenyan Judiciary. They work at different capacities in different directorates and courts thus provided clear information on strategic planning practices and the way the same is assimilated in all the Courts and directorates. They clearly understood the strategic plan processes in. The Judiciary's 2008-2012 strategic plan cycle ushered in reform initiatives aimed at enhancing access to and expeditious delivery of justice. During this period the Judiciary initiated a number of key flagship projects and other high priority programs aimed at achieving judicial excellence.

### **4.3 Strategic Planning Practices at the Kenyan Judiciary**

This sections looks at the strategic planning practices at the Kenyan Judiciary and covers the vision and mission statements, process of developing the mission and vision statement, how the mission and vision statement are communicated in the organization, process of setting objectives and planning, factors influencing strategic planning, process of implementing strategies, challenges encountered during the implementation of strategies and how they are dealt with and finally monitoring and evaluation of the strategic plan.

#### **4.3.1 Vision and mission statements**

The interviewees indicated that vision and mission statements exist. The vision is To be the independent custodian of justice in Kenya. The mission is to deliver justice fairly, impartially and expeditiously, promote equal access to justice, and advance local jurisprudence by upholding the rule of law.

The Judiciary's chief mission is to resolve disputes with a view to protecting the rights and liberties of all, thus facilitating the attainment of the rule of law. It performs its functions by providing independent, accessible and responsive forum for dispute resolution.

#### **4.3.2 Process of developing the mission statement**

The development of a mission statement can be culture specific and therefore the participants may use methods such as being analytical and rational to being creative and divergent, e.g. experiences from the different participants, sharing ideas, focused discussions etc. Discussions should be done with participants and agree on the

description of the mission. When crafting a mission statement it is important to consider the organization's core values, mandate priorities of activities for survival. Another consideration that should be made is the wording of the mission statement so that the mission comes out clearly and precise to the point. The respondents indicated that the wording of the mission is such that management and employees can infer some order of priorities and services are delivered. When an organization wants to refine its mission it can do this by either omitting or adding a word. When this is done it is important to note that doing so will change the scope of the mission statement refining the mission, a useful exercise is to add or delete a word from the mission to realize the change in scope of the mission statement. The registrars and directors indicated that the mission statement describes the overall purpose of the organization and the process is consultative.

#### **4.3.3 Process of developing the Vision statement**

The interviewees indicated that the vision statement has a vivid description of how the organization effectively carries out its operations. Developing a vision statement can be quick culture-specific, i.e., participants may use methods ranging from highly analytical and rational to highly creative and divergent, e.g., focused discussions, divergent experiences around daydreams, sharing stories, etc. Therefore, visit with the participants how they might like to arrive at description of their organizational vision. Developing the vision is part of planning. In the beginning, the vision was a compelling description of the state and function of the organization once it implements the strategic plan, that is a very attractive image towards which the organization was attracted and guided by the strategic plan. Recently, the vision has become more of a motivational tool, often including highly idealistic phrasing and activities which the organization cannot realistically aspire. The



registrars and directors indicated that this process is consultative. The interviewees agreed that the process of developing the vision statement is done through consultative forums and strategic retreats.

The interviewees agreed that the vision spells out the following strategies which are associated with the role of the judiciary. One align the national policy and legal framework with the needs of a market-driven economy, human rights and gender equality commitments; increase access and quality of services available to the public and reduce barriers to service availability and access to justice; streamlining functional capability (including professionalization) of legal and judicial institutions to enhance the inter-agency cooperation and inculcating a culture of compliance with laws, cultivating civility and decent human behavior between Kenyans and outsiders

#### **4.3.4 Communication of the mission and vision statement**

The mission and vision statement is communicated to the employees via a memo and emails inviting the employees to attend trainings and workshops and or seminars. Different cadres of employees attend these sessions at different times. The registrars and directors are tasked with the mandate to take the employees through the vision and mission statements and give reasons as to why the mission and vision statement best suite the organization. In addition, the employees are given a chance to critic, appreciate and even give their views. The reason for doing this is to ensure that the employees own the vision and mission statement and understand that for the organization to move forward goals must be set that are geared towards achieving the mission and vision of the organization.

