



IMPROVING PUBLIC SERVICE DELIVERY IN THE COUNTY GOVERNMENTS, KENYA: SLAYING THE ELEPHANT IN THE ROOM

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Abstract

Public service delivery is one of the major reforms contextualized within the new constitution promulgated in 2010 and took shape after the 2013 elections. The new arrangement was expected to translate the expectations of Kenyans into meaningful results by helping to bring public services closer to the people. According to the fourth schedule of the constitution of Kenya, the services that were to be brought closer to the people include education, health, water and infrastructure. From the 1990's, Kenya's civil service had undergone several changes including: i) employee rationalization which lead to wage bill reductions; ii) performance improvement; iii) structural adjustment programs after aid cuts; and the institutionalization of results-based management. By 2005 results-oriented management was introduced but nothing much came out of it. In 2009, United Nations Development Programme supported the Kenyan government to step up public sector reforms to focus on national transformation. These efforts were boosted after the promulgation of the new Constitution of Kenya in 2010. In 2013, the Government was to establish citizen service centers as primary service delivery channels in all the 47 counties. Kenyans expected that every civil servant whose role is to provide services would do so efficiently in the devolved governments come March 2013. This has however not been the case. This paper reviews the legal frameworks that have been put in place in line with the available literature from management scholars to identify where there would be a disconnect and give recommendation on what may need to be done to ensure that Kenyans receive the service that they demand in time and efficiently. The paper recommends that for effective and efficient public Service delivery, County Governments will need to implement a monitoring and evaluation framework in addition to performance management.

Keywords: Public Service Delivery; Quality Service Delivery; Monitoring; Evaluation; Improving Wellbeing; Efficiency

INTRODUCTION

The purpose of the public service is to ensure and assess the delivery of services in conformity with the established principles and procedures, legal, and ethical norms. However, in the developing countries citizen preference has been considered weak. This is because the politicians and bureaucrats are typically observed to show greater interest in rent-seeking activities than in delivering services wanted by their citizens. Confidence in service delivery has further been eroded by the information revolution of the late 20th century which empowers citizens to access information. When accessed, information is transformed and transmitted in a way that undermines authoritative controls. This has constrained the ability of governments to withhold information from citizens. Further, globalization of information has enhanced citizens' awareness of their rights, obligations, options, and alternatives and strengthens demands for greater accountability from the public sector. In this regard measurement of government performance has become important in popular discussions and debates (Andrews & Shah, 2005).

In Kenya, chapter four of the constitution has been dedicated to the bill of rights (Constitution of Kenya, 2010) which implies that all the activities of the public service must be subjected to measuring and assessment as a key for achieving the highest level of citizen satisfaction. Monitoring and assessment should also promote and benefit from public feedback which enforces the need for citizen participation in all decisions that affect them (County Government Act, 2012). This also helps in: i) ensuring the efficiency of services rendered; ii) acting as a quality indicator; iii) showing that service delivery is based on the special guidelines that define main principles and directions; and iv) showing that delivery of service is overseen by a special department. Previous initiatives to improve public service delivery in Kenya have not succeeded. These include: i) institutionalized results-based management in the public service through Results for Kenya program (between 2004 and 2007); ii) UNDP supported public sector reforms to refocus on national transformation (2009); and iii) Rapid Results Initiative approach (2010). Although the last initiative was expected to be boasted with the promulgation of the new constitution of Kenya, there has been not much improvement in service delivery. Over 10 years since the promulgation of the constitution, a good number of Kenyans are still not aware of the functions of the national and county governments which has led to criticism for not receiving the expected services. Most citizens are not conscious of the new separation of power and allocation of functions thus they are left feeling they are getting the short end of the stick.