In addition the mission and vision statement are communicated to employees through the bulletin boards where by the mission and vision statement are run on these boards so that both the employees and litigants are made aware of the same. Meetings, that is every head of section, court or directorate may call for a meeting to discuss the mission and vision statement with employees under them. The other channel of communication used in the Judiciary is through the Judiciary website where the mission and vision are posted and is made public for everyone to read.

#### **4.3.5 Process of setting objectives**

The interviewees indicated that the objectives that are set include the Vision and Mission statements which describe the overall purpose of the organization. When an organization is setting up the vision and mission it has to first understand where it is now, confirm if that is where they want to be and know where they want to be in the future. After all this has been evaluated then the organization should come up with a mission and vision statement that suits the organization. Before coming up with a mission and vision statement, the organization first look at the general focus of the organization.

The Vision and Mission is prepared when the organization understands why it is in existence, finding the right words then coming up with a sentence that best depicts the organization's existence.

The interviewees indicated that the process is done by the management team which comprises of Registrars and Directors who then report to the senior management within the Judiciary. They are given the vision and target which in turn sets targets for the different Courts and Directorates. This is done by setting up the organization's objectives which in turn are used to set the Courts and Directorates objectives in line with the organization's overall

objectives. When they are done they circulate the objectives to the senior management team then to the employees.

The interviewees agreed that strategic management committees are set up to look at the objectives and this will be their mandate until the objectives have been set, agreed on and communicated to the senior management and employees. After this has been done timelines are set as to when these objectives should be implemented.

#### **4.3.6 Process of planning**

The mission and vision of an organization are brought to life through strategic planning. A good strategic plan is one that takes a top to bottom approach whereby the organization looks at both internal and external environment and then this is communicated to the stakeholders.

The interviewees indicated that planning is done through planning units which are tasked to cover certain areas and communicate the results to the larger team before the plans are presented to the senior management for approval. Planning is done using situation analysis to determine where the organization is and where it should be and then coming up with plans to help it get there. It provides an analysis of the internal and external environment in which the Judiciary operates. It provides the basis upon which the vision and strategies of the plan period are formulated. The other way of planning is through management meetings that are held regularly to ensure that planning does not lose momentum for example there is always a management meeting every Tuesday to chat the way forward. These meetings are also used as a channel to do strategic planning. In addition to these meetings sub committees are formed and tasked with planning. This

subcommittee reports every Tuesday to the management committee in order to gauge whether they are on the right track or not. Finally, the Judiciary may decide to take the committee involved in planning to a planning retreat for e.g. one week where the committee is expected at the end of the retreat to come up with a report indicating what they have been doing and what should be the way forward.

The strategic plan is developed through annual budgeting, procedures and programs. It then assumes the process of looking at the mission and vision of the organization, it does an environmental scanning, then strategy formulation and finally strategy implementation and evaluation.

Strategic plans are prepared and documented since they have to be reviewed for short term, medium plan and long term plan. This is done in order to gauge whether the organization is on track or not.

#### **4.3.7 Factors influencing strategic planning**

There are a number of factors that have led to the development of a strategic plan in the Judiciary this include: The release of the Vision 2030 it became necessary to align the Judiciary's strategic thinking and direction towards upholding the rule of law as a key component of good governance. The Judiciary adopted strategic management in 2005 due to the challenges posed by the growing demand for delivery of quality justice. This led to the preparation of the first Judiciary Strategic Plan covering the period 2005–2008. This Plan was anchored on the then Kenya Development Blue-prints, the Economic Recovery Strategy for Wealth and Employment Creation (ERS) 2003–2007 and the Poverty Reduction Strategy Paper 2001 which recognized the rule of law and access to justice as

key to social, economic and political stability of the country. The new constitution is another factor that has led to the Judiciary reviewing its strategic plan. This is because with the creation of e.g. the formation of the Supreme court of Kenya, devolvement of the court of appeal etc, there is need to amend the existing strategic plan to cover the changes in the constitution. Apart from that there is creation directorates and this also led to the review of the existing strategic plan.

Other factors that influence strategic planning in the Judiciary include resources which include human resource. This is a factor because if there is no adequate human capital then this poses a challenge when it comes to deploying the strategic plan or even implementing. This is because there is need to have dedicated human manpower who will exclusively work on this. The other factor is finances if there is no budget for strategic planning then it means that there will be no activity for strategic planning and therefore nothing can be done on strategic planning this means that it is important its budgeted for.

Another factor is Government policies. These policies may dictate how processes should be done in the government. Judiciary being one of the arms of the government has to adhere to this policies and this would mean any strategic plan should be in line with the goals that govern the government as a whole. Finally, there is donor influence where by funding by donors may help in expediting the whole planning process. Apart from that there are rules and regulations to be followed when donors provide funding. Sometimes these rules and regulations may or may not favor how the funds are to be used and therefore may even affect the timelines for coming up with a strategic plan and implementation of the same.

#### **4.3.8 Process of implementing strategies in the Kenyan Judiciary**

The successful implementation of the strategic plan anchored on the three key factors. First is proper coordination framework based on the organizational structure of the Judiciary that defines reporting and feedback channels that must be both efficient and effective. Second, is adequate human resource capacity and third is mobilisation adequate financial resources whose flow is reliable and predictable.

Full involvement, effort, commitment and leadership from the top management will be critical for the Judiciary to realize the aspiration of strategies.

Implementation of the strategic plan is the most crucial part as it leads to either success of the strategic plan or failure of the same. This therefore means any organization coming up with a strategic plan should have a clear way as to how the strategic plan is to be implemented. This is because a strategic plan becomes useless to an organization if it is not well implemented.

The interviewees indicated that for them to successfully implement their strategic plan, adequate resources are allocated to ensure that the process is done to completion through coming up with strategy essential activities, engaging employees, use of best policies and practices, continuous improvement and ensuring that the leaders are continuously empowered. They also indicated that to achieve effective implementation of strategies, The Kenyan Judiciary ensures that any changes initiated by the strategic plan are reflected in key areas such as budgeting and this information given out to all members of staff.

This is because it is important to integrate the overall goal of strategic plan with daily, weekly and monthly routines. The goals articulated in the strategic plan drives the daily operational activities in working towards the main goal which is delivery of Justice.

The strategic plan is first evaluated and this is done by ensuring that they know what the strategic plan is. It is reviewed carefully, and highlight any elements of the plan that might be challenging. Identifying any parts of the plan that might be unrealistic or excessive in cost, in terms of time or money. The Kenyan Judiciary then selects people who will help in implementing the strategic plan. When new strategies are agreed on by management, the registrars and Directors pass information to those working within their jurisdiction. The strategy is then implemented by appointing an overseer of the whole project. Resources are allocated and timelines are given as to when the implementation is to be done. When there is consensus on strategies to be used, they are communicated to employees; implementation method is discussed by the management and deadlines of implementation are set.

The interviewees agreed that the implementation of strategies is through one, work plans: the management team comes up with a work plan that show all the activities and timelines that will be used for implementation. In addition each activity is marked to an individual whose mandate is to ensure that their tasks are accomplished within the set timelines. The other way is through monitoring and evaluation whereby a team is set up to ensure that the strategies are well implemented and according to the set objectives. This team is supposed to look at the areas that may not have been covered well and what may have been left out. The Kenyan Judiciary also uses the top down approach where by the strategies are first embraced by the senior management and then it trickles down to the other members of staff. This means that communication of implementation of strategies is normally top down.