This article will seek to address two pertinent issues; whether the county governments are delivering services consistent with citizen preference, and whether the services provided are

of quality in the least-cost manner. In doing this the political and legal framework in Kenya will be compared with lessons from the performance measurement systems in developed countries. The findings will be presented as suggestions to be considered in the individual countries subject to their specific circumstances

GOVERNMENT PERFORMANCE MEASUREMENT

There are three major goals for government performance measurement these are: i) Building consensus internally and externally in order to make allocation of resources easier; ii) Improve popular confidence in government so that the party in power can be re-elected; and iii) Reducing popular pressure on government irrational expenditure decisions by demonstrating the ineffectiveness of some government interventions that may be popular with the citizens (Andrews & Shah, 2005). Performance measurement is however, faced with some challenges which include: i) Difficult in designing appropriate processes for selecting outcome measures; ii) Data collected on important societal well-being may not be credible; iii) Determining causal connections between governmental activities and social indicators; and iv) Scepticism about the credibility of information provided directly by government departments which could generate negative debate about the government projects. A government that delivers what the citizens demand will be rated highly and likely to achieve the required sustainability and economic growth (Oribu, 2020b).

In line with the Constitution of Kenya, County Governments are required to play a larger role in providing services, alleviating poverty and facilitating development (Mitlin, 2000). The two questions that are normally asked of the public service are; how well do they are perform their roles? and how can the current level of performance be improved? In order to answer these questions five areas will need to be examined as follows: i) Conformance to legislation and process requirements; ii) Fiscal health; iii) Responsiveness; iv) Efficiency; and v) Accountability (Foltin, 1993; Tiebout, 1956; Oates, 1972 & 1993; and Shah, 1998).

Legislation, Service Delivery Processes and Structures

County governments came into being through Article 176 of the Constitution of Kenya and Section 5 and 6 of the County Governments Act stipulates the their functions and powers. This demands that they be evaluated by their conformity with the constitution and other laws arising from it in regard to setting and upholding their bylaws. This includes; generation and collection of revenue, following the processes required in disbursement of resources, and service delivery. Further, budgeting and procurement should also be shaped by national level requirements or formal regulations developed by quasi-legislative agencies. The same applied to planning and

participation (Etemadi, 2000 and UNESCO, 2001) where county governments have legislation mandates in regard to the service that they have to allocate resources. However, in developing countries many local governments fail on legislative requirements for a full-service provision (Mitlin, 2000).

In view of the foregoing, there is need to evaluate legal conformance in service provision, budget process development, local regulatory activities and revenue-raising activities. The said evaluation will then provide guidance on any limitations or complexities that may be temporal including inconsistencies with the institutional settings (Kharoufi, 1997). The findings will help evaluators determine why a given county government may not be performing to the expectations of its citizens in order to put in place appropriate remedies for improvement (Therkildsen, 1998 & Halfani, 1997).

Fiscal Health in Outcomes and Processes

County governments are required to manage their expenditure as stipulated in chapter 12 of the Constitution of Kenya. Poor fiscal health especially on the expenditure side can easily be identified from standard financial statements and budgets through: i) high deficits and debts; ii) poor allocations like in cases where more resources are directed to administration rather than capital expenditure; and iii) discrepancies between planning allocations and implementation (Kihato, 1998). Literature available has however shown that the above criteria can only be as reliable as the budget and financial reporting process which determines the financial figures (Arora & Norregaard, 1997). In order to determine the level of performance, evaluators are required to examine both the figures reflecting fiscal health on the expenditure side and the processes by which expenditures are reported (Niesner, 1999).

In addition to financial health, county governments should have their own reliable revenue sources (Bird, 1993 and Oates, 1993). To evaluate the reliability of the sources of revenue for county governments, there is need to analyse the potential local resources available (local revenue base) and the actual resources raised as a percentage of the potential (revenue effort in display). To improve on the reliability of own revenue base, county governments will be required to pass legislation that improves the functioning of their tax or fees mechanism (Devas & Kelly, 2001).

Responsiveness

Responsiveness implies doing the right things at all times. The objectives of devolution of government in Kenya were: i) to promote democratic and accountable exercise of power; ii) give powers of self-governance to the people and enhance the participation of the people in the

exercise of the powers of the State and in making decisions affecting them; iii) foster national unity by recognizing diversity; and iv) recognize the right of communities to manage their own affairs in order to further their development. It is however apparent that spending decisions are directed by the bureaucratic agenda with citizens inputs limited. The principles of citizen participation as specified in section 87 of the County Governments Act 2012 are rarely followed. Further there are no clearly established modalities and platforms for citizen participation in most of the county Governments as required by section 91 of the County Governments Act 2012. In view of the above, there is need to evaluate the county governments' responsiveness to the people's needs.