#### **4.3.9 Challenges encountered in implementation of strategies and how have they been dealt with**

The main challenges faced by the Kenyan Judiciary are that resources are not well distributed and therefore not enough resources were being allocated to strategic planning. This has been resolved by budgeting for the same and allocating the required resources. The other challenges include: the lack of a well formulated strategy to be used to come up with a strategic plan, lack of a monitoring and evaluation and review (M&E) directorate/unit, organization structure lack of proper understanding and cohesion, staff establishment and requirements, and lack of leadership and direction this is because the strategic plan never moved from paper to be worked on.

Some of the mechanisms adopted to cope with these challenges were allocation and proper distribution of adequate resources this means that there is a budget allocation for strategic planning and implementation of the same. A budget for sensitizing the senior management and employees through workshops/ seminars and trainings. change of top leadership in order to be able to embrace strategic planning. This resulted in the creation of directorates and appointment of registrars representing different courts and management units. In order to come up with a strategic plan and implementation of the same, it become necessary to have team work that is engage all the employees in the strategic planning in order for them to embrace and understand what role they are supposed to play to ensure success of the strategic plan. The Judiciary is therefore coming up with a new organizational structure for efficient and coordinated implementation of the strategic plan . This structure will clearly demarcate reporting



lines, isolate responsibilities and clarify linkages in the Judiciary. In order to deal with lack of understanding and cohesion, the Kenyan Judiciary has adopted open line communication whereby all members of staff or their representatives are incorporated during both strategic planning and implementation of the same and this has really helped in educating the staff on implementation.

The other challenge is staff establishment and requirements. This is an important aspect because it will go a long way in supporting strategic planning processes, adoption of modern and sound human resource management frameworks; policies, rules, regulation, systems and practices that attract and retain qualified, competent, talented and motivated staff of high integrity will be prioritised. Finally improved communication channels that is communication to both the senior management and the rest of the employees. This is important so that everyone in the organization is involved and is part of the process therefore this means there is both top down and bottom up communication.

#### **4.3.10 Monitoring and evaluation of the strategic plan**

Monitoring and evaluation of the strategic plan is done through monitoring and evaluation committees. These committees are formed in order to gauge whether the strategic plan still serves the purpose that it is intended for and if not come up with ways of incorporating the changes or the missing bits into the strategic plan in the line with Kenyan Judiciary's set goals and objectives. The findings are then communicated to the senior management and staff.

The management then comes up with timelines as to when the changes or additions to the same should be incorporated into the strategic plan. After incorporating the changes the new strategic plan is presented to the senior management through workshops/ seminars and trainings.

Other main methods for monitoring and evaluation is through midterm evaluation. This means that the Judiciary conducts mid-term evaluation of the strategic plan to examine the progress towards achieving the set targets. The evaluation is spearheaded internally by a technical committee appointed by the chief registrar of the Judiciary (CRJ). This is undertaken 2 years after the strategic plan is implemented. The recommendation of the mid-term evaluation will help in making improvements to the strategic plan implementation process. End-term evaluation this is conducted at the end of the strategic period. The process is spearheaded by an independent expert with the guidance of the management of the Judiciary.

The achievement, challenges lessons learnt and recommendation informs the next cycle of the strategic planning and management. Ad hoc evaluation which is conducted in case of significant and unexplained variance between the planned and achieved performance targets. Such variances will be identified through regular and quarterly reports. Monthly returns are also another way of used to monitor the success of the strategic plan. Every court station and directorate has to fill a monthly return form to indicate what has been done throughout the month. This form is an indicator as to whether the Judiciary's daily processes/ activities are working towards achieving the organization's goals and also serve as an indicator as to whether the strategic plan is working for the Judiciary.

Finally the use of quarterly reports that are filed every month are used to measure how well the Judiciary is aligning its processes and whether the different courts and directorates are in line with the Judiciary's strategic plan and if not identify areas that are not in line with the strategic plan and work towards amending those area. This is a continuous process with the monitoring and evaluation activities financed through budget lines in the overall Judiciary budget. The Judiciary ensures that there is adequate allocation of funds towards monitoring and evaluation every financial year.

#### **4.4 Discussion of findings**

The objective of this research was to study the strategic planning practices adopted by the Kenyan Judiciary. The management team have familiarized themselves with the 117 court stations in the Judiciary. The Kenyan Judiciary has a vision and mission which are expressed in form of statements that convey a sense of purpose to the employees and the organization at large. These statements have clearly portrayed what the organization is all about and why it is in existence. According to Thompson and Strickland (1999). The constant updates through various means such as emails, reminders in meetings and even presence of constant posters ensured that they always never missed to interact with the organization's vision and mission. Also, according to Yukl (2010), the long-term objectives are based on the stated mission and vision for the organisation.

The employees feedback through workshops/ seminars and trainings and their interaction with litigants at a personal level greatly helped in strategy formulation. The commitment to have a closer interaction with litigants is taken seriously and with much enthusiasm by all staff.

The introduction of a complaints office has gone a great length in servicing the public and therefore improving service delivery in the Judiciary and at the same time ensuring that Justice is dispensed in a fair and expeditious manner.

Staff contribution is invaluable in setting up of departmental strategy. Individuals contributions and teamwork are greatly valued under the guiding principle of respect and results. Through this principle, the directors and registrars commit to understand the needs of their staff and try to meet them where possible and in return the employees try to understand the needs of the citizens and serve them with decorum.

The crafting of a strategy represents the management's commitment to pursue a particular set of actions in growing the business, attracting and pleasing customers, competing successfully, conducting operations and improving the company's financial and market performance (Johnson and Scholes, 2008). The Judiciary seeks to have a strategic direction towards being the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence.

## **CHAPTER FIVE**

### **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter presents summary of findings, conclusion, suggestion for further studies and recommendations from the study findings. The main objective of the study was to investigate on strategic planning practices adopted by the Kenyan Judiciary.

#### **5.2 Summary**

This aim of this study is to look at strategic planning practices adopted by the Kenyan Judiciary and the challenges thereof. The study employed a case study design at the Kenyan Judiciary. Data was collected by conducting personal interviews. The people who were interviewed were registrars and directors who are the management team. The management team represents the stakeholder's interest in perpetuating a successful Judiciary, including optimizing long-term financial returns. The management team is responsible for ensuring that the organization is managed in such a way to ensure results while adhering to the laws of the jurisprudence and upholding the law at all times within which it operates and observing high ethical standards

The study established that, the Kenyan Judiciary has a formal documentation of vision and mission statements. This shows that the Kenyan Judiciary has adopted modern methods of management through formulation of a vision and mission to guide their management of the organization. This study also established that the Kenyan Judiciary applies the following strategic planning practices; developing of key strategies that contribute to the overall vision, development of specific measurable realistic and time bound strategic goals, communication of organizational vision, mission and key policies,

development of short and long term operational goals; subdividing goals and allocating sub-goals with careful attention to details, participating, schedules and milestones, monitoring and evaluation-to measure the progress toward attaining operational and strategic goals with key performance indicators respectively. This is clearly framed out in the Judiciary's transformation framework.

The study also established that the following measures to improve the planning process and get optimal results from strategic planning process are in use. These are; strategy development which is combined with resource allocation, and management team treats strategic planning as part of its daily responsibilities.

A strategic plan is of little or no use to an organization if it is not implemented. In fact, implementation is the most important part of the strategic planning process, and organizations that develop strategic plans must expect to include a process for implementing the plan. In the Case of the Kenyan Judiciary, management ensures that there is proper allocation of resources to strategy-essential activities, creating strategy-encouraging policies, employing best policies, practices and programs for continuous improvement and use of strategic leadership.

From the study, it is clear that the senior management is committed towards strategy implementation plans. The commitment by the senior management greatly affects the implementation of strategy. Another important finding was that the commitment of the senior management towards the strategic plan is significant because it leads to the implementation of the strategy because the senior management is part of it and therefore

are willing to work towards successful implementation of the strategy and communicate the same to employees to ensure ownership of the strategic plan.