Available literature indicates that there are two aspects of service provision that require specific attention during the evaluation of the county government's responsiveness: i) level of local political influence on allocation decisions; and ii) level of civic participation in the decision making process. In developing countries, the key outcome indicator of responsiveness has been identified as the poverty focus (Benjamin, 2000; Devas and Korboe, 2000; Blair, 2000).

Since poverty has been identified as a constant in most developing countries like Kenya response to local needs implies responsiveness to poverty-related issues. Available literature observes that the critical role of basic services in reducing poverty is mostly forgotten or dismissed in the planning process (Mitlin, 2000). Expenditure on basic services is considered to be expenditure directly to improve the welfare of the poverty ravaged citizens and they include: i) amount spent on upgrading slums and squatter areas; ii) amount spent on provision of water, electricity and sanitation; and iii) locally financing small, informal commercial enterprises such as accommodation for hawkers or improvement of "Jua Kali" trading facilities.

Evaluation of the county government responsiveness is done by checking: i) the results of the interventions undertaken in poor areas; and ii) reference to budgets and financial statements to identify expenditure going to the poor.

Efficiency

Efficiency implies doing things in the right way. It was envisaged that devolution will enable: i) the protection and promotion of the interests and rights of minorities and marginalized communities; ii) promotion of social and economic development and the provision of proximate, easily accessible services throughout the Country; iii) ensure the equitable sharing of national and local resources throughout the Country; iv) the facilitation of the decentralization of State organs, their functions and services, from the capital; and v) enhance checks and balances and the separation of powers. To this end, various laws have been enacted by Parliament to create strategies for the implementation framework and the adoption on which the objectives of

devolution can be realized. By so doing, the economic efficiency will be attained (Arora & Norregaard, 1997; Oates, 1993).

County governments' efficiency therefore requires that services be provided competitively and with minimal costs. The implication is services at county government level should be provided at a lower cost than the National Government and in a competitive manner since they are closer to where the services are required (Tiebout, 1956). In order to evaluate efficiency, the following three methods may be used: i) examining the costs and competitiveness of fiscal outcomes; ii) examining the exit of citizens and their effects on production and provision behaviour; or iii) examining the processes used in service production. The outcomes are then used by the evaluators to guide on what needs to be done to improve the economic well-being of the people (DPLG, 1998; Andrews & Moynihan, 2002; Dutta, 2000).

Accountability to the Constituents

Through devolution, County Governments are now: i) having the mandate and budgetary provisions to deliver services relevant to the local population; and ii) required by Law to involve the people in the planning process. Accountability brings about gains which come into play because devolution shifted government authority closer to the people (Shin & Ha, 1998). These gains are however not evident in County Governments. Accountability requires that individuals and organizations be held responsible for performance measured as objectively as possible (Paul, 1996). For efficient and effective accountability framework to be put in place, there must be stakeholders collaboration in addition to legal requirements (Oribu, 2020b).

In reality accountability is not available in County Governments because citizens are not provided with information on government performance (Jenkins & Goetz, 1999). This is because there is unofficial limit on citizen information access which legitimizes the exclusion of citizens from decision making. This is manifested in the requirements that all civil servants sign the 'oath of secrecy' on commencement of employment.

It is important that accountability be evaluated especially in areas related to local-level innovation, privatization and other forms of service production (Ogu, 2000).

MONITORING AND EVALUATION

Monitoring is the process of measuring outcomes in regard to the services that are anticipated by the citizens. It is envisaged that the process should be undertaken frequently but not exceeding quarterly so that wherever there are shortfall or shortcomings adjustment can be made to bring the anticipated activities in line with the stated objectives. On the other hand, evaluation involves measuring the efficiency with which the service is provided. Monitoring and

evaluation therefore should include the measurement of program results and the quality of service delivery.

Monitoring and evaluation is important in public service delivery in that it: i) helps service managers apply the limited resources to problem areas that have been identified; ii) provides information on the extent to which the project is improving the welfare of citizens; iii) can help in increasing the citizen's trust in the government; iv) makes public agencies more accountable; v) identifies the extent to which the quality of service delivery is improving; and vi) helps in resource allocations to areas most likely to produce the maximum benefit to the citizens (Hatry, 1983).