The study clearly showed that communication is a key factor during the formulation and implementation of strategies. The communication which should be both top down and down top works towards ensuring that the whole organization is aware of the that strategic planning and implementation is taking place. This therefore means there is continuous need of improving the way communication is done in the organization that is before a planned change, during a planned change and implementation of the change.

It is important to note that organizational culture is very important and should be put into consideration because it is bound to affect the strategy planning and implementation to a great extent. It is therefore important to also make sure that the activities are well incorporated in the strategy planning and implementation and involving all key stakeholder's activities so that none of the stake holders feels left out.

### **5.3 Conclusion**

The study concludes that commitment by senior management is very vital because it determines the success or failure of strategy implementation and therefore their willingness to demonstrate the importance of strategy implementation may or may not persuade the employees of the importance of the strategy. This means that the employees may not embrace the strategy and the chances of the strategy failing is extremely high.

The interviewees attested to actively involving the senior management and employees in the process of strategic planning and implementation of the same.

This is the reason why the Kenyan Judiciary was able to plan and implement their strategic plan and incorporate it in their daily operations bearing in mind that they are reviewing the existing strategic plan.

The Kenyan Judiciary has a formal documentation of the vision and mission statement. This study further demonstrates that the organization has adopted the modern method of management through the formulation of a vision and mission that act as a guide as to how the organization operates and also as a guide to the management.

In addition, the study further concluded that the Judiciary uses the following measures to improve the planning process and get optimal results from strategic planning processes in use. These are; strategy development is combined with resource allocation, and management team treats strategic planning as part of its daily responsibilities. The management ensures that there is proper allocation of resources to strategy-essential activities, creating strategy-encouraging policies, employing best policies, practices and programs for continuous improvement and use of strategic leadership. The strategic planning processes employed include: developing of key strategies that contribute to the overall vision, development of specific measurable realistic and time bound strategic goals, communication of organizational vision, mission and key policies, development of short and long term operational goals; subdividing goals and allocating sub-goals with careful attention to details, participating, schedules and milestones, monitoring and evaluation-to measure the progress toward attaining operational and strategic goals with key performance indicators respectively.



The study concluded that communication is important in the Judiciary and that apart from organizational culture there also other factors that affect strategy implementation these include: different leadership styles of manager, lack of understanding of strategy implementation processes, decision making takes a long time and being comfortable with the status quo therefore there is no need for change.

#### **5.4 Recommendations**

The study recommends that the management should employ competent and qualified individuals at the management level. These individuals should at least have knowledge on strategic planning and implementation. In addition they need to form a unit of monitoring and evaluation and employ qualified and competent individuals in this area in order to ensure efficiency and effective strategy implementation.

This study further recommends that the Kenyan Judiciary should invest in research to investigate on ways of improving its old way of doing things if they want to better serve Kenyans.

The study also recommends the policy makers to create a concrete and easy to follow strategic planning model that the organization could follow since the study has observed that challenges in most of the strategic planning practices may be avoided at the strategy conception and creation stage.

#### **5.5 Limitations of the study**

During the period of this study, some limitations were experienced and this delayed the analysis of data. One of the limitation was getting appointment from the Registrars and the Directors due to their busy schedules. Some appointment dates that were made had to

be rescheduled due to unseen circumstances or urgency of work away from the office. Other times the researcher would get an appointment, start the interview but cut it short mid-way due to some urgent matters that needed to be attended to at that time

This study qualitatively assessed the effectiveness of strategic planning practices in the Kenyan Judiciary but did not look at quantifying the effectiveness of strategic planning. The study therefore recommends that further study should be done to quantify the effectiveness of strategic planning practices and its effectiveness to the Kenyan Judiciary. Also, the analysis used is always not sufficient to draw conclusions on using a case study, and to provide adequate information that can be used for policy development

### **5.6 Suggestions for further studies**

Researchers and other scholars interested to do a research at the Kenyan Judiciary can further study on how strategic planning practices affect delivery of Justice. This is a good area of study as it will shade light to whether strategic planning practices have any effect on the consumers of Justice. This study would be a key root to understanding whether justice is being dispensed in a fair, impartial and expeditious manner and at the same time promote equal access to justice.

Further research is necessary as the findings were based on a relatively small sample that may have influenced the nature of results that were obtained. There is need to expand on the sample size and carry out similar research in other court stations targeting the heads of stations.

## **5.7 Implication on Policy, Theory and Practice**

During organizational change, the Kenyan Judiciary should make sure that their communication is very clear to the employees. This should include the reasons as to why the strategy is being changed, how it will affect the employees and what they are expected to do to align themselves to the new strategy. Communication should not only be done at the final stages but from the onset so that all the views of employees are collected and look at, before strategy planning and implementation starts. Also employees should be engaged in the process. This can be done through having representatives of the different sections, directorates and courts involved. If this is done it, the process becomes easier and faster to implement because it minimizes the challenges of successful implementation.

Finally there is need to strengthen the existing units to ensure efficiency and execution of the strategic plan. For this to happen it is important that policies should be put into place to govern how these units are managed. The functional units that should be strengthened include, the Judiciary training institute so that is strengthened, restructured and granted semi-autonomous status, National council for administration of Justice to be able to strengthen collaborations and coordination amongst players in the justice sector, internal audit this is critical to enhancing compliance with public financial management regulations and other laws. If this unit is strengthened it will enhance its effectiveness, this unit should be elevated to a directorate reporting functionally to the Judicial Service Commission (JSC) audit committee and administratively to the Chief Registrar of the Judiciary (CRJ).

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## **APPENDICIES**

### **Appendix i: Introduction Letter**

Dear Sir/Madam,

Re: Request for Research Data,

The researcher is a Postgraduate student at the University of Nairobi pursuing a master of Business Administration (MBA) program specializing in Strategic Management. The topic of the research is "Strategic planning practices in the Kenyan Judiciary".

The attached questionnaire has been designed to help the researcher gather data from the respondent for the above purpose. The questionnaire is intended to collect data and has been formulated to enable the respondent make appropriate responses to the two (2) sections with ease. The researcher will ensure that the responses are treated in confidentiality since this information is sought for academic purposes only.

Your cooperation in this research through answering the necessary questions will be highly appreciated.

Yours faithfully,

Lucy Lillian Muthusi

Researcher

Email: llmuthusi@gmail.com

Cell phone 0721540615

## Appendix ii: Interview Guide

Please provide answers in the spaces provided and tick (✓) in the box that matches your response to the question where applicable.

### Section A: General Information

1. What position do you hold in the Judiciary?

Director [ ]

Registrar [ ]

2. For how long have you worked in the Judiciary?

Less than 5 years [ ]                      6 – 10 years [ ]

11 – 15 years [ ]                      16 – 20 years [ ]                      above 20 years [ ]

3. Does the Judiciary have a strategic plan?

Yes [ ]                      No [ ]

4. If yes, how often is it reviewed?

a) Quarterly [ ]                      b) Semi-Annually [ ]

c) Annually [ ]                      d) Every 5 years [ ]

5. How important is strategic planning in the Judiciary?

a) Not important [ ]                      b) Less important [ ]

c) Important [ ]                      d) Very important [ ]                      e) Extremely important [ ]

### Section B: Strategic Planning Practices

6. Does Kenyan Judiciary have vision and mission statements?

7. What was the process of developing the mission statements?

8. What was the process of developing the vision statements?
9. How is mission and vision communicated to employees?
10. What is the process of setting objectives for the Judiciary?
11. How is planning conducted at the Judiciary?
12. What factors influence strategic planning in the Judiciary?
13. What is the process of implementing strategies the Judiciary?
14. What challenges have been encountered in implementation of strategies and how have they been dealt with?
15. How do you monitor and evaluate success of the strategic plan?

**THANK YOU FOR YOUR TIME**