There are several obstacles that are facing developing countries like Kenya in implementing monitoring and evaluation processes. These include: i) limited funding; ii) use of manual procedures in collecting and analysing data due to limitations in technology; iii) limited understanding and appreciation for feeding to lower cadres from the high level managers; v) inadequate experience in obtaining inputs from citizens on, firstly the service characteristics to be measured and secondly citizen feedback on service quality; and vi) the presence of multiple donors with different interests and degrees of support for outcome measurements (Hatry, 1983).

In Kenya monitoring and evaluation is being implemented through performance contracting. Which is envisaged to help Government Ministries, Departments, and Agencies to: i) refocus on their core mandate; and ii) improve in levels of transparency and accountability through the display of public service charters. The process was kicked off by the legal notice number 93 on "Performance Improvement in the Public Service" in 2001 followed by the establishment of the Performance Contract Steering Committee in 2003 and lastly by the State Corporations Performance Contracting Regulations in 2004. The introduction of devolution in 2010 was expected to boost performance contracting in Kenya but this has not been the case. The performance contracting exercise has turned out to be only an annual exercise through which public agencies are made to sign the contracts in public. These are then uploaded on the respective websites for the stakeholders' reference. However, on the ground things appear not to have changed even with the service charters pinned on the notice boards. The culture in the civil service has facilitated induction and socialization; developed an unofficial code of conduct; and supplemented rational management. The social cultural forces appear to be controlling what would be going on in most government offices.

CONCLUSION AND RECOMMENDATIONS

Any County Government interested in the welfare of their citizens should strive to implement at least some monitoring and evaluation despite the fact that performance contracts have been signed. However, it has been observed that governments that are solely concerned with

retention of power always tend to restrict the reporting of the monitoring and evaluation processes (Hatry, 1993). Further, these governments tend to cripple independent institutions in their area of jurisdiction especially in the selection and recruitment of personnel. An example is where the executive arm of government intentionally cripples the County Public Service Boards who are therefore enable to perform their role of appointing persons to hold or act in offices of the county service as per section 59 Of the County Governments Act 2012. When this function is not clearly performed by the Board, it makes employees opt to serve the appointing authority rather than the customer [(Harrison, R. (1972), O'Reilly, C., Chatman, J. & Caldwell, D. (1991); Schein, E. (1990)].

Whatever state a County Government is, its public agencies should provide a high quality of service and outcome possible. There is therefore need for: i) better planning; ii) strengthened performance management framework; iii) improvement in quality of County leadership; iv) prioritization of investment in thematic areas based on comparative advantage; v) strengthened public participation in project identification, planning and execution; vi) intensified financial resource-mobilization; vii) improved governance framework to facilitate prudent utilization of resources and enforcement of accountability at all levels; viii) rationalization of staffing levels; ix) optimization of the wage-bill; x) institutional capacity building; xi) determination of relevant training needs and corresponding staff training; xii) eradication of duplicity of effort; x iii) massive sensitization of both leaders and the citizens on relevant pieces of legislation supporting devolution; xiv) massive Culture and attitudinal change programmes; xv) strengthening of the monitoring, evaluation and reporting framework; xvi) enhanced strategic alliances and partnerships; xvii) effective management of resistance to change; and xviii) benchmarking with best-case examples globally. .

In this regard, there is need to obtain objective, valid and reliable information on how well each of the respective county government are doing in delivering quality services. This requires that a given service manager understand the mission and objectives of their service in order to identify the; quality characteristics, outcomes indicators, data sources to enable accurate and truthful measurement of the outcomes. The service areas that need to be frequently monitored and evaluated include: Processes; Procedures and Costs associated with them; Extent of corruption; and the staff Response time. County Governments must therefore embrace public participation as stipulated in Part VIII of the County Governments Act 2012. When this is done it is then anticipated that the results of close monitoring and evaluation will help make improvements with the little resources that are available thus better justify requests for increased resources from the National Government.

LIMITATIONS OF THIS STUDY

This study was limited to the literature review in order to come up with a conceptual framework that may be helpful to County Governments that desire to improve the services for their citizens to pick thematic areas that are likely to create more impact for further analysis. To this end there will be need for citizen surveys to get feedback on service delivery, forming of focus groups to give the specific requirements for respective groups which will help in planning and resource allocation.

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